



## Planning Committee

**Wednesday 20 April 2022 at 6.00 pm**

Conference Hall – Brent Civic Centre, Engineers Way,  
Wembley, HA9 0FJ

Please note that this meeting will be held as an in person physical meeting with all members of the Committee required to attend in person.

The meeting will be open for the press and public to attend or alternatively can be followed via the live webcast. The link to follow proceedings via the live webcast is available [here](#)

### Membership:

#### Members

Councillors:

Kelcher (Chair)  
Johnson (Vice-Chair)  
S Butt  
Chappell  
Dixon  
Kennelly  
Donnelly-Jackson  
Maurice

#### Substitute Members

Councillors:

Ahmed, Akram, Dar, Ethapemi, Kabir, Lo,  
Sangani and Shahzad

Councillors

Colwill and Kansagra

**For further information contact:** Natalie Connor, Governance Officer  
natalie.connor@brent.gov.uk; 020 8937 1506

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

**[democracy.brent.gov.uk](http://democracy.brent.gov.uk)**

**Members' virtual briefing will take place at 12.00 noon.**

## **Notes for Members - Declarations of Interest:**

If a Member is aware they have a Disclosable Pecuniary Interest\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest\*\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

### **\*Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

### **\*\*Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party or trade union).

(b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

# Agenda

Introductions, if appropriate.

ITEM	WARD	PAGE
1. Apologies for absence and clarification of alternate members		
2. Declarations of interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.		
3. Minutes of the previous meeting To approve the minutes of the previous meeting held on Wednesday 23 March 2022 as a correct record.		1 - 12
<b>APPLICATIONS FOR DECISION</b>		
4. 21/4155 - 6 St Johns Road, Wembley	Wembley Central	17 – 74
5. 21/3248 - Lidding Road Garages, Lidding Road, Harrow	Kenton	75 – 106
6. 21/1634 - Wembley Hotel, 40 London Road, Wembley, HA9 7EX	Wembley Central	107 – 132
7. 21/3713 - Land Opposite, 33 - 47 Brookfield Court, Gooseacre Lane, Harrow	Kenton	133 – 168
8. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or her representative before the meeting in accordance with Standing Order 60.		

**Date of the next meeting is to be confirmed.**

Please remember to set your mobile phone to silent during the meeting. The meeting room is accessible by lift and limited seats will be available for members of the public. Alternatively it will be possible to follow proceedings via the live webcast [here](#)

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Wednesday 23 March 2022 at 6.00 pm

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

Also Present: Councillor Colacicco (online as local ward councillor) for Agenda items 4 & 5.

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

Apologies were received from Councillor Dixon.

#### 2. **Declarations of interests**

There were no declarations of interest made at the meeting.

#### 3. **Minutes of the previous meeting**

**RESOLVED** that the minutes of the previous meeting held on Wednesday 26<sup>th</sup> January 2022 be approved as an accurate record of the meeting.

Ahead of hearing the applications Gerry Ansell, Head of Planning and Development Services informed the committee that this would be the first Planning Committee where applications were being considered under the revised Local Plan that had been approved at the Full Council meeting on 24 February 2022. The adoption of Brent's updated Local Plan had required a number of previous policies contained within the previous version to be revoked and replaced by updated policies to support the new Local Plan, which had included the Brent Core Strategy 2010, Site Allocations 2011, Wembley Area Action Plan 2015 and the Development Management Policies 2016, with the updated policies now supporting consideration of each planning application.

#### 4. **21/4690 - Windmill Court and Car Park, 52 Mapesbury Road, NW2**

##### PROPOSAL

The proposal seeks to demolish the car park and 1-2 & 5-18 Windmill Court maisonettes in order to redevelop the site to provide 60 flats in two separate buildings rising to 7 storeys, to include car parking, cycle parking, access routes, refuse and recycling storage, amenity space, landscaping, boundary treatments, a substation and other associated works.

In addition the ground and first floors of the existing Windmill Court block are to be internally reconfigured and private terraces are to be provided to 2 x ground floor (3 & 4 Windmill Court) flats alongside associated external works including new brickwork and cladding, windows and doors.

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The existing on site community room will also be refurbished and extended with associated external works including the provision of a new entrance and windows.

### RECOMMENDATION~:

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

Damian Manhertz, Planning Team Leader, South Team, introduced the report and set out the key issues. In introducing the report members were advised that the 1 hectare site was located to the south of Mapesbury Road and to the west of Shoot Up Hill on the boundary of the Mapesbury Conservation area. The application sought to demolish the car park, 1-2 & 5-18 Windmill Court maisonettes and redevelop the site to provide 60 flats in two separate buildings rising to 7 storeys. The redevelopment would also see the existing 17 storey Windmill Court block undergo significant improvements including the internal reconfiguration of the ground and first floor flats with private terraces provided to existing flats 3 & 4 Windmill Court. In addition to this new brickwork, cladding, windows and doors would be provided and the existing on site community space would be increased from 156 square metres to 194 square metres. The Committee were shown aerial views and CGI of the layout of the proposed development to illustrate how the proposed development would compare against the existing site. The Committee were advised that the accompanying addendum and supplementary agenda to the report included a correction to the public consultation section that ensured all the information was provided, further clarification on amenity space and the inclusion of suggested conditions from Thames Water. A further condition had also been added to ensure affordable housing would be delivered correctly and a correction had been made to reflect the number of new flats that would be constructed. Members were advised that objections against the proposed development included concerns regarding fire safety and access, tree removal and replanting, air quality, transport assessment, sunlight/daylight and the heritage impact. Officers were satisfied that concerns raised had been mitigated and addressed in the report

As no questions were raised by members, the Chair then invited Mr Richard Geldart (as an objector) to address the Committee (in person) in relation to the application.

- Mr Geldart introduced himself as the Deputy Chairman of Brent Central Conservatives and explained that he was objecting to the application on behalf of the Brent Central Conservative group and as a local resident. Mr Geldart began by referencing Brent's Local Plan and whilst recognising the

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rationale in seeking to prioritise the development of existing council sites, felt that the proposed application would result in significant over development on this site.

- Mr Geldart advised the committee that the existing community enjoyed living at Windmill Court and currently experienced limited social problems and benefited from the positive environment in terms of trees and green space available to them. Concerns had therefore been raised about the potential negative impact of the proposed development on the integrity and existing residential amenity of the area with the community at risk of additional social problems similar to those experienced on other large local residential estates in the borough.
- Further concerns were shared regarding the close proximity of the proposed build to the Mapesbury Conservation Area and the limited car parking options that would be available to residents. Whilst aware of the efforts to increase more active modes of travel and reduce reliance on motor vehicles Mr Geldart drew members attention to the fact that many residents living within the current block needed access to motor vehicles for their employment and other reasons and was therefore keen to ensure adequate car parking was maintained within the proposals.
- In summarising his objections Mr Geldart highlighted existing levels of air pollution within the vicinity of the development site alongside Shoot Up Hill which it was felt the development of the site would have a further negative impact upon in terms of local conservation caused by the addition of construction traffic during the redevelopment period along with concerns on existing residential amenity and parking.

In response to questions from members in relation to his comments, Mr Geldart responded with the following points:

- Mr Geldart felt the proposal as it stood with two additional seven storey blocks was unacceptably excessive. It was felt that if the redevelopment did not impact on tree cover, low rise blocks of up to 3 floors could be an acceptable proposal.
- Whilst Mr Geldart acknowledged the challenge in both attempting to retain parking and reduce pollution his views were that given existing high levels of air pollution in the local area, tenants car use was not going to significantly impact levels of pollution and he therefore maintained his position that consideration should be given to ensuring sufficient parking provision was maintained for local residents within the development.
- Mr Geldart re-iterated that in his opinion it was far more harmful to the local environment to remove the trees proposed in the application to make way for the redevelopment against the benefits of the modern buildings being constructed having reduced carbon emissions.

As there were no further member questions, the Chair invited the next speaker Danna Cannon (objector) to address the Committee (in person) in relation to the application, who highlighted the following points:

- Ms Cannon informed the Committee that she was a resident of Windmill Court and would be speaking in objection to the application with the view that the application should be deferred or refused due to a number of concerns.

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- It was felt the documents that related to the application did not include all the correct information, this had left many residents with a number of questions that were not fully addressed.
- Ms Cannon was concerned that the reports that related to the application had not addressed the 17 independently rented garages currently in use that would be demolished as part of the redevelopment.
- The proposed changes in the layout of the development would impact fire safety, Ms Cannon shared that residents believed that the proposals were not compliant with the Fire Safety requirements within the London Plan. In addition to this full consultation with London Fire Brigade had not been undertaken.
- Ms Cannon believed that the transport assessment figures contained in the report were not accurate and that the methodology used to support the calculation of parking spaces had not been applied correctly.
- Residents were anxious about the impact on air quality as a result of the proposed removal of mature trees to make way for the redevelopment.

In response to questions from members, Ms Cannon made the following points:

- Ms Cannon echoed Mr Geldart's observation that the existing Windmill Court environment was overwhelmingly positive, children had space to play happily and safely, however if the proposed application went forward green space would be reduced impacting local children's options for play and negatively impacting on residents health due to poor air quality as a result of the removal of trees and car park adjacent to the children's play area.
- Residents were concerned about the health and safety implications of the increased traffic in terms of both air pollution and access issues with regard to there being only one access road in and out of Windmill Court.
- Concerns were highlighted that the proposals appeared to contradict existing requirements within Brent's Local Plan and Air Quality Strategy.

As members had no further questions, the Chair invited Kerry Royston as the applicant's agent to address the Committee (in person) Ms Royston introduced the application, drawing the Committee's attention the following key points:

- The application formed part of Brent's New Council Homes Programme to redevelop under-utilised sites across the Borough to provide 1,000 much needed affordable homes by 2024, it was noted that the existing maisonettes at Windmill Court were in a poor state, with deteriorated building fabric, leaking roofs, low energy efficiency and poor insulation. The car park had also attracted anti-social behaviour.
- There had been an extensive public consultation that included meetings with the Windmill Court Tenant and Residents Association, the creation of a Residents Panel and online presentations which had included local ward Councillors.
- All of the proposed new homes would be provided at either genuinely affordable London Affordable Rent or Social Rent which significantly exceeded policy requirements.
- Brent Council would own and let the properties to people currently living in the Borough and those on the housing waiting list. All tenants being decanted as part of the redevelopment would have the right to return to the new homes.



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- 19 of the homes would be larger 3-bedroom homes, this equated to 32% family-sized housing, this reflected the area of greatest need.
- The proposal had been designed to protect the privacy and amenity of neighbouring properties in terms of noise, daylight and sunlight and overlooking.
- The new homes would benefit from a private balcony or terrace, existing communal facilities would be improved to include a new half basketball court, play area and an adult exercise area, the proposed enhancements would exceed Brent's Policy requirements on amenity space.
- The Landscape Strategy would see a net increase of trees with a total of 40 new trees being planted, the proposed urban greening factor score of 0.7 significantly exceeded policy requirements.

Members raised queries regarding the consideration given to issues of Anti-Social Behaviour (ASB) on the current site, play space and the tree removal and re-planting. In response to the questions from members Kerry Royston supported by the applicants other representative, architect, Mark Ratke (also attending in person), clarified the following points:

- Mr Ratke advised the committee that discussions had taken place with residents and design officers with regard to minimising opportunities for Anti-Social Behaviour (ASB) in Windmill Court. Following these discussions it was evident that the areas that ASB had frequently taken place in were areas where there were no overlooking from residential units, the undercroft car parking area was identified as a focal point of ASB. In order to mitigate opportunities for ASB as part of the redevelopment, mitigations would include new CCTV, improved lighting, landscaping and new buildings would overlook areas of the site at ground level to deter ASB.
- Ms Royston clarified that the play space calculations had been calculated in line with the policy guidance, this included both formal and informal play space. The proposed application would therefore exceed the minimum policy requirements.
- Following conversations with residents it was felt it was important to keep the location of the well utilised and popular play space where it was and further enhance it by providing a new half basketball court and adult outdoor gym equipment to form part of the improvements. Although there would be additional car parking spaces near the play area, health and safety implications had been responded to by including gates between the car park and play space, in addition to this a landscape buffer would be created.
- In terms of concerns relating to the replanting of trees, the Committee was advised that there would be a range of different trees replanted including semi mature trees, flowering trees and fruiting trees dependant on their location on the estate, they would support structure and greening as well as carbon absorption. There would be no category A trees removed as part of the proposed redevelopment. Member concerns that it would take time for some trees to mature enough to offer the best levels of carbon absorption were acknowledged, however overall it was felt that the increased re-planting would bring a betterment to the air quality and landscaping of Windmill Court.
- It was confirmed, given the concerns highlighted around the environmental and associated public health impact from the construction of the new build, that consideration had been given within the initial design proposals to retrofitting and refurbishment of some of the existing units , however this

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would not have created a significant enough net increase of housing units so had not been pursued as an option.

- In response to a further query, the Committee was advised that there were felt to be multiple benefits to existing residents arising from the development proposals including new landscaping, the extension and refurbishment of the community centre, improved CCTV and lighting, and existing overcrowded tenants would be a priority for the new larger properties.

As no further questions were raised, Councillor Collacicco, in her capacity as the local ward councillor, was then invited to address the Committee (online) who highlighted the following key points for consideration:

- Notwithstanding the objections highlighted at the meeting, local opinion on the proposed application had generally been positive and it was felt that it would be possible to mitigate the concerns raised through conditions, including air quality monitoring and the replanting of carbon absorbing trees.
- The need to ensure that the methodology used to assess travel and parking provision did not result in a negative impact in terms of overspill parking in surrounding residential areas and ensured the necessary parking place provision was maintained.
- Fire Safety was highlighted as a paramount area of concern for residents with regard to emergency vehicle access. Councillor Colacicco therefore requested that consideration was given to the current access arrangements to Windmill Court

As there were no member questions for Councillor Colacicco, the Chair invited members to ask officers any questions or points of clarification they may have. In response to questions raised by the Committee the following responses were provided:

- Addressing concerns around fire safety, officers confirmed that there had been significant consideration given to the issues raised and much discussion had taken place with the applicant and their fire assessor to ensure that all fire safety concerns had been addressed. It was explained that at this point in the application phase (Gateway 1) the height of the proposed new buildings met the threshold for statutory consultation from the Health & Safety Executive (HSE). As a result of the consultation further discussion had taken place with the applicant to ensure that any concerns raised could be managed through building control, internal layout and/or fabric. A condition had been added to the proposal to address the comments from the HSE. If the application were to be approved the next phase (Gateway 2) would see further more detailed assessment in terms of the necessary building control and London Fire Brigade requirements. As such at this point in the planning process officers were satisfied that the proposed development complied with D12 of the London Plan.
- Officers advised that the re development would see an overall net benefit to the local environment, acknowledging that whilst the proposals would result in the removal of 13 trees this would be offset by the replanting of 40 trees of varying size and maturity.
- In terms of concerns regarding the environmental impact of the development, the Committee was advised that the new buildings would be more energy efficient than those proposed for demolition. The new buildings would

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encompass energy efficient measures including solar panels and heat pumps, using much less energy and creating an environmentally friendly development.

- Officers confirmed that a detailed assessment had been undertaken relating to use the garages that were included in the application site for redevelopment..
- In line with Policy BT2, consideration had been given to the potential impact of overspill parking with overnight parking surveys being completed to assess the likely number of places needed for existing tenants to avoid potential overspill. The survey results, existing local parking controls and the application of the upper estimated car ownership figures were combined to evidence that the demand for parking spaces by existing residents would be met by the provision of 53 spaces proposed within the development, although the new blocks proposed had been designed to be care free Confirmation was also provided that provision had also been included for servicing arrangements
- In response to member concerns regarding the current fire safety evacuation advice, officers highlighted the ongoing changes in legislation resulting in more stringent strategic requirements at the early planning and design phases of developments relating to the way fire safety was considered at the initial stages of planning and design process. In terms of reassurance, the Committee was advised that the HSE had deemed the current proposals to be acceptable at this stage in the planning process with further more detailed assessment and consultation to be undertaken as part of the next stage (Gateway 2) subject to approval of the initial application.
- In relation to a member query as to whether it would be possible for the electric car charging points to be situated among the parking spaces nearest to the children's play space in order to minimise emissions directly to the play area, officers agreed that they would take the suggestion forward.

At this point in the meeting Councillor Kennelly, in view of the concerns highlighted relating to fire safety, suggested that consideration be given to a potential deferral of the application in order for the Committee to be provided with further assurance relating to the proposed arrangements and to provide an opportunity for consultation with the London Fire Brigade.

In seeking further advice from officers, the Committee were reminded of their strategic remit at this stage in the planning process relating to the assessment of fire safety issues and that no objections had currently been raised by the HSE. The more detailed assessment and consultation being sought would need to be undertaken as part of the next phase in the planning process (subject to the proposals being approved) with confirmation provided this would include building control and LFB. As a result the Chair, supported by the remainder of the Committee, advised he was not therefore minded to consider deferral of the application with it felt sufficient details were available for members to continue with their consideration of the proposals.

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

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

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(Voting on the recommendation was as follows: For 5, Against 1 and Abstain 1.)

The member who voted against cited the reason being the removal of trees and the excess nature of the development having a negative impact on the quality of life of the existing residents.

The member who abstained explained that the abstention was due to fire safety concerns.

At this stage of the meeting Councillor Johnson advised that due to a clash of engagements he would need to leave for the remainder of the meeting.

### 5. **21/2473 – Garages & 1-30 Claire Court, Shoot Up Hill and Watling Gardens, London, NW2**

#### PROPOSAL

The proposal seeks the demolition of 1-11 Watling Gardens, 1-30 Claire Court and the associated podium car parking and substation and redevelopment to provide 125 flats: 80 for general needs (Use Class: C3) and 45 for extra care (Use Class:C3 (b)) in three separate buildings ranging from 3 to 14 storeys alongside access improvements, car parking, cycle parking, refuse and recycling storage, amenity space, landscaping and other associated works

#### RECOMMENDATION~:

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

Damian Manhertz, Planning Team Leader, South Team, introduced the report and set out the key issues. In introducing the report members were advised that the 1.4 hectare site of Clair Court sat to the South of Windmill Court and was bounded by Shoot Up Hill to the East, Wiltern Court to the north and Exeter Road (which formed part of the Mapesbury Conservation Area to the west and Cedar Lodge and Jubilee Heights to the South. The current site had 164 residential units across a number of buildings that varied from 2 – 12 storeys. The proposed application sought the demolition of 1-11 Watling Gardens and 1-30 Claire Court in order to regenerate the site to provide 125 new units of accommodation within 3 blocks, 80 for general needs tenants and 45 for extra care tenants.

The development would include 33% family sized homes, 59 parking spaces, and the provision of 8 blue badge spaces. Attention was drawn to the supplementary reports that included additional comments received which included comments on

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the removal of trees, this had been addressed and the tree assessment was considered acceptable to officers. The provision of community space had been corrected to 135 square metres, the bat survey had been updated and an additional condition related to the delivery of affordable housing had been included.

As there were no registered public speakers on the application, the Chair invited Councillor Colacicco in her capacity as the local ward councillor to speak (online) to share local resident's views as follows:

- Most local residents were supportive of the proposals, however there had been a small number of objections received from residents who were concerned that due to the close proximity of the NAIL block (New Accommodation for Independent Living) to the rear gardens on Exeter Road, there would be a reduction of natural light to resident's gardens in Exeter Road.
- Residents on Exeter Road would like the mature trees retained along the border and periodic flooding assessments to prevent adverse changes as a result of the development.
- Councillor Colacicco highlighted concerns relating to the parking times that would apply locally for non permit holders between the hours of 10am- 3pm, which it was felt required further review.

The Chair responded to Councillor Colacicco's concerns with regard to permitted parking hours advising that this would require consideration as a separate issue to the planning considerations, should the development be approved. Members then went on to ask officers questions to clarify their concerns regarding tree coverage between Block C (NAIL block) and Exeter Road, pedestrian accessibility for those with mobility difficulties and lack of daylight. Officers responded as follows:

- Officers clarified the proposals regarding the removal and replanting of trees, confirming that only 9 trees would be removed to accommodate Block C and a further 75 trees of varying type, size and age would be replanted.
- Officers acknowledged there had historically been a poor record of pedestrian road safety on the junction of Exeter Road and Shoot Up Hill however improvements had recently been completed by the Highway service to improve the junction and accessibility.
- Officers advised that accessibility for tenants with mobility issues had been considered throughout the planning phase with it confirmed that access would be available to communal amenities throughout the site for all residents, including those within the NAIL provision
- In response to concerns regarding the impact of the development in terms of the daylight/sunlight assessments , officers advised that the most significant impact had been identified in relation to the residential units within 57-96 Watling Gardens although this had been assessed as attributable in part to the design of the existing properties at lower floor levels with any shortfalls on BRE targets at upper floor levels far less acute and generally to individual rooms which ensured the overall standard of accommodation was not adversely affected. Officers provided further context with regard to some properties not achieving the BRE daylight/sunlight targets, informing members that where this was the case it was largely rooms that were not primary living areas that were impacted, rather than whole properties.

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- Members were advised that out of the properties in 13-56 Watling Gardens, 13 of the rooms that received daylight below the BRE target were those with balconies, noting that if the balconies were removed the target would have been achieved. In properties 57-96, 32 of the properties were dual aspect, therefore had another light source to compensate for any light lost in singular rooms.
- In terms of other design features, members highlighted their support for the provision of bbq and picnic areas within the communal amenities proposed.

As there were no further questions from members and having established that all members had followed the discussions the Chair asked members to vote on the recommendations.

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

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

### 6. 21/3349 – 1 Hillway, London, NW9 7LS

#### PROPOSAL

The proposal seeks the demolition of the garage and the erection of a single storey dwelling comprising of a one bedroom house to the land to the rear of 1 Hillway, including the provision of car parking, cycle parking and the insertion of a front wall to enclose the dwelling.

#### RECOMMENDATION

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

Victoria McDonagh, Planning Team Leader, North Team, introduced the report, set out key issues and answered member questions. In introducing the report members were advised that the application related to the demolition of the existing garage situated in the garden of the semi-detached bungalow, 1 Hillway to be replaced with the construction of a 1 bedroom single storey dwelling with one car park space and cycle parking.

As there were no registered speakers for the application the Chair moved straight on to deal with member questions, in response to which officers clarified the following points:

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- In response to a query regarding the loss of green space, the Committee was advised that the design had been assessed as representing a good standard and one that would not result in harmful impact on the character and appearance of the local area or on the residential amenities of neighbouring occupiers in terms of noise, disturbance, daylight, sunlight or overlooking. The proposal would also provide an increase in green space which would include enhancements to the soft landscaping and a doubling of the Urban Greening Factor. As such the proposals were felt to have overcome the earlier reasons for refusal of the application on the same site.
- Officers confirmed that permitted development rights had been removed for this proposed development to ensure that there could be no subsequent additions to the floors of the dwelling.

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

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

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

### **7. Any Other Urgent Business**

None.

The meeting closed at 8:00pm.

COUNCILLOR KELCHER  
Chair

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## APPLICATIONS FOR DECISION

### Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in a particular order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a particular application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations. The development plan policies and material planning considerations that are relevant to the application are discussed within the report for the specific application
5. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
6. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
7. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
8. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
9. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

10. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
- **Building Regulations** deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by **Highways Legislation**.
  - **Environmental Health** covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the **Party Wall Act**.
  - **Covenants and private rights** over land are enforced separately from planning and should not be taken into account.

### **Provision of infrastructure**

11. The Community Infrastructure Levy (CIL) is a charge levied on floor space arising from development in order to fund infrastructure that is needed to support development in an area. Brent CIL was formally introduced from 1 July 2013.
12. The Council has an ambitious programme of capital expenditure, and CIL will be used to fund, in part or full, some of these items, which are linked to the Infrastructure Delivery Plan (IDP).
13. Currently the types of infrastructure/specific infrastructure projects which CIL funds can be found in the Regulation 123 List.
14. The Regulation 123 list sets out that the London Borough of Brent intends to fund either in whole or in part the provision, improvement, replacement, operation or maintenance of new and existing:
- public realm infrastructure, including town centre improvement projects and street trees;
  - roads and other transport facilities;
  - schools and other educational facilities;
  - parks, open space, and sporting and recreational facilities;
  - community & cultural infrastructure;
  - medical facilities;
  - renewable energy and sustainability infrastructure; and
  - flood defences,
- except unless the need for specific infrastructure contributions is identified in the S106 Planning Obligations Supplementary Planning Document or where section 106 arrangements will continue to apply if the infrastructure is required to make the development acceptable in planning terms.
15. We are also a collecting authority for the Mayor of London's CIL 'Mayoral CIL' which was introduced from 1 April 2012 to help finance Crossrail, the major

new rail link that will connect central London to Reading and Heathrow in the West and Shenfield and Abbey Wood in the East.

16. In February 2019 the Mayor adopted a new charging schedule (MCIL2). MCIL2 came into effect on 1 April 2019 and superseded MCIL1. MCIL2 will be used to fund Crossrail 1 (the Elizabeth Line) and Crossrail 2.
17. For more information:  
Brent CIL: <https://www.brent.gov.uk/services-for-residents/planning-and-building-control/planning-policy/community-infrastructure-levy-cil/>  
Mayoral CIL: <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy>
18. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section 106 agreement. Where these are necessary, it will be explained and specified in the agenda reports

#### **Further information**

19. Members are informed that any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Supplementary Report.

#### **Public speaking**

20. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.

#### **Recommendation**

21. The Committee to take any decisions recommended in the attached report(s).

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

20 April, 2022  
04  
21/4155

## SITE INFORMATION

RECEIVED	8 November, 2021
WARD	Wembley Central
PLANNING AREA	Brent Connects Wembley
LOCATION	6 St Johns Road, Wembley, HA9 7JD
PROPOSAL	Demolition of existing building and proposed erection of a part 5 and part 18 storey mixed use building containing commercial floorspace (Use Class E) on the ground floor and comprising 79 residential units on the upper floors
PLAN NO'S	Refer to condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_157721">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_157721</a></p> <p><b><u>When viewing this as an Hard Copy</u></b> .</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "21/4155" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

1. That the Committee resolve to GRANT planning permission subject to:
  - A. Any direction by the London Mayor pursuant to the Mayor of London Order
  - B. Any direction by the Secretary of State pursuant to the Consultation Direction
  - C. The prior completion of a legal agreement to secure the following planning obligations:
    - (a) Payment of legal, planning negotiation and planning monitoring costs associated with preparing and monitoring the Section 106 agreement
    - (b) Notification of commencement 28 days prior to material start
    - (c) Provision of 79 affordable housing units, comprised of:
      - 31 units for Social Rent at Social Rent levels, and subject to an appropriate nominations agreement with the Council, securing 100% nomination rights on first lets and 75% nomination rights on subsequent lets for the Council.
      - 48 units for Shared Ownership (as defined under section 70(6) of the Housing & Regeneration Act 2008, subject to London Plan policy affordability stipulations that target a gross household income of up to £71,000 per annum (for 2 bedroom units) or £85,000 per annum (for 3 bedroom units) for at least a three month marketing period, after which a gross household income of £90,000 per annum may be targeted; where net annual household income should not exceed 70% of gross income, and where total housing costs should not exceed 40% of net annual household income, disposed on a freehold / minimum 125 year leasehold to a Registered Provider
    - (d) Employment and Training obligations, comprised of:
      - The submission of an 'Employment and Training Plan' (a document setting out how the obligations in section 106 agreement will be met and which includes information about the provision of training, skills and employment initiatives for Local Residents relating to the construction and operational phase of the development) to the Council for its approval prior to the material start of the development;
      - a commitment to meet with Brent Works (the Council's job brokerage agency dedicated to assisting unemployed Residents into sustainable employment), or such relevant equivalent successor body (working with local partners including local colleges, the Job Centre Plus and third sector welfare providers to reduce current levels of unemployment within the borough) to identify the anticipated employment and training opportunities arising during the construction phase;
      - a commitment to deliver the adopted employment targets (4 construction jobs of at least 26 weeks, 3 construction apprenticeships of at least 52 weeks & 1-2 operational jobs for Brent residents);
      - a commitment to pay the job support contribution (£23,650) commensurate with those targets, except where construction apprenticeship target is exceeded, with this payment reduced by £1,000 per construction apprenticeship delivered above target;
      - a commitment to attend regular progress meetings with the Council to review progress of the initiatives;
      - specific commitments in respect of employment opportunities in relation to operational phases;
      - where it is not possible to achieve employment targets in line with the approved Employment and Training Plan, and it has not been demonstrated that reasonable endeavours were undertaken to achieve the employment targets, a commitment to pay the additional financial contributions which are calculated as follows:
      - Shortfall against target numbers of jobs/apprenticeships lasting a minimum of 26 weeks for an unemployed Local Resident x £5,000 (the average cost of supporting an unemployed Local Resident into sustained employment)
    - (e) S38/S278 highway works under the Highways act 1980 to provide:
      - Delivery of raised table at the junction of Elm Road, St Johns Road and Ecclestone Court, extending across the western part of Elm Road service road

- Provision of tactile paving along pedestrian crossing desire lines to each of the arms of the junction,
- Narrowing of carriageway to Ecclestone Court arm of junction,
- Relocation of motorcycle parking to west side of St Johns Road
- Provision of on-street blue badge parking bays
- Removal of parking bays on west side of St Johns Road opposite Elm Road Service Road
- Provision of Sheffield Hoops,
- Alterations to junction radii,
- Strip of footway adjacent to carriageway on east of St Johns Road to be de-paved and replaced with planter bed incorporating two new street trees,
- Section of footway surrounding Alder Tree at junction of St Johns Road and Elm Road to be de-paved and replaced with planter bed, ensuring a paved footway is retained adjacent to carriageway,
- All associated lining, signing, drainage and Traffic Regulation Orders
- and other ancillary or accommodation works or works to alter or adjust statutory undertakers equipment in the land necessary as a result of items above

(f) Parking permit restriction to be applied to all new residential units

(g) Travel plan to be implemented and monitored. Travel plan to include:

- Targets for zero car driver and car passenger based trips to/from the site (excluding any blue badge holders)
- A commitment to fund subsidised membership of the Car Club for three years for all new residents

(h) Financial contribution towards improving local bus capacity, paid to TfL (Amount to be set by TfL)

(i) Financial contribution towards the provision and maintenance of older children's play equipment at King Edward VII park (£20,000)

(j) Commitment to net zero carbon with a minimum of 35% carbon reduction on site for both residential and commercial, with any shortfall to be secured via a financial contribution towards carbon offsetting.

(k) Commitment to 'Be Seen' monitoring in respect of carbon emissions

(l) Implementation of recommendations in the submitted Television and Radio Reception Impact and underwriting of all mitigation required in addressing any interference

(m) Indexation of contributions in line with inflation

(n) Any other planning obligation(s) considered necessary by the Head of Planning.

2. That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

#### *Compliance*

1. Time Limit for commencement (3 years)
2. Approved drawings/documents
3. Number of residential units secured
4. Non-residential use classes restriction (167sqm of Class E floor space)
5. Wheelchair Accessible Units to be secured from the outset
6. A communal satellite/aerial to be provided so as to prevent multiple satellite dishes
7. Water consumption to be limited in line with policy
8. Non-road Mobile Machinery to be restricted
9. Refuse stores to be laid out prior to occupation
10. Obscure glazing to windows to be secured

11. Tree protection measures to be secured
12. Drainage strategy measures to be secured
13. Air Quality assessment to be secured
14. Noise and Vibration impact assessment mitigation measures to be secured
15. Fire Safety Statements to be secured

*Submission (Pre-commencement)*

16. Construction Environmental Method statement to be submitted
17. Revised Construction Logistics Plan to be submitted
18. Details of Circular Economy to be submitted

*Submission (Post-commencement)*

19. Piling method statement to be submitted
20. All external materials (including samples) to be submitted
21. Full details of landscaping strategy (including green roofs, planting species including proposed for street trees, play spaces and biodiversity enhancements)
22. Revised cycle storage to be submitted
23. Details of balcony screening to protect privacy to be submitted

*Submission (Pre-occupation)*

24. Details of District Heat Network connection to be submitted
25. Revised Delivery and Servicing Management plan to be submitted – including long term maintenance and management as per London Plan
26. Details of Whole Lifecycle Carbon to be submitted

Informatives

1. CIL liability
2. Party wall information
3. Building near boundary information
4. Thames Water guidance note
5. London Living Wage
6. Fire safety advisory note
7. Any other informative(s) considered necessary by the Head of Planning

3. 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

4. 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

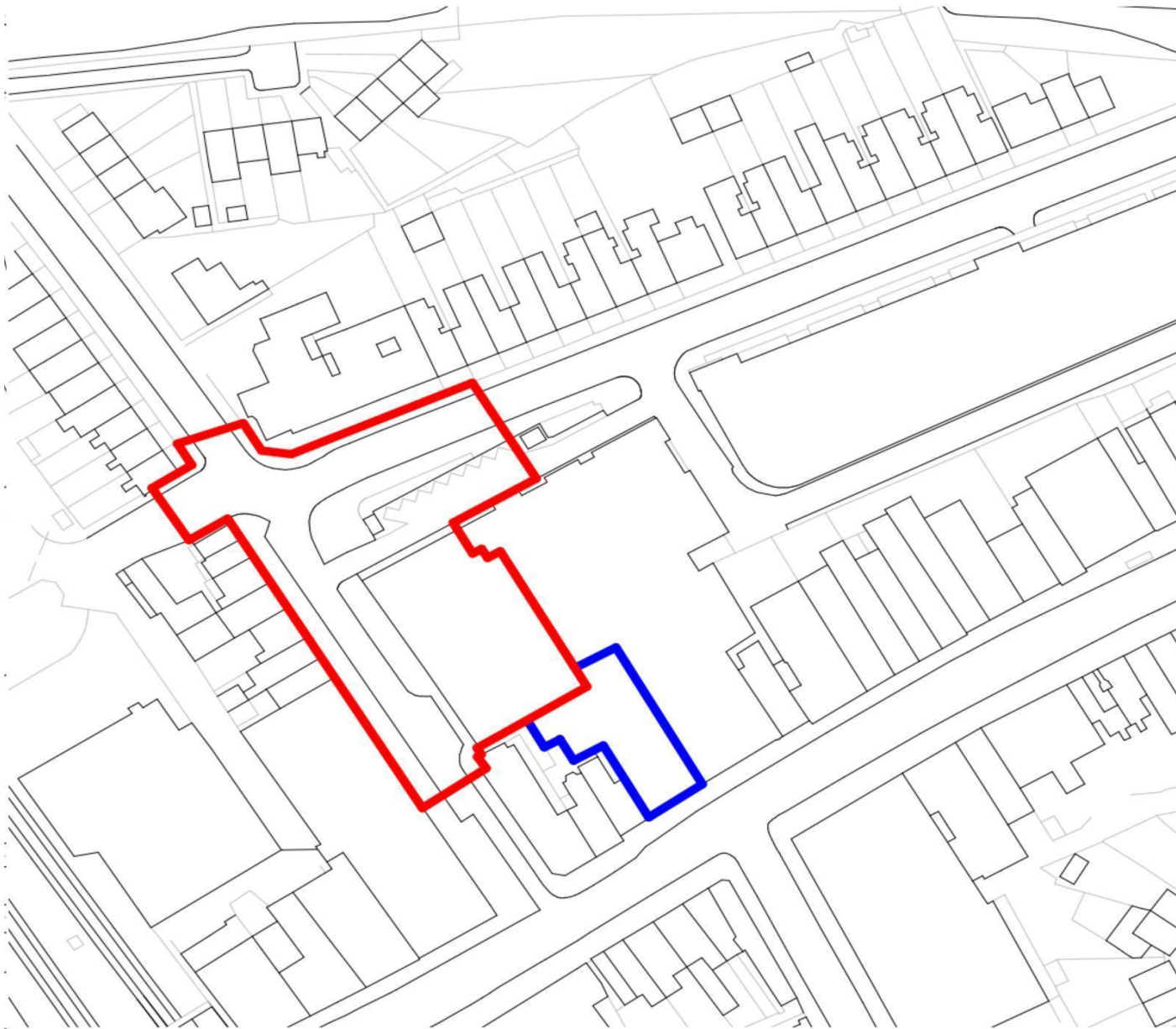


**Brent**

## Planning Committee Map

Site address: 6 St Johns Road, Wembley, HA9 7JD

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This map is indicative only.

## PROPOSAL IN DETAIL

The application proposes the mixed use re-development of the site, demolishing the existing two-storey Jobcentre building and replacing it with a new building that would be part 5 and part 18 storeys in height, accommodating a flexible commercial unit at ground floor level (167sqm) and 79 homes and communal rooftop amenity spaces across its upper floors.

In terms of the proposed residential accommodation, a quarter of the homes would be family sized and all of the homes would be affordable, comprised of 31 Social Rent homes and 48 Shared Ownership homes. A full breakdown of the residential proposals is set out in the table below:

Flat size	Social Rent	Shared Ownership	Market	Total
1-bed	14	0	0	14 (18%)
2-bed	2	43	0	45 (57%)
3-bed	15	5	0	20 (25%)
TOTAL	31 (39%)	48 (61%)	0 (0%)	79 (100%)
	Total no. of affordable homes: 79			

The proposals would also incorporate the provision of cycle and refuse parking, with improved public realm and highways improvements. Two blue badge parking spaces are proposed to serve the development at ground floor level, on adopted highway fronting the development.

## EXISTING

The site contains a two storey red brick building containing a Jobcentre retail unit. The building is located on the corner of St John's Road and Elm Road just inside the boundaries of Wembley Town Centre. The site also includes a retail unit (Boots) that fronts Wembley High Road on the south side of the site; however this part of the site is not part of the proposed redevelopment.

To the south of the site is Wembley High Road and the Wembley Central development across the High Road. To the north of the site (across Elm Road) is a long terrace of early 20<sup>th</sup> Century houses / converted flats and a Hotel (Elm Road Hotel) contained within the first 5 buildings of the residential terrace. The hotel site has planning permission to be redeveloped into a modern purpose-built hotel building (approved in 2018 – Ref: 18/1592). To the east of the site is a 5 storey residential development (approved in 2008 – Ref: 07/3058) that immediately borders the site without a break in the frontage, to the junction with Park Lane. To the west of the site (across St John's Road) is a parade of secondary shopping frontage within Wembley Town Centre. The footfall along here is low however, and a more residential character prevails.

The site is not within a conservation area, nor does the site contain a Listed Building.

## AMENDMENTS SINCE SUBMISSION

The unit mix has changed from:

Flat size	Social Rent	Shared Ownership	Market	Total
1-bed	14	0	0	14 (18%)
2-bed	2	48	0	50 (63%)
3-bed	15	0	0	15 (19%)
TOTAL	31 (39%)	48 (61%)	0 (0%)	79 (100%)
	Total no. of affordable homes: 79			

To:

UNITS	Social Rent	Shared Ownership	Market	Total
1-bed	14	0	0	14 (18%)

2-bed	2	43	0	45 (57%)
3-bed	15	5	0	20 (25%)
TOTAL	31 (39%)	48 (61%)	0 (0%)	79 (100%)
Total no. of affordable homes: 79				

This change has seen the number of three bedroom homes proposed increase by 5 and the number of 2 bedroom homes decrease by 5. These changes were achieved through internal alterations only.

The layout of one flat per floor (on the south east side of the main shoulder of the building) has been amended to ensure that all of the habitable rooms to this flat are primarily reliant on south aspect, preventing any reliance of habitable room outlook to the neighbouring site to the east at 492-498 High Road.

In connection with the above, a small step in the façade of the building at the 6<sup>th</sup> – 17<sup>th</sup> floors has been introduced to enable a southern aspect to the secondary bedroom to one flat per affected floor (on the south east side of the main shoulder of the building).

Doors at ground floor level have been altered so that they open inwards, so as not to contravene the Highways Act 1980.

## 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:** 925 properties were consulted on the proposal. In response, letters of objection were received from seventeen addresses and letters of support were received from seventy one addresses. The main grounds of objection are that the proposal is for too many homes, is too tall, is out of keeping with the surrounding character, would block light and compromise privacy to neighbouring homes, would not incorporate sufficient car parking, would result in local noise and disturbance and would not be fire safe. The main grounds of support are that the local area is in need of redevelopment, that more homes are needed locally, that the site has good links to public transport, that the proposal is 100% affordable, that a good number of family sized homes are proposed, that there will be new commercial space and that the design is high quality. A number of consultees also responded, which are addressed within the main remarks section of the report.

**Principle of mixed-use redevelopment of the site:** The residential led re-development of the site accords with its designation within the Wembley Growth Area, Housing Zone and Town Centre. The scheme results in the loss of the existing retail unit but includes the provision of 79 new homes and the provision of 167sqm of commercial retail floorspace. Whilst the replacement commercial floorspace would be less than that lost, policy BH2 allows reductions in replacement retail floor space as part of residential-led redevelopment where the benefits of the replacement residential floor space would outweigh the reduction in commercial floorspace. The Jobcentre which previously occupied the site has now relocated to a unit fronting the High Road.

**Affordable Housing and housing mix:** The scheme would provide a total of 79 affordable homes (100% of the homes), of which 31 would be low-cost rented homes provided at Social Rents and 48 would be intermediate homes for Shared Ownership. This provision exceeds the Brent and London Plan affordable housing targets and the proposal therefore exceeds policy requirements. The proposal includes 25% of its homes as three bedroom homes, which accords with the policy target in BH6. Three quarters of the family sized homes are proposed within the Social Rent tenure, which would assist strongly in meeting local needs.

**Design, layout and height:** The proposed building has positive urban design, with a slender profile and a vertical emphasis. Whilst, at 18 storeys, it would be a tall building in its immediate context, its massing would enable it to define itself as a landmark building within the wider context of other existing and emerging tall buildings in the surrounding area, whilst being a subservient building in the context of this wider tall buildings cluster. This height would also be consistent with the Tall Building Zone designation of the site and the aspirations of a local site allocation that anticipates re-development of considerable density to the north of the town centre.

**Quality of the resulting residential accommodation:** The residential accommodation proposed is of very high quality, meeting the particular needs and requirements of future occupiers. The flats would have good outlook and light and 94% of the homes would have dual aspect outlook. The amount of external

private/communal space is below standards, but would include high quality external communal terraces and private balconies which are generally substantially in excess of the London Plan size requirements and the site is relatively close to King Edward VII park. In offsetting its shortfall of on-site play space provision, the proposal would contribute £20,000 to enable the delivery and long-term maintenance of an older children's play area at King Edward VII park for the use of the public. The proposal would significantly improve the enjoyment of the site and surroundings for future occupiers.

**Neighbouring amenity:** There would be a loss of light to a small number of windows and rooms of surrounding buildings, although these impacts would generally be minor (between a 20% and 30% reduction from the existing scenario) and, in most cases, the impact would be to the front aspect of a home which benefits from an unaffected rear aspect. All but two of the surrounding properties would comply with the standards for acceptable enclosure, and all properties would comply with the standards for privacy, as set out within Brent's SPD1. The overall impact is considered to be acceptable given the urban context of the site, particularly in view of the wider regenerative benefits of the scheme and the Council's strategic objectives.

**Highways and transportation:** The alterations to the public highway as required in the S106 would be acceptable, considering the needs of pedestrians, cyclists and motorists. The highway works will include: (i) Delivery of raised table at the junction of Elm Road, St Johns Road and Ecclestone Court, extending across the western part of Elm Road service road; (ii) Provision of tactile paving along pedestrian crossing desire lines to each of the arms of the junction; (iii) Narrowing of carriageway to Ecclestone Court arm of junction; (iv) Relocation of motorcycle parking to west side of St Johns Road; (v) Provision of on-street blue badge parking bays; (vi) Removal of parking bays on west side of St Johns Road opposite Elm Road Service Road; (vii) Provision of Sheffield Hoops; (viii) Alterations to junction radii; (ix) Strip of footway adjacent to carriageway on east of St Johns Road to be de-paved and replaced with planter bed incorporating two new street trees; (x) Section of footway surrounding Alder Tree at junction of St Johns Road and Elm Road to be de-paved and replaced with planter bed ensuring a paved footway is retained adjacent to carriageway; (xi) All associated lining, signing, drainage and Traffic Regulation Orders (xii) and other ancillary or accommodation works or works to alter or adjust statutory undertakers equipment in the land necessary as a result of items above. The development will remove the rights for residents within the development to apply for parking permits. To encourage sustainable travel patterns, the scheme will be 'car-free' with the exception of blue badge parking spaces. A financial contribution for bus service enhancements in the area, as required by TfL, will also be secured.

**Environmental impact, sustainability and energy:** The measures outlined by the applicant achieve the required improvement on carbon savings and other aspects of sustainable design within London Plan policy, and subject to appropriate conditions, the scheme would not have any detrimental impacts in terms of air quality, land contamination, noise and dust from construction, and noise disturbance to future residential occupiers.

**RELEVANT SITE HISTORY**

There is no relevant planning history for this property.

**CONSULTATIONS**

**Public Consultation**

A total of 925 addresses were consulted on the application by letter on 29<sup>th</sup> November 2021.

A press notice was published on 2<sup>nd</sup> December 2021.

A site notice was displayed on 15<sup>th</sup> December 2021.

19 individual letters of objection to the proposal were received from 17 individual addresses. 71 individual form letters in support for the proposal were received from 71 individual addresses.

The objection comments received are summarised as follows:

Ground of objection	Officer comment
<b><i>Procedure</i></b>	
Neighbouring owners not notified of the	In line with statutory and local

proposal	requirements, neighbouring properties were consulted via letter, site notices were put up and a notice was placed in the press. Owners (who do not occupy) are not notified by letter and this is not a statutory or local requirement (and would not be practical, as the Council does not hold ownership details for all properties in the borough). However, they are able to register for alerts using the Council's online planning system and would thereafter be notified of all planning applications that meet their search criteria
A 3D model of the proposal should have been provided, in line with London Plan requirements	The development has been clearly demonstrated through the submission of multiple 3D visualisations, which is considered to be sufficient.
<b>Land use</b>	
The development proposes too many homes	Refer to paragraph 40 below
The proposed commercial unit could be used as a betting / gambling shop which would be detrimental to the area	The commercial unit would be within the E use class. This would not permit the use of the unit as a betting shop or gambling business as such uses do not fall within this use class, and would require the benefit of planning permission.
Wembley is already overdeveloped and further high rise developments are not needed	The site is within an area designated for tall buildings and substantial housing growth is anticipated within this area, in line with the local housing zone and growth area designations.
Brent social tenants should be housed in Brent only. Why build social rent homes if such tenants are housed out of the borough?	The section 106 agreement will secured appropriate nominations agreement with the Council, securing 100% nomination rights on first lets and 75% nomination rights on subsequent lets for the Council.
<b>Design and appearance</b>	
The development is too tall	Refer to paragraphs 32 – 40 below
The development is out of keeping with the local context	Refer to paragraphs 32 – 40 below
The proposal is contrary to D9 (tall buildings) of the London Plan as it does not (1) reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding, (2) it does not incorporate free to enter publicly accessible areas and (3) it has not considered impact to birds' flight lines in respect of proximity to waterbodies supporting notable bird species	It is considered that the scheme achieves the aims of policy D9. This is discussed at paragraphs 32, 33 and 40 below.  With regard to D9(d), the provision of a free to enter publicly accessible area would not be necessary to make the scheme acceptable in planning terms given the quality of the design and the public realm improvements it would deliver. This view is shared by the GLA.  There are no notable waterbodies close to the site.
<b>Amenity impact</b>	
The development will have a detrimental impact on neighbouring visual amenity	Refer to paragraphs 50 – 60 below
The development will have a detrimental daylight and sunlight impact to neighbouring properties	Refer to paragraphs 62 – 87 below
The daylight and sunlight report does not take into account light losses to the roof	The roof lights to the top floor properties at 492 to 498 High Road serve non-habitable

lights of top floor properties at 492 to 498 High Road	rooms / circulation areas and are therefore not required for testing under the BRE guidelines.
The daylight and sunlight report does not take into account the neighbouring roof terrace at 492-498 High Road	This roof terrace has been incorporated into an expanded daylight and sunlight study that was submitted during the course of the application. This is discussed at paragraphs 79 - 83 below.
The model of the proposed building in the daylight and sunlight report does not reflect the correct relationship between it and 492-498 High Road, illustrating a gap between the sites where there would be none, potentially resulting in an inadequate assessment	It has been confirmed with the applicant's Daylight and Sunlight consultant that the small gap shown has no impact on the results.
There will be overlooking and losses of light to balconies which has not been considered by the submission	Overlooking and losses of light have been considered in relation to all potentially affected properties. Overlooking is discussed at paragraphs 51 – 55 below. Loss of light is discussed at paras 62 – 87 below.
The development would result in overlooking and losses of privacy to neighbouring homes as single aspect units would look directly towards balconies and the communal terrace serving 492-498 High Road	Overlooking and losses of privacy have been considered in relation to all potentially affected properties. This is discussed at paragraphs 51 – 55 below. It is not considered that the proposal would result in any undue overlooking or loss of privacy.  There are no single aspect units with outlook towards 492-298 High Road.
The application does not comply with the privacy distance standards and 45 degree rule standard relative to 492-498 High Road	This is discussed at paragraph 57 below
Some of the windows and balconies would overlook 492-498 High Road and prejudice future development rights at this site	This is discussed at paragraph 104 below
<b>Transport and highways</b>	
There is insufficient provision for parking which will give rise to additional parking pressures on local roads  The development will generate traffic and further increase journey times for local people	Aside from two blue badge bays, the development would be car free, with all residents (aside from blue badge holders) not being eligible to apply for a parking permit. On that basis, it is not expected that the development would have an impact on the capacity of the local highway network.
Elm Road service road is land within the title of a neighbouring third party, whose permission would be needed to implement the conversion of 3 parking spaces to 2 disabled parking spaces as proposed	The works suggested for Elm Road are all proposed within adopted highway. The freehold ownership of Elm Road may be in third party ownership, but it is adopted highway as well. As long as the road is an adopted road then it is controlled by the Highway Authority. It is for the highways authority to authorise or not authorise the development and use of parking spaces.
Refuse should be contained within the building, not left outside, as there are local issues with rodents	The proposal incorporates an internalised bin store from which collections would be made.
The new pedestrian crossings proposed would severely restrict traffic flow	The improvements to the junction would afford greater pedestrian priority and is not anticipated to be detrimental to traffic flow.

The construction period will affect business along St Johns Road, as it would result in difficulties for customer parking and deliveries	A construction environmental management plan and construction logistics plan would be secured by condition prior to any construction works taking place to confirm suitable construction arrangements that minimise disturbance to neighbouring sites.
<b><i>Environmental health and nuisance</i></b>	
The development will result in noise and disturbance to the local area and to existing homes nearby	This is addressed at paragraphs 164 – 166 and 168 – 170 below
Are there proposals to improve sewage and other utilities?	This is addressed at paragraph 193 and 231 below
The development will adversely affect air-circulation	The development will not be unduly detrimental to air circulation.
The planning application does not provide any assurances that the structural integrity of the neighbouring properties will be kept intact or that responsibility will be taken for any damage.	Provisions are set out within the Party Wall Etc Act 1996 relating to the legal instruments relating to the risk of damage across ownership boundaries during construction. The applicant will be reminded of this through an informative.
<b><i>Fire safety</i></b>	
<p>The proposal has not considered the fire safety of neighbouring buildings</p> <p>There is no open space on the site to escape to in the event of an emergency</p> <p>The submission does not declare that the building will be fire safe and that all of the building materials used will be inflammable</p>	<p>Consideration of the fire safety of neighbouring properties is not a requirement of planning policy, however the fire safety of this development would be indirectly beneficial to the fire safety of neighbouring buildings.</p> <p>The fire safety strategy of the proposed building has been reviewed by the GLA and has been found policy compliant. In addition, the applicants have responded robustly to queries raised by the Health and Safety Executive. This is discussed at paragraphs 211 – 216 below.</p>

The support comments received are summarised as follows:

- The area is run down and in need of redevelopment
- More homes are needed locally
- The site has good links to public transport and is therefore an ideal location for development
- 100% affordable provision as proposed is desirable
- The homes will be genuinely affordable
- There is a good number of family sized homes
- The commercial space at ground floor is welcomed
- The design is high quality

### **Statutory / External Consultees**

#### **Greater London Authority and Transport for London (Stage 1 response):**

The GLA/TfL have commented on a number of strategic issues raised by the scheme within their initial (Stage 1) response, which are summarised as follows:

*Principle of development:* The principle of residential led mixed-use development on this site within Wembley town centre and the Opportunity Area is supported.

*Housing and Affordable Housing:* The applicant is proposing 100% affordable housing within the development with a tenure split of 40:60 in favour of intermediate shared ownership housing. The rented homes are social rent tenure. The scheme is therefore Fast Track compliant and compliant with London

Plan Policies H6 and H7 and the Mayor's Affordable Housing and Viability SPG.

*Urban design and Heritage:* The location of tall buildings on this site is supported by Brent Council's local planning policies. The overall approach to the building height, massing and elevation treatments are supported, and both the design and residential quality are of a high standard. The development will not cause harm to heritage assets and conservation areas.

*Transport:* A full multi-modal trip generation is required. Streetscape improvements, parking design management plan, electric vehicle charging, travel plan, deliveries and servicing plan, and Construction logistics plan should be secured. These issues are all set out in more detail and addressed within relevant sections of the main report below.

#### Health and Safety Executive (Gateway 1 – Fire Safety)

No objections but comments made in relation to confirming that a design review has been undertaken to assess the implications of fire safety systems failure or foreseeable events, as required by British Standards for fire safety, as well as in relation to staircase access to ancillary accommodation and service risers in the firefighting lobby.

This is discussed in more detail later in the report (see fire safety section).

#### Thames Water

No objection subject to a condition requiring a piling method statement to be submitted given the location of the development within proximity of a strategic sewer, and informatives relating to green roofs and waste water.

These issues are all set out in more detail and addressed within relevant sections of the main report below.

#### Internal consultation

##### Environmental Health

Environmental health supports the application subject to a number of conditions relating to internal noise levels, construction noise and dust and air quality impact.

##### Energy and Sustainability

Considered that the energy strategy is broadly in line with the latest guidance within the London Plan.

These issues are all set out in more detail and addressed within relevant sections of the main report below.

#### Statement of Community Involvement

A Statement of Community Involvement has been submitted with the application, setting out the public consultation and level of engagement undertaken before submission of the proposals, as required through the Localism Act (2011).

The application was publicised by the delivery of 2,494 information letters to residents and businesses in the local vicinity, as well as personalised letters being sent to Ward councillors and other key local community stakeholder groups. A dedicated freephone number and freepost address were established to supply further information to interested parties. All of the stakeholders were invited to attend one of three online Q&A events relating to the development proposal through the information letter. The Q&A events took place through the community consultation group's dedicated consultation portal on the 12<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> June 2021.

A total of 21 households participated over the course of the three Q&A events, with each session incorporating a 10 minute presentation and roughly 20 minutes of questions and answers. Each session ended with details of how to give feedback, including instructions on filling in a feedback survey. All of the Q&A sessions were recorded and are available for viewing online, with the links accessible in the applicant's Statement of Community Involvement, available to download on Brent's website. 14 questions were asked at the Q&A events and 1 online feedback survey was filled in.

The questions asked by residents were as follows:



- How does the design fit in with the surroundings?
- Where will everybody park?
- When will the work start and finish and will we be told about it?
- What will be the construction working hours?
- Will there be Saturday work?
- How will parking (which already a problem) be issued to the residents on the tower block?
- When open to residents, how will rubbish debris be stopped from falling into 14 Elm lane roof garden?
- Some residents (Flat 17 & 18) natural light will be affected. How will this be overcome?
- How will be privacy guaranteed for the two apartments that will be visibly by all residents facing east?
- When are works planned to start?
- Do the local neighbours have a saying in the planning permission?
- How much will a 2-bed apartment going for? And how soon can you start the process?
- How will dust be controlled? From experience dust will end up on our terraces.
- Water suppression is effective, but dust will still cover most of the adjacent roof gardens and terraces. Will a channel be created to effectively resolve issues?

All questions were responded to by architect, planning consultant and developer representees at the meetings.

The feedback survey response was completed by a local resident, and they answered 'very positive' to the question: "How do you feel about our proposals to provide to provide around 300sqm of commercial space and 79 new homes at 500 High Road, Wembley"?

The consultation events carried out are considered appropriate to the scale of the development and reflect the recommended level of pre-application engagement set out in Brent's Statement of Community Involvement. The lack of a physical exhibition is understood and accepted given the Covid-19 restrictions that have been in place nationally until relatively recently.

## 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 is comprised of the

- London Plan 2021
- Brent Local Plan 2019-2041\*

Key policies include:

### London Plan 2021

- SD1 Opportunity Areas
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- D9 Tall buildings
- D11 Safety, security and resilience to emergency
- D12 Fire safety

- D14 Noise
- H1 Increasing housing supply
- H4 Delivering affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- S4 Play and informal recreation
- E11 Skills and opportunities for all
- HC3 Strategic and Local Views
- G1 Green infrastructure
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 4 Managing heat risk
- SI 5 Water infrastructure
- SI 7 Reducing waste and supporting the circular economy
- SI 13 Sustainable drainage
- T1 Strategic approach to transport
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T7 Deliveries, servicing and construction

#### Brent Local Plan 2019-2041

- DMP1 Development Management General Policy
- BP7 South West
- BCGA1 Wembley Growth Area
- BD1 Leading the way in good design
- BD2 Tall buildings in Brent
- BH1 Increasing Housing Supply

- BH2 Priority Areas for Additional Housing Provision within Brent
- BH5 Affordable Housing
- BH6 Housing Size Mix
- BH13 Residential Amenity Space
- BE1 Economic Growth and Employment Opportunities for All
- BE7 Shop front design and forecourt trading
- BHC2 National Stadium Wembley
- BGI1 Green and Blue Infrastructure in Brent
- BGI2 Trees and Woodland
- BSUI1 Creating a Resilient and Efficient Brent
- BSUI2 Air Quality
- 
- BSUI4 On-site Water Management and Surface Water Attenuation
- BT1 Sustainable Travel Choice
- BT2 Parking and Car Free Development
- BT3 Freight and Servicing, Provision and Protection of Freight Facilities
- BT4 Forming an Access on to a Road

The following are also relevant material considerations:

- National Planning Policy Framework (2021)
- National Planning Practice Guidance
- Mayor of London's Affordable Housing and Viability SPG 2017
- Mayor of London's Housing SPG (2016)
- Mayor's 'Be Seen' energy monitoring guidance (2021)
- Brent's Supplementary Planning Document 1 (2018)
- Brent's Draft Planning Obligations Supplementary Planning Document (2022)

*\* The Council adopted the new Brent Local Plan 2019-2041 at Full Council on 24 February 2022. The following documents have now been revoked:*

- *The Brent Core Strategy 2010*
- *Brent Site Allocations Development Plan Document 2011*
- *The Wembley Area Action Plan 2015*
- *The Development Management Policies Plan 2016.*

*These documents are no longer considered Development Plan Documents for the purposes of determining planning applications within the area that the Council remains the Local Planning Authority and also their associated policies map.*

## DETAILED CONSIDERATIONS

### Principle of development

#### Residential-led redevelopment with commercial floor space

1. Policy GG2 of the London Plan identifies the optimisation of land, including the development of brownfield sites, as a key part of the strategy for delivering additional homes in London. Furthermore, the London Plan includes a minimum annual monitoring target for Brent at 2,325 additional homes per year until 2029. Within local policy, Brent Policy BP7 sets out a target of at least 10,600 homes being delivered in Brent's South West place in the period to 2041, which includes the part of the Wembley Growth area that is within South West place, where the subject site is located. In addition, Policy BP1 sets out that more than 15,000 homes are to be delivered across the Wembley Growth area as a whole, the extent of which covers parts of both South West place and Central place.
2. Wembley Growth area and Wembley town centre are both identified as priority locations where the provision of additional homes will be supported within policy BH2. The site sits within these areas and also has a high public transport accessibility level (PTAL), which further justifies its appropriateness as a priority location for housing within BH2.
3. This site is within the Wembley Growth Area, Wembley Housing Zone and the Wembley Town Centre policy designations. Whilst within the town centre, it is not within either the primary or secondary retail frontage. In addition the site is identified as being within one of Brent's Tall Buildings Zones, as defined in policy BD2.
4. The scheme proposes a total of 79 homes as part of a residential led mixed use scheme. The London Plan places emphasis on site capacity being optimised through a design-led approach and this is set out in full in policy D3, through a qualitative approach that seeks to confirm suitable development density through the achievement of a proposal that is demonstrably of a high quality and which is well designed.
5. The existing site is used as a Jobcentre (E use class) which occupies the whole existing building to a floor space of 1,357sqm. The applicants are proposing a retail unit (E use class) at ground floor level. This unit would have a floor area of 167sqm and would be double fronted, with active frontage to both St Johns Road and Elm Road. The 167sqm replacement unit would represent a 12% re-provision of the existing retail floor space quantum. Policy BH2 allows reductions in replacement retail floor space as part of residential-led redevelopment where the benefits of the replacement residential floor space would outweigh the reduction in retail floor space. In this instance, the benefits of the proposed residential offer are very high (see affordable housing and unit mix section below) and would weigh in favour of a reduced retail unit provision being acceptable. The use class of the replacement retail floor space would be secured by condition. It should be noted that Planning Policy does not require the re-provision of the job centre, and that there are no conditions that restrict the existing use to a Jobcentre. The Jobcentre has now relocated to a unit fronting the Wembley High Road.
6. The overall principle of residential uses above commercial/town centre use in this location (within the boundary of a town centre) is consistent with Brent Local Plan policy as well as national policy. The location has a high PTAL score, so there is logic in increasing development density in an area that also has good accessibility to facilities and employment. The ground floor is not within either a primary or secondary frontage, but the proposed commercial use helps animate the ground floor and give this edge of the town centre greater interest.
7. On the above basis, it is considered that the proposal is acceptable in principle.

### Affordable housing and unit mix

#### Policy context

8. The London Plan policies H4, H5 and H6 set out affordable housing requirements and establish a threshold approach to applications where a policy compliant tenure mix is proposed\*, where viability is not tested at application stage if affordable housing proposals achieve a minimum of:
  - 35 % Affordable Housing; or
  - 50 % Affordable Housing on industrial land\*\* or public sector land where there is no portfolio agreement

with the Mayor.

\* other criteria are also applicable.

\*\* industrial land includes Strategic Industrial Locations, Locally Significant Industrial Sites and non-designated industrial sites where the scheme would result in a net loss of industrial capacity.

9. The subject site is public sector land (used as a Jobcentre) and a 50% affordable provision threshold therefore applies.
10. The policies set out the Mayor's commitment to delivering "genuinely affordable" housing and the following mix of affordable housing is applied to development proposals:
  - A minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent);
  - A minimum of 30% intermediate homes;
  - 40% to be determined by the borough based on identified need.
11. Brent's local plan policy (BH5) for affordable housing delivery sets a strategic target of 50% affordable housing while supporting the Mayor of London's Threshold Approach to applications (policy H5), with schemes delivering at least 35% (or 50% on public sector land / industrial land) and that propose a policy compliant tenure split, not viability tested at application stage. Brent Policy BH5 sets a target of 70% of those affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split marries up with the London Plan H6 policy by design, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category.

Proposed scheme - Affordable housing requirements

12. Based on the above policy requirements, the proposed scheme would meet the threshold for not being viability tested if 40 (50%) of its 79 homes are provided as affordable housing and if those affordable homes are allocated such that 70% (28) of them are for London Affordable Rent or Social Rent and that 30% (12) of them are for intermediate tenure. This would represent an acceptable proposal that is compliant with both London and Brent affordable housing policy.
13. A proposal for fewer affordable homes than this, or for a less desirable split between low cost rented housing and intermediate housing, would only be acceptable if such an offer could robustly be proven to represent the maximum viable amount of affordable housing deliverable, as demonstrated through an agreed financial viability assessment.

Proposed scheme - Affordable housing offer

14. The applicants would provide 100% of the development as affordable housing, significantly exceeding the policy target. The applicants have opted to provide Social Rent housing as the low cost affordable component and Shared Ownership housing as the intermediate component. The table below sets out a breakdown of these units by type and tenure:

UNITS	Social Rent	Shared Ownership	Market	Total
1-bed	14	0	0	14 (18%)
2-bed	2	43	0	45 (57%)
3-bed	15	5	0	20 (25%)
<b>TOTAL</b>	<b>31 (39%)</b>	<b>48 (61%)</b>	<b>0 (0%)</b>	<b>79 (100%)</b>
Total no. of affordable units: 79				

HAB ROOMS	Social Rent	Shared Ownership	Market	Total
1-bed	28	0	0	28 (11%)
2-bed	6	129	0	135 (56%)
3-bed	60	20	0	80 (33%)
<b>TOTAL</b>	<b>94 (39%)</b>	<b>149 (61%)</b>	<b>0 (0%)</b>	<b>243 (100%)</b>
Total no. of affordable hab rooms: 243				

15. The affordable housing provision when measured against the policy requirement is set out in the table below:

	Number of homes required by policy (BH5 / H5)	Proposed number of homes	Degree of policy compliance
Social Rent	28	31	3 homes in excess of policy requirement
Shared Ownership	12	48	36 homes in excess of policy requirement
Total Affordable	40	79	39 homes in excess of policy requirement

16. In summary, the development is proposing affordable housing in excess of the policy target amount and tenure split. Beyond the requirements of policy, the scheme provides 3 additional Social Rent homes and 36 additional shared ownership homes.

17. The GLA agrees that the affordable housing proposals are in excess of policy requirements.

18. To meet the requirements of 'London Shared Ownership' housing, suitable income caps for eligibility for the Shared Ownership units should be secured in the s106 agreement, to apply for the first three months of marketing. Local income caps that have been secured previously are: £71,000 for two bedroom flats and £85,000 for three bedroom flats (there are no one bedroom flats proposed for this tenure).

19. In conclusion, the affordable housing proposals comply with both GLA and Brent policies and deliver substantially more affordable housing than the policy expectation. This is strongly welcomed and is a significant benefit of the scheme. The affordable housing offer should therefore be accepted, subject to a Section 106 agreement to secure the provisions.

#### Wider acceptability of tenure mix

20. Policy BH6 within the Local Plan denotes a requirement for a 1 in 4 provision of 3 bedroom homes across residential developments. At 25.3% provision (20 of the 79 units) across the scheme, the proposal meets this policy target.

21. It is welcomed that the majority of the family sized units are being provided as Social Rent homes, with 75% of the 3-bed units (15 out of 20) being within this tenure. Furthermore, a total of 48% of the scheme's Social Rent homes are family sized, which significantly exceeds the 1 in 4 policy target for family home provision. The focus on providing family housing in the Social Rent tenure is welcomed, as family sized units are in much greater demand in this tenure compared with Shared Ownership.

22. The Social Rent family homes are to be provided at the lower levels of the development, which would put them within easier reach of the child play focussed amenity space (see Quality of Accommodation section below) and which would make access to the homes more convenient for families. This is a welcome design choice.

#### Design

23. Brent's DMP1 and BD1 policies and SPD1 guidance set out the policy objectives and general requirements for good design in the built environment. Overall, officers consider that the proposal responds positively to this policy and guidance context and the specific elements of its design including: general layout, public realm, height and massing and architecture/materiality as discussed in the following sections.

24. Brent's principal urban design officer considers that the proposal leads the way in good urban design and consequently complies with Policy BD1 of the draft Brent Local Plan and the principles of SPD1.

#### Layout

25. The site occupies the corner plot at the junction of St Johns Road and Elm Road, although falls within the same land parcel as the Boots retail store at 500 High Road to the south of the site. The Boots store is not proposed to be affected by this development, and the proposal is confined to the northern part of the land parcel, at the corner of St Johns Road and Elm Road, which currently houses a two storey brick building operating as a Jobcentre. The plot is proposed to be developed with a new building expressed through three separate shoulders. The building's main shoulder, located centrally on the corner, is proposed as an eighteen storey element. The building's secondary shoulder, located away from the corner along the St Johns Road elevation, is proposed as a five storey element. Finally, the building's tertiary shoulder, located away from the corner along the Elm Road elevation, is proposed as a six storey element.
26. The block contains a retail unit at ground floor, principally fronting the St Johns Road elevation, although wrapping the corner to address the Elm Road elevation for a short extent. This is a logical location to focus the retail frontage, given the predominantly commercial nature of this part of St Johns Road. The remainder of the ground floor would be utilised as a residential entrance to all flats in the building. The main entrance would be located centrally in the Elm Road elevation, and would lead to a main entrance foyer, incorporating mailboxes, as well as a reception desk with ancillary kitchenette and changing room. The foyer would also provide access to the two lifts and stairwell for residents to access their flats. A secondary access would be located to the east of the main entrance, further along Elm Road, which would allow separated access to the bicycle stores at the rear of the ground floor. This alternative access will limit conflict with other building users for cyclists. The access between the secondary access and the bike stores is largely straight to enable ease of bicycle movement to and from the stores. A residential bin store entrance would be located at the easternmost end of the Elm Road frontage. This is an inactive element of the frontage, but its location along the street, for ease of collection is understood as necessary. Its location at the periphery of the façade, minimising inactive frontage, is welcomed. At the periphery of the St Johns Road frontage, to the south of the retail frontage, is a substation entrance, a commercial unit bin store entrance, a bin store entrance for the Boots retail unit and a fire escape for Boots store users. Whilst these uses would be largely inactive, windows are proposed to be provided between these doors to allow some level of perceived activity and surveillance. The uses that the doors serve are all essential uses and their presence along the frontage, particularly at its periphery, is understood. The inactive uses to Elm Road will occupy a 12.8 metre extent of frontage, whilst the continuous retail frontage adjacent to it will span 26.5 metres, acting as the key visual draw for building users and passers-by. Proposed centrally within the ground floor footprint, away from the frontages, are the development's plant rooms.
27. The upper floors of the building are entirely residential. The first floor of the building provides six flats and access to one of the residents' communal amenity spaces at the south east corner of the plot. All flats overlook the street frontage or have outlook to the rear amenity space, or both. The second to fourth floors provide seven flats per floor, with all flats overlooking the street frontage or overlooking the first floor amenity space to the rear, or both. At the fifth floor, the secondary shoulder of the building tops out, reducing the number of flats per floor to four, as well as providing access to the other of the two residents' communal amenity spaces, atop the building's secondary shoulder fronting St Johns Road. All flats overlook the street frontage, or the first floor amenity space, or the fifth floor amenity space. At the sixth floor, the tertiary shoulder of the building (to Elm Road) tops out, with the building's footprint at floors above this consolidated to the central shoulder element, which provides four flats per floor across the remainder of its extent. The central shoulder element extends up by a further eleven levels to the seventeenth floor, at the top of the building. The roof of the central shoulder is proposed to be utilised as a photovoltaic array and for housing the building's air source heat pumps which would provide much of its heat generation.
28. The residential units are arranged such that the first to fifth floors are allocated exclusively for Social Rent. 75% of the proposal's family homes are located across these floors, and result in 48% of the total Social Rent homes being family sized. The consolidation of the Social Rent homes at the lower levels, with a focus on family provision, is strongly welcomed. Accordingly, all of these homes will be within easy reach of the first floor terrace, which has a child-play focus. All units across the sixth to seventeenth floors are allocated for Shared Ownership. The family homes within this tenure are consolidated across the sixth to tenth floors, allowing for easier access to the terraces from these lower levels.

#### Public Realm

29. The development would create new soft landscaped areas within the public realm, including improvements to the existing planting bed between the Elm Road service road and Elm Road itself, in front of the development site. This planting bed would also be extended to the west, adjacent to the existing public WC. A strip of tree planting would be introduced along St Johns Road, at the edge of the footway, in front of the proposed retail unit. This would establish an improved tree lined view in the setting of the development as seen from Wembley High Road. In terms of hard landscaping, a raised table would be introduced across the junction of Elm Road and St Johns Road, which would have accessibility benefits and would improve the public realm whilst promoting pedestrian priority. As part of this, the existing servicing bay along the St Johns Road frontage, which would be used in connection with this development, is proposed to be incorporated into a shared surface. Two new blue badge parking spaces would also be provided within a reconfigured service road immediately fronting the site, allowing disabled access to the development for residents holding blue badges.
30. In terms of providing a good quality external environment for residents and passers-by, active frontages have been maximised at street level, which is welcomed. There are some small sections of inactive frontage at the peripheries of both the Elm Road and St Johns Road frontages but this has been reasonably minimised and they are screened by perforated and profiled metal panels to add visual interest. The extent of activity around the frontage, particularly at the central corner, would be considerably more beneficial than the level of activity offered by the existing building. Accordingly, the most legible elements of the street frontage would be the retail frontage (characterised by its uninterrupted glazed frontage and fascia) and the main residential entrance, which, with its inset from the main frontage and canopy feature, is clearly defined and expressed within the wider streetscape. This will foster a strong sense of arrival and belonging for residents. The upper floors would also provide a good level of animation above street level, and would introduce natural surveillance to both streets, in contrast to the existing building which has a largely blank façade at its upper level.
31. The public realm proposals are considered to be highly positive, with active frontages having been reasonably maximised at ground level with interest and strong legibility having been provided to the key commercial and residential entrances at ground floor, across both St Johns Road and Elm Road. The proposals will enhance the streetscape and natural surveillance, incorporate new landscaping and urban greening improvements and will effectively ground the proposed building.

#### The appropriateness of delivering tall buildings

32. Policy BD2 of the Local Plan defines a tall building as one that is more than 30m in height. It directs tall buildings to the locations shown on the policies map in Tall Building Zones. The policies map identifies this site as situated within the Wembley Tall Building Zone.
33. Given the local designation for tall buildings, the development can be seen to comply with London Plan policy D9(b) (which requires tall buildings to only be supported where they have been specifically designated as appropriate within the Local Plan), establishing a suitable policy basis for the site being appropriate for accommodating a tall building.

#### The approach to height and massing

34. In addition to a Tall Building Zone (as discussed above), the proposal sits within the Wembley town centre and growth area boundaries and the Local Plan aspires for the character of the area to change over time as significant housing growth is accommodated within the town centre area.
35. The site at present is in an area of transition, with urban, town centre uses to its east, west and south, and predominantly low-density residential uses to its north as existing. This character accords with the site's setting being at the northern edge of the town centre boundary. However, a site allocation (BSWSA10: Elm Road) envelops the site to its northern and western sides, setting out an aspiration for this area (bounded by the West Coast Mainline to the west, the Chiltern Mainline to the north, the northern side of Elm Road and High Road to the south and the western side of St Johns Road to the east) to be developed for residential led, mid-rise development of 5-6 storeys in height. The allocation sits mostly beyond the boundaries of Wembley town centre and its brief anticipates a denser, urban character being established to the north and west of the subject site over time. The extant consent of the Euro Hotel redevelopment (ref: 18/1592) represents the first redevelopment proposal to come forward within the boundaries of this site allocation. Ultimately, the site allocation envisions the surrounding context of the subject site becoming more urban over time, and a re-characterisation of the subject site as



becoming less peripheral to the town centre setting.

36. Whilst the site is within the Tall Building Zone and therefore appropriate for accommodating a tall building, it is at the northern edge of the zone. Policy BD2 requires that developments step down towards the zone's edge. The proposed building would have a main massing formed of a slender central tower, rising to 18 storeys. A number of locational factors are considered to result in this height being suitable. Firstly, it is noted that there are a number of tall buildings that have been consented and delivered within the vicinity of the site and the wider Wembley Tall Building Zone, including King Edward Court, Uncle Wembley, The Assembly, Wembley Central Square, Wembley Link, Ujima House and the site at the Junction of High Road and Cecil Avenue. The buildings which fall in the wider setting of the proposed development reach a variety of heights which are both shorter and taller than the proposed building, these being King Edward Court (11 storeys), Uncle Wembley (26 storeys) and Wembley Link (18 storeys) to the east and Wembley Central Square (14 storeys) and The Assembly (18 storeys) to the south. The majority of these buildings are located in areas of prominence on major thoroughfares, whereas this site sits at the confluence of two more minor roads, being slightly removed from the principal High Road setting. However, as a comparison, The Assembly is sited around 30 metres to the south of the High Road, which is a similar offset to the proposed building. It is also noted that, aside from Wembley Central, the development has a higher public transport accessibility level (PTAL) and is closer to Wembley Central station than the other buildings, reinforcing the sustainability of the site's location. Another factor to note is that both St Johns Road and Elm Road notably slope downwards from the south and east respectively, resulting in a lower base height for the building than tall buildings immediately adjoining the High Road. This results in the prominence of the proposed building reducing, and appearing to have a lower height than 18 storeys would otherwise have within the wider context. Furthermore, Elm Road widens out significantly at its western end, with the distance between the proposed Elm Road frontage and the frontage opposite being more than 30 metres, resulting in a generous, open setting for a larger building. By contrast, the majority of Elm Road has a frontage-to-frontage distance of less than 20 metres.
37. Beyond the locational factors that justify the height of the building, there are factors relating to the merits of the building's design that also justify this. The scheme has been revised through design review with Brent's principal urban designer at pre-application stage. Through this process, the slenderness of the building's central shoulder has reduced on account of the main residential core serving fewer flats per floor. On balance, the approach to retaining a significant height for the building but increasing the slenderness of its central shoulder is welcomed and the visual appearance of the proposal from surrounding viewpoints (notably High Road to the south and St Johns Road to the north) has significantly improved. Further refinement has been made to the building façade, softening its edges through the articulation of open-sided balcony corners. The form of the building as submitted is considered to be elegant and has a massing that, whilst taller than its surroundings, would appear comfortable in its setting. The approach to façade treatment and use of materials (discussed in detail below) is also considered to be highly positive and has been based on the rhythms of development in the surrounding context.
38. Drawing together the above considerations, it is clear that the proposal would define a landmark building within the context of other existing and emerging tall buildings in the surrounding area, although would clearly read as a subservient building in the context of the wider cluster, sitting 8 storeys below Uncle Wembley at the eastern end of Elm Road, lower than both buildings that form the Wembley Link, at a very similar height to the Assembly and slightly above the Wembley Central building. It is considered the proposal gives greater coherence to the existing tall buildings adjacent to Wembley Central station by situating these within a more clearly defined cluster, whilst still maintaining sufficient separation distances; by extension, this adds variety to the skyline, in accordance with the design guidance set out in the Tall Buildings Strategy, particularly in longer views from the surrounding area towards Wembley. Whilst the immediately neighbouring buildings remain low-rise at present, and the proposal is set back from the High Road, the planning policy context allows for height intensification along the High Road and in locations to the north and west of the site, as well as for further tall buildings (10 storeys+) within the designated tall building zone to the east, west and south, which weighs into officers' judgement. Overall, the inclusion of the site within the tall buildings zone and the very close proximity of the site to the train and bus services of the town centre is clearly acknowledged and it is clear that a balanced consideration of height in this location is needed. Whilst the development is acknowledged as being tall in its immediate surroundings, and that it would not step down to the edge of the tall building zone, when considered on its own merits, the building has a positive urban design and appearance in its wider setting, with visual harm

having been limited through a slender and elegant building envelope. It is welcomed that such a proposal has afforded a viability position that achieves policy compliance in respect of family homes provision and beyond policy compliance in respect of affordable housing provision, which weighs in the proposal's favour. On that balance, the height and massing of the development is supported.

39. Similarly, the GLA is of the view that the building would have an acceptable impact on its surroundings, noting that there are other taller buildings in the locality and there is an increasing scale emerging in the Wembley area given its town centre and Opportunity Area designations. The GLA also considers that a building of this scale at the site would reinforce the spatial hierarchy of the area, reflective of a highly accessible location in Wembley town centre and Opportunity Area. The GLA notes considers that the tallest element will act as a marker and improve legibility on the northern approach into the town centre along St John's Road, reading as a book end to the block between St John's Road and Park Lane.
40. The London Plan places emphasis on site capacity being optimised through a design-led approach and this is set out in full in policy D3, through a qualitative approach that seeks to confirm suitable development density through the achievement of a proposal that is demonstrably of a high quality and which is well designed. It is considered that the scheme achieves the aims of D3. On the basis of the discussion of the building's appearance within its context as discussed, it is also considered that the proposal achieves the aims of D9(c).

#### Protected views

41. In relation to height, the protected views of Wembley Stadium, as set out in emerging Local Plan policy BHC2, should be carefully considered and appropriate modelling should be undertaken to ensure that the proposed development would not detrimentally impact the visibility of the Stadium from these designated viewpoints.
42. The applicant has submitted a comprehensive set of images of the proposed development as seen from key local vantage points and designated protected views, including those identified within Brent's Local Plan Policy BHC2. The three views tested were those looking towards the stadium from the west: Elmwood Park, Sudbury; Horsenden Hill, Perivale and One Tree Hill, Alperton. It has been identified that the proposal would sit close to the stadium as seen from the Horsenden Hill designated viewing corridor. Nonetheless, the proposal would appear separate from the stadium, appearing to its left from the viewpoint and as part of an established and emerging cluster of tall buildings to the west of the stadium. The development would not visually obscure the canopy or the arch of Wembley Stadium from any of the protected viewing corridors in Brent's Local Plan.

#### Architecture and Materiality

43. Externally, the façade composition reflects the historic urban grain defined by the existing terraced houses along St John's Road and Elm Road, and translates this into a grid that articulates the façades. The grid itself has been given a clear hierarchy and is broken down into primary vertical and secondary horizontal elements, with a coherent base, body and crown defined from ground floor to roof level. Within the grid, windows and inset balconies are expressed as punched openings, with each framed by other architectural components; the windows are particularly well-articulated incorporating inset perforated and profiled metal panels. Precast concrete components at both the top and base punctuate these key elements of the proposal, giving a robust and distinctive character and identity to the scheme. Generally, an exemplary approach to materiality has been set out in the Design and Access Statement, with the use of two distinct yet complimentary brick tones being successful in breaking down the overall mass and appearance of the proposal, supported by the secondary materials of dark aluminium window frames and balcony railings.
44. Given the nature of the neighbouring building, the language of a two storey plinth has been expressed at ground floor level. The block to the east which contains a PureGym at ground level expresses its retail language across two storeys and a mirroring of this approach (even though the upper layer of those internal uses would be residential) is of benefit to the scheme, ensuring a harmonious integration with the area.
45. A condition will require samples of the materials to be reviewed and approved by officers, to ensure that a high quality development would be delivered. The applicant has provided indicative technical sections illustrating how specific elements of the façade are to be constructed, including typical windows, typical

parapets, typical balconies and soffits. These drawings are welcomed by Brent's Urban Design Officer as they would safeguard the quality of the proposal. They will be able to inform any determination process that accompanies the discharge of the materials condition post-permission.

### Impact on Heritage

46. Tests for assessing impacts on heritage assets as part of planning decisions are set out in the Planning (Listed Buildings and Conservation Areas) Act 199. For Conservation Areas, "special attentions should be paid to the desirability of preserving or enhancing the character or appearance of that area". For Listed Buildings, decision makers should "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
47. It is stated in the NPPF that, when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. In relation to non-designated heritage assets, it states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
48. The site is not located within a Conservation Area or within the setting of a Conservation Area and there are no listed or locally listed buildings on the site. There are also no heritage assets within 300 metres of the application site. In the wider area (within a 500 metres radius of the site) there are a limited number of heritage assets. These are:
- Wembley High Street Conservation Area;
  - Locally listed parks King Edward VII Park and St John the Evangelical Churchyard;
  - Grade II listed St John Church boundary wall and Lych Gate
  - St Andrew's Presbyterian Church
  - Locally listed 551 to 551a High Road and Charles Goddard House.
49. The assessment demonstrates that the development will not harm the significance of the identified heritage assets due to distance and/or intervening development in the setting of the assets.

### Impact on neighbouring residential amenity

50. Brent's DMP1 policy within the Local Plan and Brent's SPD1 guidance sets out a number of criteria for judging impact on neighbouring residential properties in terms of losses of privacy and the creation of a sense of enclosure. It will be important to consider the extent to which the SPD1 guidance is complied with in relation to these properties, and for this impact to be weighed up as part of an overall judgement. The SPD1 amenity impact tests and the development's performance against them are explained below.

### Privacy

51. In order to retain acceptable privacy levels to properties, SPD1 states that development should ensure a good level of privacy inside buildings and within private outdoor space. Directly facing habitable room windows will normally require a minimum separation distance of 18m, except where the existing character of the area varies from this. A distance of 9m should be kept between gardens and habitable rooms or balconies. For sites within an existing street scene, the distance between front elevations should normally be determined by the character of road widths or set-backs from roads in the area. Windows may be designed to direct views in certain ways and to avoid overlooking in other directions.
52. With regard to relationships with surrounding blocks, a number of properties on the north side of Elm Road and the west side of St Johns Road would face the proposed building. However, given that these relationships are across a street, the tests of privacy would not apply to these properties and the established street widths to these properties' windows would be retained as existing.
53. There are some properties to the east and south that would look towards the development across private land and whose privacy has the potential to be compromised by the development. To the east, rear

windows to flats forming part of the development at 492-498 High Road would face towards the proposed development. However, the closest instance of a window from the proposed scheme facing the window of a home within 492-498 High Road is 25m, reducing to 22m when considering the balcony-to-balcony relationship. Furthermore, the proposed windows are more than 9m from the edge of the communal podium garden at 492-498 High Road, meeting the relevant standard.

54. To the south, residential units are in situ at 502 High Road (above the Card Factory retail unit) and at 504 High Road (above the Greggs retail unit) with windows which would directly face the development. In the context of 502 High Road, more than 40m of space is present between the proposed residential windows and existing residential windows, significantly exceeding the 18m standard. In the context of 504 High Road (a duplex flat), the first floor window to the residential unit would fall short of the 18m distance requirement (around 14m would be achieved), but the windows which they face are secondary windows to a living room of the southernmost flat proposed on floors 2-4 and can be acceptably obscure glazed. This only applies across floors 2-4 of the proposal and a condition will require that the relevant windows are obscure glazed and fixed shut at low levels in the interests of protecting privacy to the residential unit at 504 High Road. The southern edge of the balconies serving these flats would also need to be screened, as they would also afford overlooking at a distance of 14m in the absence of this. The second floor windows to the flat at 504 High Road sit 5m further southward and comply with the 18m distance standard for privacy. Whilst the premises above nos 500 (Boots) and 506 (Barclays) High Road would also directly face the proposed development, these premises are connected to the retail use only, without residential elements, and do not warrant protection in line with the privacy guidance. Subject to a condition requiring the obscure glazing of secondary windows and balcony side aspects within the development, there are not considered to be any unacceptable overlooking issues arising to adjoining properties as a result of its implementation.
55. Whilst not a direct privacy concern, the proposal would incorporate a number of windows that would benefit from near outlook across non-sensitive parts of neighbouring sites (High Road fronting properties to the south and 492-498 High Road to the east). In order to protect the development potential at these neighbouring sites, the windows that face these sites within 9 metres will need to be obscure glazed, and this will be secured by condition. This matter is discussed in more detail in the 'Quality of Accommodation - Outlook' section below.

#### Sense of enclosure

56. In the interests of ensuring that the development does not appear unduly overbearing to surrounding properties, SPD1 establishes a standard for new development to sit underneath a 45-degree line drawn from a 2m height at the nearest edge of an affected property's private amenity space, where relevant. The proposed buildings should also sit underneath a 30-degree line drawn from a 2m height at the nearest rear habitable room windows within neighbouring properties that face towards the proposed buildings.
57. Whilst the proposal does adjoin an amenity space for the residents of 492-498 High Road to the east, this garden is communal in nature rather than private. As such, it would not warrant testing in accordance with the 45 degree guidance.
58. There are a number of rear habitable room windows that would face the development. To the east, a number of windows serving flats of the 492-498 High Road development would directly face the five storey shoulder component of the proposal that fronts St Johns Road. The 30 degree line test would be met in the context of all of these west facing windows.
59. To the south, residential units are in situ at 502 High Road (above the Card Factory retail unit) and at 504 High Road (above the Greggs retail unit) with windows which would directly face both the five storey shoulder component and the eighteen storey shoulder component beyond it. For no. 502 and the upper floor of no. 504, the 30 degree guidance would be met when applied to the five storey element but breached when applied to the eighteen storey element. In one instance, to the single window serving the lower floor of no. 504, the 30 degree guidance would be breached by both building elements. The most significant breach (to the lower window of no. 504) would see the top floor of the five storey element and the upper ten storeys of the eighteen storey shoulder sitting above the 30 degree line. For the other windows, the upper seven storeys of the eighteen storey shoulder would breach the line. Overall, a breach of the 30 degree guidance would be experienced at the rear habitable rooms of two residential units, meaning that, as a result of the proposed development, only two existing homes would experience

a sense of enclosure that breaches the standards set out in SPD1. Some breaches of guidance would be expected in an urban, town centre location within a growth area and breaches being experienced from just 2 units is considered to be minor given this context. The two properties for which SPD1 standards are breached, as well as all other properties, have been examined for precise daylight and sunlight impact and this harm will need to be considered in the context of the impact discussed above. This is discussed later in the report.

#### Summary on privacy and sense of enclosure

60. With the exception of two residential units at 502 and 504 High Road, for which a non-guidance compliant sense of enclosure would be experienced, the relationship of this development to its surroundings complies with relevant guidance in SPD1. Generous separation distances are maintained between the proposed building and adjoining sites, and where they are closer, the growth area and town centre setting does set an expectation of tighter relationships given the urban regeneration context. Officers consider the proposals acceptable in this regard.

61. Nevertheless, a full test of daylight and sunlight impact on surrounding properties has assisted in understanding and weighing up the harm in the balance of considerations, and this is discussed below.

#### Daylight and Sunlight Impact

62. The applicant has submitted a daylight, sunlight and overshadowing analysis of the impact of the development on surrounding properties, utilising the recommendations set out in the BRE 'Site layout planning for daylight and sunlight - a guide to good practice (2011)' document. Officers are satisfied that the report successfully identifies all neighbouring properties which could be affected by the proposed development, which are summarised as follows:

#### To the east

- 492-498 High Road (residential blocks fronting Elm Road and Dukes Way)

#### To the south

- 502 High Road (residential unit above Card Factory retail, identified as falling short of the 30 degree guidance above)
- 504 High Road (residential unit above Greggs retail, identified as falling short of the 30 degree guidance above)
- 506 High Road (Barclays retail, does not incorporate a residential unit at upper levels)
- 435-457 High Road (mixed retail and residential buildings facing towards the site from the south side of High Road)

#### To the west

- 508 High Road (Primark retail and Poundstretcher retail, does not incorporate a residential unit at upper levels)
- 11-27 St Johns Road (mixed retail and residential buildings)
- 31 St Johns Road (dwellinghouse)
- St Johns Road Garage (non-domestic car repair garage premises to the rear of no's 25 and 27 St Johns Road)

#### To the north\*

- 1-11 Elm Road (the extant hotel redevelopment planning permission with reference 18/1592)
- 13-17 Elm Road (Edwardian terraced dwellinghouses on the north side of Elm Road)

\*The existing Edwardian terraced dwellinghouses at 1-11 Elm Road have long been repurposed as the Euro Hotel Wembley. The proposed redevelopment of this site has been tested, rather than the existing form of these building. However, given that the existing buildings do not have a sensitive use (i.e. they are not residential), the lack of testing of the existing form of the buildings is accepted.

63. The results of the daylight testing of these properties, as reported in the appendices of the submitted daylight and sunlight report, is set out below.

### Impacts to the east

64. For 492-498 High Road, 83 windows and 76 rooms were identified as being potentially affected and were tested for daylight impact.
65. Of the 83 windows tested, 47 (57%) would meet the BRE guidelines for the Vertical Sky Component, i.e. retaining a Vertical Sky Component (VSC) factor of at least 27% or seeing a reduction from the existing scenario Vertical Sky Component of no more than 20%. The VSC test applies to individual windows and considers the amount of the view from that window that would constitute unobstructed sky. Some of the impact to these windows is attributable to the presence of overhanging balconies adjacent to the affected window, so an alternative test has been undertaken in the context of these balconies being removed from the model. This allows the isolated impact of the proposal to be understood. In the 'no balconies' scenario, an additional 15 windows meet the VSC testing, for a total of 62 windows (75%) passing the VSC testing. In the 'no balconies' scenario, the 15 windows that do not meet the VSC criteria would only experience minor adverse impacts, with just one window experiencing more than a 30% reduction in the former value and all others in the 21-30% range. In this context, as well as for other tests set out in the guidance, the BRE considers that a reduction in a former value of less than 30% constitutes a minor adverse impact, a reduction in a former value of less than 40% constitutes a moderate adverse impact and a reduction in a former value of more than 40% constitutes a major adverse impact.
66. The No Sky Line (NSL) test relates to rooms rather than windows and assesses the proportion of a room from which sky would be visible. The pass mark is for the sky to be visible from at least 50% of the room, or for the reduction in the proportion of the room from which the sky would be visible to be no greater than 20%. In this case, all but 2 of the 76 rooms assessed would pass the NSL test, meaning nearly all of the rooms would experience less than a 20% reduction in daylight distribution, which is unlikely to be noticeable to occupants. The other two rooms would experience noticeable reductions, by 27% and 42% respectively. However, in the 'no balconies' scenario, both of these rooms pass NSL testing, which indicates that the proposed development in isolation is not a factor that results in these two rooms falling below the pass criteria for NSL.
67. With regard to sunlight impact, 63 windows were tested in line with the Annual and Winter Probable Sunlight Hours criteria (APSH/WPSH). This test identifies the percentage of the total sunlight hours that could be expected to reach particular windows (that are within 90 degrees of due south) in both year round and winter scenarios and compares the existing and proposed scenarios on that basis. The pass mark is for at least 25% of the probable sunlight hours and at least 5% of the probable winter sunlight hours to reach windows in the proposed scenario, or, for the change in the proposed scenario to be not more than 20% reduced from the existing scenario. 9 of the 63 windows tested fall below sunlight criteria, but in the 'no balconies' scenario, all of the windows would pass the sunlight testing. As above, this indicates that the proposed development in isolation is not a factor that results in these windows falling below the pass criteria for NSL.

### Impacts to the south

68. For 502 High Road, 6 windows to the rear were identified for daylight testing. However 3 of the windows relate to the retail units below, with just the upper 3 windows relating to residential uses. Of the 3 residential windows, 1 meets the BRE guidance for VSC whilst the other two fall marginally short of the guidance seeing a reduction from their former value of 25-26%, slightly beyond the 20% that the BRE would consider likely to be unnoticeable. These windows would retain an overall VSC of above 20% which is considered to be a good performance in an urban area. Owing to a lack of floor plan availability, NSL testing was not carried out for this property. Given the northward orientation of the affected windows, no sunlight testing needed to be undertaken. This is one of the two properties which would fail to meet the 30 degree line testing in the context of the new development and it is welcomed that the daylighting impact testing confirms that just a minor adverse impact would be experienced to two of the windows of the property.
69. For 504 High Road, 10 windows and 5 rooms to the rear were identified for daylight testing. Just 5 of the windows and 3 of the rooms relate to residential units on the upper levels. Of the 5 residential windows, 3 meet the VSC guidance and 2 fall short. Of the two windows that fall short, the one to the lower floor of the flat would experience a VSC loss of 32% (moderate adverse), whilst the upper floor window would experience a VSC loss of 23% (minor adverse), only moderately in excess of the 20% that the BRE consider is likely to be unnoticeable. All the affected windows would continue to retain an overall VSC of

more than 20%, which is considered a good performance in an urban area. In relation to the NSL testing to the 3 residential rooms, all of the rooms would continue to experience good daylight distribution, in excess of the BRE guidance. Two of the windows to 504 are westward facing and warrant sunlight testing. These two windows meet the BRE guidance in respect of annual and winter sunlight hours. This is one of the two properties which would fail to meet the 30 degree line testing in the context of the new development and it is welcomed that the daylighting impact testing confirms that just a minor to moderate adverse VSC impact would be experienced to two of the windows of the property.

70. For 506 High Road, 29 windows were identified for daylight testing. Whilst the majority of windows would pass VSC testing, and, to 8 windows, an improvement in VSC would be experienced compared to the existing situation, this building is non-residential and would not warrant close scrutiny for impact as would be the case for residential buildings. Owing to a lack of floor plan availability, NSL testing was not carried out for this property. Given the northward orientation of the affected windows, no sunlight testing needed to be undertaken.
71. Across from 502-506 High Road, on the other side of the road, a significant length of frontage (435-457 High Road) whose street elevations face towards the development have been tested for daylight. Typical of the high street location, the buildings contain a mixture of retail and residential uses. For VSC, 132 windows were assessed and all but 2 of these windows would meet the BRE criteria for VSC, with the two windows falling short of the guidance serving a retail space which is a non-sensitive use. Owing to the availability of floors plans, NSL testing has been carried out for 447, 451, 453, 455 and 457 High Road only. Across these properties, 61 rooms were tested and all rooms meet the BRE criteria for NSL impact. 9 of the windows to these properties were relevant for sunlight testing, and all windows meet the BRE guidance in respect of annual and winter sunlight hours.

#### Impacts to the west

72. For 508 High Road, 37 windows were tested for VSC. 9 of the 37 windows would not comply with the BRE guidance for impact that is unlikely to be noticeable, but all windows affected serve non-sensitive, commercial uses associated with the retail units at ground floor. Owing to a lack of floor plan availability, NSL testing was not carried out for this property. 11 of the windows were relevant for sunlight testing, and all windows meet the BRE guidance in respect of annual and winter sunlight hours.
73. For 11-31 St Johns Road, 38 windows were tested for VSC and 14 (37%) would meet the BRE criteria for VSC impact whilst the other 24 (63%) would not. However, 8 of the windows to which the VSC impact is likely to be noticeable are rooms to commercial premises and another 3 are secondary windows to habitable rooms or non-habitable rooms of dwellings. As a result, only 13 of the 38 windows (34%) would likely be impacted to a noticeable extent, where that impact is to a primary habitable room window of a dwelling. In terms of the magnitude of impact, for the properties directly facing the development (11, 13 and 15), the worst reduction to a room is 60% of the former VSC, whilst for properties that are indirectly across from the development, reductions do not exceed a reduction of 35% of the former VSC. Owing to the availability of floors plans, NSL testing has been carried out for 11, 15 and 27 St John's Road only. Across these properties, 9 rooms were tested and 4 of the rooms (44%) meet the BRE criteria for NSL impact; however, of the 5 rooms that do not meet BRE for NSL, one is to a commercial premises (non-sensitive) and another is a non-habitable room of a dwelling. As such, only 3 rooms falls short of the NSL criteria in the context of primary habitable rooms to a dwelling. The magnitude of impact to these windows is a 24% reduction in former NSL (minor adverse), a 52% reduction in former NSL (major adverse) and a 67% reduction (major adverse) in NSL. Aside from 31 St Johns Road (which has a south facing side elevation), the affected windows to these properties are not oriented within 90 degrees due south and are not relevant for sunlight impact testing. 4 windows were tested for sunlight impact at to the side elevation of St Johns Road. 2 of these windows would fall short of the sunlight criteria within the BRE guidance, however these windows form the side panes of bay windows and are not primary habitable room windows. As such, no adverse sunlight impacts would be experienced to primary habitable room windows.
74. For the non-domestic St Johns Road garage building, 2 windows were tested for VSC and both pass the criteria for impact that is unlikely to be noticeable. NSL testing was not undertaken owing to a lack of availability of floorplans. The windows to the garage are not relevant for sunlight testing.
75. Whilst there are some instances of noticeable impact to these properties, it is noted that all of the affected residential properties would only experience impact to their street-fronting windows and rooms

and would continue to benefit from unaffected outlook to the rear, which includes the first floor flats above the retail units at ground floor. Furthermore, these properties are all within the BSWSA10: Elm Road site allocation and an aspiration for redevelopment of this area is set out within policy. Whilst the impact to these properties as existing is a material planning consideration, the designation sets an expectation of intensification for this area, and as such, with the degree of compliance with BRE guidance typically being much lower where built densities are higher. The impacts to these properties must be weighed against the regeneration benefits of the scheme, and a flexible approach should be applied in judging the impact as prescribed in the NPPF. This judgement is discussed below at paragraphs 84 - 87.

#### Impacts to the north

76. For 1-11 Elm Road, an extant planning permission (ref: 18/1592) for the re-development of the existing hotel building (into a new purpose built hotel) has been assessed for impact, as discussed above. 74 windows have been tested for VSC, and 40 (54%) of the 74 windows meet the VSC criteria. The 34 windows which fall short of the VSC criteria all experience minor adverse impact, with reductions in VSC that are no greater than 29% of the former value, which is only beyond the 20% guideline for noticeable impact to a minor extent. 70 rooms were tested for NSL impact, with just 2 of these rooms falling short of guidelines for noticeable impact. The magnitude of impact to these two rooms is only moderate, with reductions to the rooms being no greater than 33% of the former NSL value. In terms of sunlight, all 74 windows meet the BRE guidelines for sunlight impact that is unlikely to be noticeable.
77. For 13-17 Elm Road, 30 windows were tested for VSC and 13 (43%) would meet the BRE criteria for VSC impact whilst the other 17 (57%) would not. However, 4 of the windows to which the VSC impact is likely to be noticeable are secondary windows to habitable rooms and another 2 are to non-habitable rooms. As a result, only 11 of the 30 windows (37%) would likely be impacted to a noticeable extent, where that impact is to a primary habitable room window of a dwelling. However, all of the impact would be minor adverse, with there being no reductions in VSC beyond 29% of the former value. NSL testing was not undertaken owing to a lack of availability of floorplans. With regard to the sunlight impact, 26 of the 30 windows (87%) would meet the BRE criteria for sunlighting impact, whilst the other 4 (13%) would not. However, 3 of the windows for which the impact falls short of the guidance serve hallways / non-habitable rooms of the houses, resulting in just 1 window (the upstairs window above the front entrance to no 15) where this impact would be experienced to a habitable room. This room would see a major adverse impact to its probable winter sunlight hours but would retain BRE compliant sunlight exposure annually. The property would otherwise experience BRE compliant impact, and would continue to benefit from entirely unaffected rear outlook.
78. Whilst there are some instances of noticeable impact to these properties, it is noted that all of the affected residential properties are either hotel rooms (less sensitive uses) or are dwellinghouses that would only experience impact to their street-fronting windows and rooms and would continue to benefit from unaffected outlook to the rear. Furthermore, as with the properties to the west, these properties are all within the BSWSA10: Elm Road site allocation and an aspiration for redevelopment of this area is set out within policy. Whilst the impact to these properties as existing is a material planning consideration, the designation sets an expectation of intensification for this area, and as such, with the degree of compliance with BRE guidance typically being much lower where built densities are higher. The impacts to these properties must be weighed against the regeneration benefits of the scheme, and a flexible approach should be applied in judging the impact as prescribed in the NPPF. This judgement is discussed below at paragraphs 84 - 87.

#### Overshadowing to outdoor amenity spaces

79. The applicants have considered the impact to nearby outdoor amenity spaces. The relevant amenity spaces which are closest and which would warrant overshadowing testing is the rear garden of 31 St Johns Road to the west and the communal gardens serving 492-498 High Road to the east.
80. The BRE overshadowing assessment is passed where at least 50% of the garden area would retain exposure to at least 2 hours of direct sunlight on 21st March.
81. In relation to 31 St Johns Road's garden, 43.74sqm (87.18%) of the garden experiences at least 2 hours of sunlight on the 21<sup>st</sup> March at present. In the proposed scenario, 43.41sqm (86.53%) of the garden would experience at least 2 hours of sunlight on the 21<sup>st</sup> March. The reduction is negligible and remains



in excess of the BRE criteria for suitable levels of impact.

82. In relation to the communal amenity spaces at the rear of 492-498 High Road, 400.24sqm (63.29%) of the total amenity space experiences at least 2 hours of sunlight on the 21<sup>st</sup> March at present. In the proposed scenario, 373.9sqm (59.13%) of the total amenity space would experience at least 2 hours of sunlight on the 21<sup>st</sup> March. The reduction (~26sqm or 4% of the amenity space) is minor and the amenity space would continue to meet the BRE criteria for suitable levels of impact.
83. A third party commenter on the application considers that the full extent of the communal amenity space to 492-498 High Road has not been tested, asserting that the roofed area immediately to the north of 500 and 502 High Road constitutes amenity spaces. Officers do not agree with this, as it clear that areas that were originally approved for this development as amenity space have not been implemented for this purpose. It is therefore considered that the areas tested (those to the rear of 492-498 High Road) constitute the appropriate areas for testing.

### Summary

84. When considering impacts to habitable rooms of residential units (sensitive uses), and accounting for limiting factors of overhanging balconies to affected properties, the majority of potentially affected properties would comply with BRE guidance for impact. The only nearby properties for which impacts would not comply with BRE guidance are: to 21 windows to 492-498 High Road, to 2 windows to 502 High Road, to 2 windows to 504 High Road, to 13 windows and 3 rooms to properties along St Johns Road and to 11 windows and 1 room to properties along Elm Road. However, with the exception of 1 window to 504 High Road, 8 windows and 2 rooms to St Johns Road properties, and 1 room at 15 Elm Road, all of these impacts would be minor adverse (less than 30% reductions from the existing scenario). In addition, in most cases, the impact would be to the front aspect of a home which benefits from an unaffected rear aspect. Furthermore, all but two (502 and 504 High Road) of the surrounding properties would comply with the standards for acceptable enclosure, and all properties would comply with the standards for privacy, as set out within Brent's SPD1.
85. These impacts must be weighed against the regeneration benefits of the scheme, which includes a significant provision of Social Rent homes and family homes, as well as an improved pedestrian public realm and a new retail unit with active frontage. Paragraph 125 of the National Planning Policy Framework (NPPF), states that that *"when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)"*.
86. The growth area designation, which envisions significant housing growth within the locality of the site is given significant weight. The expectation for significant development within this housing zone and growth area, as well as the adjacent site allocation, would naturally reduce the expectations for full compliance with the daylight and sunlight guidance for development in this location.
87. On balance, officers consider that the (generally minor) impacts to neighbouring sites are acceptable when seen in the context of the scheme's wider benefits. Officers would note that the BRE guidelines on which the daylight and sunlight analysis is based are designed to identify good levels of daylight and sunlight in low density locations and that the guidelines acknowledge a need to interpret compliance flexibly in denser town centre locations.

### Quality of residential accommodation

88. Policy D6 of London Plan together with policy DMP1 in Brent's Local Plan require developments to achieve high quality standards of internal amenity and quality of accommodation.

### Layout and Internal Design Quality

89. The proposed building would have a single core accessed from the Elm Road frontage to the north. The core would provide access to 79 homes (14 x 1B2P, 25 x 2B3P, 20 x 2B4P, 15 x 3B5P, 5 x 3B5P), located between the first and seventeenth floors. All of the homes meet minimum internal space standards.
90. At upper floors, there are 6-7 homes per floor served by the single central core which reduces to 4 per

floor from level 5 upwards. The Mayor's Housing SPG generally advises against the provision of homes with more than 8 flats per floor per core as this can be less beneficial in achieving community cohesion, the scheme does not breach this guidance, with a maximum of 7 flats per floor per core proposed.

91. 74 of the 79 homes (94%) would have dual aspect outlook, with the 5 single aspect homes comprising 3 x 1 bed homes and 2 x 2 bed homes at the 1<sup>st</sup> to 4<sup>th</sup> floors. Between the 2<sup>nd</sup> and 4<sup>th</sup> floors, a section of deck accessed communal corridor enables a through aspect to 6 of the 1 bed flats. All of the family homes in the development would have dual aspect outlook. The proportion of dual aspect homes is very high and is strongly welcomed.
92. The first 5 floors (which incorporates all of the accommodation in the lower shoulders of the building) would accommodate the 31 Social Rent homes, 15 of which would be family homes, 14 of which would be 1 bed homes and 2 of which would be 2 bed homes. Floors 6 to 17 would accommodate the 48 Shared Ownership homes, 5 of which would be family homes and 43 of which would be 2 bed homes.
93. Residents would have access to the bin and bicycle stores from the ground floor, both internally from the core and from a separate secondary access adjacent to the main entrance, principally intended for bicycle users to wheel their bicycles out the internal bicycle storeys without interfering with general circulation.
94. All residents would have access to two rooftop gardens, one that is set across the first and second floor levels, but which is accessible at first floor level (with a young child play focus) and one accessible at fifth floor level (with an older child play focus). The two gardens would be well overlooked by the residential windows extending above.
95. As discussed in previous sections, the ground floor plane is considered to be highly positive and the communal entrance is clearly defined and expressed within the wider streetscape, giving future residents a strong sense of arrival and belonging.

#### Accessibility

96. 10% of the homes which equates to 8 dwellings out of 79 would be adaptable for wheelchair users and are accordingly sized so as to ensure suitable circulation space within each room for this purpose (M4(3) standard within the Building Regulations). Policy D7 of the London Plan requires 10% of new homes to meet the M4(3) fit out and the remainder to meet the M4(2) fit out. This has been achieved in this instance with 8 of the homes in the Social Rent tenure being designed for this standard. Standard M4(3) wheelchair user dwellings distinguishes between 'wheelchair accessible' (a home readily usable by a wheelchair user at the point of completion) and 'wheelchair adaptable' (a home that can be easily adapted to meet the needs of a wheelchair user). Planning Practice Guidance 31 states that Local Plan policies for wheelchair accessible homes should only be applied to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling, otherwise M4(3) dwellings should be wheelchair adaptable.
97. The applicants' plans demonstrate how the proposed development would meet the above requirements, so that the accessible homes are wheelchair accessible at the outset. The plans show how wheelchair users have been incorporated into the scheme, with indicative layouts for each flat shown
98. Step-free access would be provided to all parts of the development including the first floor and fifth floor communal amenity spaces. This would not include the smallest amenity space at the second floor, which is accessible from a stepped access in the first floor amenity space. This is not ideal, but the constraints of the site are understood and it is welcomed that the majority of the communal amenity spaces would be step free accessible.
99. The specification of the homes as 8x M4(3) and 71x M4(2) is to be secured by condition. The condition will specify that the M4(3) flats are to be 'wheelchair accessible' from the outset.

#### Privacy

100. The proposal is designed as such that there would be no instances of privacy being compromised between different homes within the development. However, there is the potential for privacy to be breached between the communal parts of the development and some of the homes, with these instances being discussed below.
101. Six of the flats (two per floor between the 2<sup>nd</sup> and 4<sup>th</sup> floors) are accessed from a deck which has an

exposed side looking towards the first floor communal amenity space. This arrangement enables a secondary aspect for these six homes but does result in windows being positioned immediately onto a communal part of the development, without any defensible space. Nonetheless, per floor, the decked areas only provide access to one other flat beyond the two affected flats, which is unlikely to result in a material loss of privacy or use of the deck access by a high number of residents unfamiliar to the occupants of these flats. Furthermore, these flats have been designed so that non-private spaces are adjacent to the deck, with one flat per floor having its entrance hall, and kitchen overlooking the communal deck and the other flat per floor having its entrance hall and an obscure glazed bathroom window fronting onto the deck. The main living and bedrooms spaces of the flats are away from the communal deck and utilise the flat's other aspect.

102. The shared amenity space podiums would be overlooked by residential homes that face onto the podium at the same level and at levels above the podium. The private amenity spaces serving homes at podium level are located at the edges of the podiums. The gardens are designed with inaccessible, defensible edges to establish a suitable privacy relationship between the podiums and the adjacent residential units windows and amenity spaces, which addresses potential privacy concerns in this context.

### Outlook

103. All flats will benefit from excellent outlook, with all dual aspect flats having outlook in two directions, either both to the public realm along Elm Road and/or St Johns Road or one to the public realm and one to the communal garden spaces. All of the single aspect flats will have suitable west facing outlook to the St Johns Road frontage (ensuring exposure to afternoon/evening sunlight) and none of the flats would have sole north or south facing outlook, which, particularly in the case of the former, is resisted in the Mayor's Housing SPG as it can lead to poor levels of sunlight exposure.

104. The 2b4p flat to the sixth floor would have outlook to the east and the south. Whilst this flat's southern outlook would be unobstructed, the outlook to the east would be across the 6 storey shoulder of the building to the neighbouring site beyond it. The windows to that east elevation would look towards the neighbouring site's boundary at a distance of 5.5m to 6.5m. Whilst the outlook beyond the boundary is unobstructed and therefore of high quality, the part of the outlook that is more than 5.5m to 6.5m from the windows would be across a neighbouring site, which could be re-developed in the future. As such, only a 5.5m to 6.5m distance of unobstructed outlook to these windows can be guaranteed in the long-term future. A shorter distance of separation applies to a secondary bedroom window at the lower floors. To address this concern, the applicants have altered the scheme so that there is only one habitable room with sole eastern aspect to these flats, and, for the one bedroom per flat that remains with sole outlook to the east, a revised building footprint has been proposed at the upper levels to enable a south primary aspect to these bedrooms and an obscure glazed secondary aspect to the east. The primary aspect to the south for the affected bedroom per floor would be into a void space, which would enable a slightly obscured but reasonable outlook to the bedroom. This has fully addressed the concern relating to the reliance on the neighbouring site for outlook, whilst retaining a good quality design. Other flats also benefit from outlook to the east across 492-498 High Road (at a similarly close distance), however, all the affected rooms to these flats benefit from a primary source of outlook in a different direction (as has now been achieved for the 2b4p flat with eastern and southern outlook) and therefore obscure glazing of the windows looking towards 492-498 High Road could be achieved without compromising the quality of accommodation. This will also be applied through condition. As discussed above, in the 'Privacy' section, obscure glazing will also be applied to south facing windows to the southernmost flat across the 2nd, 3rd and 4th floors to protect privacy, however this will also have the effect of protecting development potential of the neighbouring sites fronting High Road. The southern edge of the balconies serving these flats would also be screened for the same reason, and details of this screening would be secured by condition.

### Internal Daylight and Sunlight

105. An internal daylight and sunlight report has been submitted with the application, testing the levels of daylight reaching habitable rooms of the development using the Average Daylight Factor (ADF) criteria and the No Sky Line (NSL) criteria. The ADF gives a more detailed assessment of the daylight within a room than the Vertical Sky Component (VSC) test and takes into account a higher number of factors in establishing a quantitative output. ADF testing is achievable because a lot of information about the rooms being tested is known. This method of assessment takes into account the total glazed area to the room, the transmittance quality of the glazing proposed, the total area of the room surfaces including ceilings and floors, and the internal average reflectance for the room being assessed. The method also takes

into account the VSC and the quantum of reflected light off external surfaces. Different benchmarks can be applied based on how much light a room needs, with a 2% benchmark ADF score applied to kitchens, a 1.5% benchmark ADF score applied to living rooms and a 1% benchmark ADF score applied to bedrooms.

106. The No Sky Line (NSL) test can be used in tandem with ADF to confirm the proportion of a room from which sky would be visible and to ensure that a good ADF result is not just concentrated in a small part of the room. A visible sky from more than 50% (NSL of 50%+) of the room can be considered a good result in this context.
107. In relation to sunlight, the probable sunlight hours (APSH/WPSH) testing is applied and sets out that that a room would be reasonably sunlit when at least one main window faces within 90 degrees of due south, and the centre of at least one window to a main living room can receive 25% of annual probable sunlight hours, including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March.
108. The report concludes that 235 out of 250 (94%) rooms assessed would meet or exceed their ADF benchmark score for daylight. It is also noted that the 15 rooms falling short of the ADF benchmark have balconies above them, and that, in the absence of the balconies, 100% of the rooms would meet or exceed their ADF benchmark score for daylight. Given that the balconies provide amenity benefits to residents, they are to be retained, but the high level of compliance for daylight in spite of this is acknowledged as positive. In terms of the distribution of light received by rooms, the applicant's skyline contour plans indicate that just one room would see daylight distribution (NSL) to less than 50% of its area, this being the bedroom serving a 1b2p flat on the first floor of the development.
109. In terms of sunlighting, 67 of the 79 (85%) of the flats have a living room which faces within 90 degrees of due south and 39 of those flats (49% of the overall flats / 58% of the flats with windows facing within 90 degrees of due south) have a living room window which meets the sunlighting target within the BRE. The proposed development has a good site layout design which has maximised sunlight availability as far as practically possible given the constraints.
110. Overshadowing assessments to the first floor, second floor and fifth floor communal gardens have also been undertaken and the results show that all rooftop gardens exceed the BRE recommendation of at least 50% of the garden receiving 2 hours of sunlight on 21<sup>st</sup> March. The proportion of the amenity spaces achieving the 2 hours of sunlight is lowest at the first floor garden (64%) but substantially higher for the second floor and fifth floor gardens.
111. Overall, the proposed development is considered to perform well against the recommended guidance. Considering the town centre setting and urban context of the scheme, the internal daylight and sunlight levels are acceptable.

#### Amenity Space

112. Policy BH13 states the following:

*"All new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 50sqm per home for family housing (3 bedrooms or more) situated at ground level and 20sqm for all other housing."*

113. The policy requirement in relation to external private amenity space is for it to be "sufficiency of size". Whilst there is a normal "expectation" for 20qm per home and 50sqm for family housing situated at ground level, that is not an absolute policy requirement in all cases. This is reinforced by the supporting text to the policy (para. 6.2.98) which provides that:

*"New development should provide private amenity space to all dwellings, accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight. 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"*.

114. In meeting the above requirements, it is expected that at least a part of each flat's required amenity space will be private space and as such, all units should be provided with a London Plan compliant balcony/terrace. Within dense developments in a town centre setting there is an expectation that a shortfall in amenity space provision can acceptably be made up through communal garden space as

much as is possible, which would be a secondary form of amenity space beyond the flats' balconies.

115. Each flat would be provided with a generous private balcony space of between 5.2sqm and 11.5sqm, with larger balconies generally being provided to larger flats. Most of the balconies would be situated at corners of the building, benefitting from dual aspect outlook. Some of the family units would benefit from two balconies, affording these flats between 14sqm and 16.7sqm of combined private amenity space. One of the flats on the sixth floor would benefit from a large 50sqm terrace atop the six storey shoulder of the building fronting Elm Road. All of the private amenity spaces are London Plan compliant, exceeding the minimum space standards for their occupancy and all being at least 1.5m deep to ensure a high level of usability.

116. In addition to the private amenity space provision, the building's residents would benefit from access to communal amenity spaces across the first (177sqm), second (43sqm) and fifth (212sqm) floors of the development. The communal amenity spaces together provide 432sqm of amenity space. All residents, regardless of tenure, would have access to all of the amenity spaces.

117. The proposal would also deliver new landscaping amenity improvements to the public realm at ground floor. Whilst not constituting private or communal amenity space to residents alone, these improvements are a benefit of the scheme.

118. Overall, the amenity space provision, and associated shortfalls below BH13 is set out in the tables below (all in sqm):

<b>First floor</b>	<b>Policy Requirement</b>	<b>Private Balcony</b>	<b>Shortfall</b>
Main shoulder – NW corner unit	20	9	11
Main shoulder – NE corner unit	20	15.6	4.4
Main shoulder – SW corner unit	20	7.8	12.2
Main shoulder – SE corner unit	20	8	12
Secondary shoulder – North unit	20	7.1	12.9
Secondary shoulder – South unit	20	14	6
<b>Total units (x6)</b>	<b>120</b>	<b>61.5</b>	<b>58.5</b>

<b>Second floor</b>	<b>Policy Requirement</b>	<b>Private Balcony</b>	<b>Shortfall</b>
Main shoulder – NW corner unit	20	9.1	10.9
Main shoulder – NE corner unit	20	15.7	4.3
Main shoulder – SW corner unit	20	9	11
Main shoulder – SE corner unit	20	7.8	12.2
Secondary shoulder – North unit	20	6	14
Secondary shoulder – Central unit	20	5.2	14.8
Secondary shoulder – South unit	20	7.4	12.6
<b>Total units (x7)</b>	<b>140</b>	<b>60.2</b>	<b>79.8</b>

<b>Third to fourth floor</b>	<b>Policy Requirement</b>	<b>Private Balcony</b>	<b>Shortfall</b>
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Main shoulder – NW corner unit (x2)	20	9.1	10.9
Main shoulder – NE corner unit (x2)	20	16.2	3.8
Main shoulder – SW corner unit (x2)	20	9	11
Main shoulder – SE corner unit (x2)	20	7.8	12.2
Secondary shoulder – North unit (x2)	20	5.9	14.1
Secondary shoulder – Central unit (x2)	20	5.2	14.8
Secondary shoulder – South unit (x2)	20	7	13
Total units (x14)	280	120.4	159.6

<b>Fifth floor</b>	<b>Policy Requirement</b>	<b>Private Balcony</b>	<b>Shortfall</b>
Main shoulder – NW corner unit	20	9.1	10.9
Main shoulder – NE corner unit	20	15.8	4.2
Main shoulder – SW corner unit	20	9.1	10.9
Main shoulder – SE corner unit	20	7.6	12.4
Total units (x4)	80	41.6	38.4

<b>Sixth floor</b>	<b>Policy Requirement</b>	<b>Private Balcony</b>	<b>Shortfall</b>
Main shoulder – NW corner unit	20	9.1	10.9
Main shoulder – NE corner unit	20	9.1	10.9
Main shoulder – SW corner unit	20	9.1	10.9
Main shoulder – SE corner unit	20	60.1	0
Total units (x4)	80	87.4	32.7

<b>Seventh to Seventeenth floors</b>	<b>Policy Requirement</b>	<b>Private Balcony</b>	<b>Shortfall</b>
Main shoulder – NW corner unit (x11)	20	9.1	10.9
Main shoulder – NE corner unit (x11)	20	9.1	10.9
Main shoulder – SW corner unit (x11)	20	9.1	10.9
Main shoulder – SE corner unit (x11)	20	6.9	13.1
Total units (x44)	880	376.2	503.8

<b>All floors</b>	<b>Policy Requirement</b>	<b>Private Balcony</b>	<b>Shortfall</b>	<b>Communal Spaces</b>	<b>Cumulative Shortfall</b>	<b>% of req</b>
Total units (x79)	1580	747.3	872.8	432	440.8	72%

119. The summary position is that:
120. 45% of the required amenity space provision is achieved through the provision of private balconies
121. 72% of the required amenity space provision is achieved through the provision of private balconies and communal gardens
122. It is welcomed that amenity space provision has been reasonably maximised across the development, utilising most of the rooftop space where possible and incorporating public realm amenity improvements. The site is a relatively short distance from King Edwards Park (approximately 430 m) which provides a large, good quality area of public open space. On balance, the proposed amenity space provision is acceptable despite its shortfall against policy.

#### Playspace provision

123. London Plan Policy S4 requires development proposals to make provisions for play and informal recreation based on the expected child population generated by the scheme. Further detail is provided in the Mayor's 'Shaping Neighbourhoods: Play and Information Recreation' Supplementary Planning Guidance (SPG), which sets a benchmark of 10sqm of usable child place space to be provided per child and makes clear that playspace must not be segregated by tenure.
124. The child yield of the development is projected as:
- 19.5 children aged 0-4 (195sqm of playspace needed)
  - 15.6 children aged 5-11 (156sqm of playspace needed)
125. 12.4 children aged 12+ (124sqm of playspace needed)
126. The applicants have set out a play space strategy which provides on-site play spaces aimed at children aged 0-4 and 5-11.
127. The applicants have incorporated a ~60sqm play space for children aged 0-4 on the first floor communal amenity space. The landscaping plan demonstrates that a climbing wall, balancing posts and beams, springer play equipment, spinning play equipment as well as a tunnel slide (accessed from the stairs between the first floor and second floor amenity space) would be provided to serve this space. The space would be provided atop a soft play surface and mounded artificial grass.
128. The applicants have also incorporated a ~40sqm play space, comprising all of the 2<sup>nd</sup> floor amenity space, as under 12s play. This area would be less equipment heavy than the younger children's play space and would have more of an incidental play focus atop a paved surface. A final play space, also for children under 12, is proposed in a 30sqm grassed area atop the 5<sup>th</sup> floor amenity space, incorporating a balancing beam and stepping stones.
129. The play spaces are clearly of high quality design and have good variety, although the total quantitative provision (~60sqm for 0-4 and ~70sqm for 5-11) is acknowledged as falling short of the targets set out in S4, particularly in respect of children aged 12+, for whom there would be no on-site provision. However, in offsetting this, it is noted that the proposal is in close proximity to King Edward VII park, the entrance of which is 400m to the north of the development site, further up St Johns Road. Barham Park, whilst not as accessible, is also within a 900m walk to the west of the development site along High Road / Harrow Road.
130. In acknowledgement of the shortfall in play space provision for older children and the proximity of King Edward VII park, officers have secured a contribution from the developer (amounting to £20,000) to fund the supply, installation and maintenance of up to five items of play equipment for older children upslope of King Edward VII park's existing younger children's play area. This would be secured through the Section 106 agreement and would enable the delivery of an alternative play offer for older children of both the development and the wider community.
131. Further details of the play spaces and their individual features will be secured through a landscaping condition.
132. The play space provision is high quality and demonstrates good variety, although falls below policy requirements in terms of overall quantity and in respect of providing older children's play spaces. It is

welcomed that the applicant has focussed provision of younger children's play spaces on site, has spread the spaces across different parts of the site and that the applicant has reasonably maximised play space whilst still reserving some areas of the communal gardens for general recreational amenity. In offsetting the play space shortfall, officers welcome the applicant's £20,000 contribution towards the provision of older children's play equipment in King Edward VII park. On the above basis, officers consider that the play space provision of the scheme is acceptable.

### Landscaping provision and Urban Greening

133. The applicant proposes a comprehensive landscaping strategy, seeking to implement improved landscaping and sustainable urban drainage (SuDS) planting along both the Elm Road and St Johns Road frontages, at the roadside edges of the footways.
134. Both the Elm Road and St Johns Road frontages are already well planted in terms of street trees. The applicant seeks to remove one low amenity value (category C) cherry tree along St Johns Road to enable realignment of the kerb as part of the highways works, but this tree is already damaged by vehicle collisions and the loss of the tree will be offset by the planting of two new trees of a similar size further along St Johns Road, adjacent to another cherry tree (which is to be retained). All other trees close to the site are to be retained and protected from damage during construction, this includes a high quality mature alder tree at the junction of Elm Road and St Johns Road.
135. Other proposals in the form of hard landscaping improvements to deliver an improved road junction and raised table also form part of the landscaping plan and are discussed elsewhere in this report.
136. As a result of the soft landscaping proposals, the applicant's urban greening factor (UGF) compared to the existing is 0.42, which is compliant with London Plan policy G5, which seeks a UGF of at least 0.4 for predominantly residential developments. The Urban Greening factor has been achieved through the greening of the site through both roof terraces and ground floor public realm and the incorporation of flower-rich perennial planting and climber planting.

### Transport and highways

#### Site Context

137. The site is bounded by St Johns Road and Elm Road. St Johns Road is a local one-way (southbound) access road. It has an approx. 5m wide footway from the building to the carriageway, apart from an inset bay for motorcycle parking. There is a single yellow line on the eastern side of the carriageway, with permit / pay and display bays on the western side. Elm Road is a local access road with a parallel one-way (westbound) service road on its southern side, providing access to buildings and a Council pay and display car park with 8 spaces. Neither St Johns Road nor Elm Road are heavily parked at night. The roads are in Controlled Parking Zone 'C', which applies permit only restrictions between 8:00am and 6:30pm, Monday to Saturday.

#### Car Parking

138. As the site lies within a high PTAL area (6a), the car parking standards, as set out within the London Plan, are for the development to be 'car free' (excluding disabled parking requirements). The existing office, having a floor area of about 1,357m<sup>2</sup>, is allowed three car parking spaces and with no off-street parking being available, maximum standards are complied with. No off-street car parking is again proposed, so maximum allowances are complied with.
139. Policy BT2 requires consideration to be given to the impact of overspill parking on-street. In this regard, as the site is in a CPZ, Transport would require all residents to be prevented from obtaining parking permits. This will be secured through a permit restriction in the Section 106 Agreement.
140. Under London Plan standards, the proposals require up to seven disabled parking spaces, with a minimum of 2.4 spaces being in place from the start. In order to meet this requirement, it is proposed to convert some of the existing spaces within the parking area along Elm Road to provide two disabled parking spaces. However, it should be noted that no disabled spaces will be provided until a request is received from a future resident for a dedicated space. In the meantime, any Blue Badge holding resident would still be eligible to purchase on-street parking permits, as they would be automatically exempt from the 'car-free' agreement. On that basis, the provision of blue badge car parking spaces will not be secured by condition in this instance, as they are intended to be delivered only according to bespoke



need.

141. Transport for London (TfL) have requested that a Parking Design and Management Plan and Electric Vehicle Charging Points are secured by condition. However, given the nil provision of parking at the outset, and with the blue badge bays being provided on public highway land by the Highway Authority (and only when necessary), it is not considered that these conditions need to or should be applied.

#### Cycle Parking

142. The proposals would require a minimum provision of 151 long-stay and 4 short-stay cycle parking spaces, in accordance with the London Plan requirements. The proposals include 152 cycle parking spaces, with 8 of them being suitable for accessible cycles, which complies with standards in terms of quantum. The cycle parking would be provided in large cycle stores at ground floor and be comprised of Josta two-tier stands.

143. Suitable visitor and short-stay cycle parking for the residential and commercial uses are proposed to be provided in the form of Sheffield Hoops on the public highway along St Johns Road, close to the commercial unit entrance.

144. In respect of the long-stay residential cycle parking, there are concerns about the usability of the cycle parking on the basis of the spacing shown in the plans and a revised arrangement that complies with the London Cycle Design Standards, as required by policy T6, would be sought. This can be secured by condition.

#### Delivery Servicing

145. Servicing standards for the commercial unit are set out in the appendices of the Local Plan. The proposal needs to be serviced by at least a transit-sized vehicle. The applicants have submitted a Delivery & Servicing Plan (DSP) which proposes that the site would be serviced from the existing lay-by along the east side of St Johns Road. The existing lay-by is partly occupied by a designated motorcycle parking area and the transport proposals seek to relocate this motorcycle parking to a location on the west side of St Johns Road, thus freeing up the lay-by to be used exclusively as a servicing space. The lay-by is large enough to accommodate two transit-sized vehicles at one time. This strategy is considered to be acceptable and the proposed location is agreed as optimal given the constraints of the site. The proposal would not be detrimental to highway flow and/or safety.

146. The details of likely delivery and servicing numbers as well as a wider strategy for managing deliveries will be secured through a condition requiring the submission of a revised DSP, to be approved prior to occupation of the development.

147. TfL request that servicing is achieved on-site to align with the aspirations of policy T7, however given the constraints of the site, and the detriment to the scheme that would occur if part of the frontage were delivered as a vehicle portal, Brent would resist this request. It is considered that on-street servicing could occur safely and without disruption and would be the optimal solution for this proposal.

#### Refuse Servicing

148. The proposals would require a minimum refuse storage capacity of 19,080l, split evenly between recyclable waste and residual waste. This would result in over 17 x 1,100l Eurobins being required. Seventeen are proposed to be provided, along with food waste bins.

149. The applicant's transport strategy seeks to utilise the Elm Road Service Road for the residential refuse bins to be collected. This would enable a straightforward collection from the bin stores fronting Elm Road, across an acceptable carrying distance. The refuse vehicle would obstruct parking circulation space in the Service Road, but this would be for a very short period on a once weekly basis, which is considered to be acceptable. Commercial refuse collections (as privately arranged by the applicant) would likely be made from the St Johns Road lay-by, which is adjacent to the commercial bin storage.

#### Trip Generation

150. The Transport Statement also includes trip generation figures, based on surveys in the TRICS database. This predicts that the flats would result in an all-person trip rate of 11 arrivals/50 departures in the AM peak and 40 arrivals/19 departures in the PM peak. Of these, the vehicle trips are predicted at 13

in the morning peak and 15 in the pm peak. These figures do not take into account the 'car-free' nature of the development though, so are considered higher than expected in practice.

151. The TRICS analysis should also be used to assess the requirement for public transport capacity improvements, although it is for TfL to consider whether they require public transport impact to be assessed in more detail or not. In this instance, TfL highlight that the bus network in Wembley requires capacity mitigation due to the significant growth in the area. A bus contribution is to be requested by TfL on that basis, which will be calculated based on the additional demand generated by the development, expressed as a proportion of the overall capacity of a double-decker bus (75 passengers) and the total cost to provide an additional bus over a period of 5 years (£487,500). This amount, once agreed, will be secured through the Section 106 Agreement.

#### Active Travel Zone Assessment and Highway Works

152. The applicant has also submitted an Active Travel Zone Assessment, which has assessed the quality of pedestrian trips to important trip generators within the vicinity of the site. This makes recommendations for improvements, such as footway resurfacing and vehicle reduction.

153. It was recommend during pre-application discussions that improvements to the pedestrian realm outside the site at the junction of St John's Road with Elm Road should be made. The Transport Statement includes proposals for improvements to this junction, as well as other public realm improvements, that are acceptable in principle. In order to obtain service vehicle tracking, it is proposed to remove three standard car parking spaces from St Johns Road. The works proposed are as follows:

- Delivery of raised table at the junction of Elm Road, St Johns Road and Ecclestone Court, extending across the western part of Elm Road service road;
- Provision of tactile paving along pedestrian crossing desire lines to each of the arms of the junction;
- Narrowing of carriageway to Ecclestone Court arm of junction (this is not shown on the submitted plan but would be secured as part of the schedule of works);
- Relocation of motorcycle parking to west side of St Johns Road;
- Provision of on-street blue badge parking bays;
- Removal of parking bays on west side of St Johns Road opposite Elm Road Service Road;
- Provision of Sheffield Hoops;
- Alterations to junction radii;
- Strip of footway adjacent to carriageway on east of St Johns Road to be de-paved and replaced with planter bed incorporating two new street trees;
- Section of footway surrounding Alder Tree at junction of St Johns Road and Elm Road to be de-paved and replaced with planter bed, ensuring a paved footway is retained adjacent to carriageway;
- All associated lining, signing, drainage and Traffic Regulation Orders; and
- Other ancillary or accommodation works or works to alter or adjust statutory undertakers equipment in the land necessary as a result of the items above.

154. The latest proposals for these works under drawing number 3676A-LBA-XX-00-DR-L-200002 P9 are to be secured through a Section 106 obligation. The above schedule of highway works will also be secured

as part of this.

### Travel Plan

155. The applicants have submitted a Travel Plan which provides a suitable suite of incentives to encourage modal shift towards active travel among residents of the development. This includes an offer of 3 years free membership to a local car club for each household. It has been confirmed that the local car club operator has sufficient provision in the local area to support the residents of this development without an additional bay needing to be proposed at this site. This obligation would be secured in the Section 106 Agreement.
156. As part of the proposed package from Zip Car, incentives of £50 + VAT driving credit would be offered to each household to promote the scheme and increase patronage. This incentive would be provided independently by Zip Car and hence would not form part of the Section 106 agreement.
157. Through their Travel Plan, the applicants also propose to offer a personalised journey planning service for residents. This would involve the provision of detailed end-to-end journey advice for specific journeys upon request, providing a greater level of convenience and confidence for less experienced travellers, and for those who may be less confident using web-based journey planning for example.
158. The Travel Plan's modal shift targets cover 1 year, 3 year and 5 year intervals as required, which are appropriately ambitious. The targets are that no resident journeys to/from the site will be undertaken as a car driver or passenger (with the exception of journeys undertaken by blue badge holders) after 1 year of operation through until at least 5 years from operation.
159. The Travel Plan, inclusive of revised targets as above, (and monitoring of it) is to be secured by Section 106 Agreement.

### Construction Logistics

160. Finally, the applicants have submitted a Construction Logistics Plan (CLP), although it is considered that this is limited in detail. The CLP does indicate that the location best suited for construction vehicle parking would be where the motorcycle parking is currently located in the inset bay along St. John's Road. Transport would expect that this facility is temporarily re-provided elsewhere unless and until the highway works to permanently re-locate it are undertaken.
161. In addressing this, a revised CLP is to be secured by condition, to be submitted and approved prior to the commencement of the development.

### Environmental Health Considerations

#### Air quality

162. An air quality assessment (including an air quality neutral assessment) considering the impacts of the proposed redevelopment of the site on air quality has been submitted. The report has considered the impacts that would be incurred during the construction phase, impacts that would be incurred by traffic generated by the development, and impact of heating plant emissions. This has been reviewed by Brent's regulatory services team and the GLA's air quality team. The initial submission was not undertaken utilising dispersion modelling, which would predict the air quality levels at the facades of the proposed building. A revised air quality assessment which incorporates dispersion modelling methodology has now been submitted by the applicant and is currently under review by Brent's regulatory services team. Once the methodology and conclusions of the revised report are agreed, the revised report will be secured by condition.
163. Due to the proposed building emissions and transport emissions being zero, the development has been confirmed as air quality neutral, in line with the requirements of London Plan policy SI1.

#### Construction noise and nuisance

164. The development is within an Air Quality Management Area and located very close to other residential and commercial premises. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours.

165. It should be noted that in relation to these matters, there is also control through Environmental Health Legislation and a planning cannot duplicate any controls that are available under other legislation. However, the council's regulatory services team and the GLA has recommended a condition requiring a Construction Environmental Method Statement to be submitted for approval before works start. This report will need to include management of dust through wheel washing and other mitigation measures.
166. A further standard condition is also attached requiring all non-road mobile machinery to meet low emission standards, as set out within the London Plan policy SI1(d).

#### Contaminated land

167. The applicant has submitted an initial site investigation report and this has been reviewed by the Council's Regulatory Services team. The report concludes that there is no risk of land contamination at the site to be redeveloped and at the surrounding area. These conclusions are agreed by the Council's regulatory services. Officers are satisfied that the proposals are acceptable in respect of land contamination and that no further work or planning conditions are necessary in relation to this matter.

#### Noise

168. The applicant has submitted a Noise and Vibration Impact Assessment that considers the potential emissions of noise and vibration from construction and the noise and vibration levels within residential dwellings once completed as a result of external noise levels and the proposed noise mitigation measures within the dwellings. The report confirms that it is possible to construct a building that will provide acceptable internal ambient conditions, with standard construction methods and readily available materials. The report has offered specific advice for the acoustic design of the external fabric of the building, including glazed elements, ventilation and main structural elements in achieving this.
169. The Council's Regulatory Services have reviewed this assessment and deem it suitable and therefore, provided the mitigation measures are installed, the scheme is acceptable in terms of noise considerations. The report also confirms that plant machinery on the building would not incur unacceptable noise pollution to surrounding properties.
170. The Noise and Vibration Impact Assessment is to be conditioned.

#### **Sustainability and energy**

##### Policy background

171. Planning applications for major development are required to be supported by proposals for sustainable design that accord with various policies in the Brent Local Plan and the London Plan. This is designed to demonstrate, at the design stage, how sustainable design and construction measures would mitigate and adapt to climate change over the lifetime of the development, including limiting water use to 105 litres per day (SI 5) and the use of sustainable drainage (BSU14).
172. Major residential and non-residential developments are expected to achieve zero carbon standards, including a 35% reduction on Building Regulations 2013 Target Emission Rates (TER) achieved on site, in accordance with London Plan Policy SI2. For the residential parts of the development, the policy also requires at least 10 percentage points of the minimum 35 percentage point reduction to be attributable to energy efficiency measures (known as 'be lean' measures) and for the commercial parts of the development, the policy requires at least 15 percentage points of the reduction to be attributable to 'be lean' measures. An Energy Assessment is required, clearly outlining how these standards would be achieved and identifying, where necessary, an appropriate financial contribution to Brent's carbon-offsetting fund to compensate for residual carbon emissions.
173. Major developments incorporating at least 1,000sqm of non-domestic floorspace are expected to be delivered to a BREEAM 'Excellent' standard of sustainable design. However, the size of the non-domestic floorspace is such that this is not a requirement of the development.

##### Carbon emissions

174. The energy assessment submitted sets how the London Plan energy hierarchy has been applied. At the 'be lean' stage of the hierarchy, applicants must achieve carbon emissions savings through passive

energy saving measures. For this proposal, the applicants have used high specification fabric, energy efficient services to minimise energy demand and the use of mechanical ventilation with heat recovery (MVHR).

175. For the 'be clean' stage, the applicants explored the potential to connect to a district heat network (DHN). Whilst relatively close, there is little feasibility to connect to the Wembley Park heat network as a railway separates the site from it. There are a number of smaller communal systems along Wembley High Road however, these are gas Combined Heat Power (CHP) systems and are unlikely to have sufficient capacity to connect. There are currently some high levels discussions on the potential for a heat network in Wembley High Road. On that basis, the development should ensure that it is designed to allow future connection to a heat network. The connection has been allowed for by the applicants and will be secured by condition. Nonetheless, in the absence of a connection to a DHN, the development will not achieve any carbon savings through the 'be clean' stage of the hierarchy.

176. For the 'be green' stage, applicants are required to maximise the use of onsite renewable technologies in further reducing carbon emissions. The applicants propose to utilise the roof of the main central part of the building to accommodate air source heat pumps, which would provide heating and hot water for all of the dwellings. A number of other renewable technologies were considered for inclusion, and photovoltaic panels were considered to be feasible for inclusion, with an array of such panels being proposed across the remainder of the roof. An array of 43 panels, producing 14,620 kWh of energy is proposed to be installed.

177. The assessment demonstrates that the residential scheme would deliver a 65% reduction in carbon emissions below the 2013 Building Regulations baseline, which is broken down into the following site-wide elements below:

	Regulated emissions CO2 p.a	Saving in regulated emissions CO2 p.a	% reduction
Baseline Building Emissions based on Part L 2013	84.3	n/a	n/a
Building Emissions following 'Be Lean' measures	71.2	13.1	15.5%
Building Emissions following 'Be Clean' measures	71.2	0	0%
Building Emissions following 'Be Green' measures	29.1	42.1	49.9%
Total		55.2	65.4%

178. The assessment demonstrates that the commercial scheme would deliver a 40% reduction in carbon emissions below the 2013 Building Regulations baseline, which is broken down into the following site-wide elements below:

	Regulated emissions CO2 p.a	Saving in regulated emissions CO2 p.a	% reduction
Baseline Building Emissions based on Part L 2013	3.0	n/a	n/a
Building Emissions following 'Be Lean' measures	2.2	0.8	26.7%
Building Emissions following 'Be Clean' measures	2.2	0	0%
Building Emissions following 'Be Green' measures	1.8	0.4	13.3%

Total		1.2	40%

179. The scheme would have a residual emissions amount of 56.4 tonnes of CO2 per year and would significantly exceed the baseline requirements in SI2 for both residential and commercial carbon savings, including exceeding the minimum reductions within 'be lean'. A carbon offsetting payment of £95 per year for 30 years for each tonne of emitted regulated carbon is to be secured from the developer in line with London Plan policy. This would amount to £160,740. The offsetting payment for this scheme would be secured in the s106 agreement.

180. A commitment has been provided that the development will be designed to enable post construction monitoring and that the information set out in the 'be seen' guidance is submitted to the GLA's portal at the appropriate reporting stages. This will be secured through the s106 Agreement.

#### Sustainable design

181. The submitted Sustainability Statement outlined a number of sustainable design measures which would be incorporated into both the residential and non-residential elements of the scheme. These include measures (including the use of individual water meters and flow restrictors) to ensure the residential dwellings would be limited to water consumption of less than 105 litres per person per day. Officers recommend a condition to ensure that water consumption is restricted to less than 105 litres per person per day as identified above, as is required by London Plan policy SI5.

182. With regard to overheating, the applicants have submitted an overheating report setting out a number of measures being used to achieve the requirements of London Plan Policy SI4.

183. A Whole Life Cycle (WLC) Carbon Assessment has been provided, as required by London Plan policy SI2, demonstrating whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrating actions taken to reduce life-cycle carbon emissions. The applicants have noted that the use of timber-aluminium composite windows in place of aluminium framed windows could reduce carbon emissions by 1.56% over a 60 year period and will incorporate the change. Another change is in relation to the use of cement replacements within concrete applications, replacing 40% of cement binders with a recycled alternative. This could reduce carbon emissions by 12.5% over a 60 year period and the option will be explored with the project structural engineer going forward. The GLA are set to comment on the WLC ahead of the Stage 2 referral. By undertaking a WLC, and engaging with Circular Economy, the development has demonstrated (subject to further Stage 2 consideration by the GLA) that options for reducing carbon emissions has been considered and implemented where feasible.

184. A Circular Economy statement has been submitted, as required by London Plan policy SI7, demonstrating:

- How demand for materials will be minimised.
- How secondary materials can be used.
- How new materials are being specified to enable their reuse.
- How construction waste will be minimised and how much waste the proposal is expected to generate, and how and where the waste will be managed in accordance with the waste hierarchy.
- How the proposal's design and construction will enable building materials, components and products to be disassembled and re-used at the end of their useful life.
- Opportunities for managing as much waste as possible on site.
- Adequate and easily accessible storage space to support recycling and re-use; and,
- How much waste the proposal is expected to generate, and how and where the waste will be handled.

185. The GLA is reviewing this statement and will provide comments in due course. Any concerns raised by the GLA can be addressed as part of a Stage 2 referral. It is likely that the GLA will recommend a condition securing the WLC submissions at Stage 2 referral. In anticipation of this, a condition relating to

WLC has been applied accordingly.

186. In relation to carbon emissions and sustainable design, the GLA has sought points of clarification on the strategy and these are currently being addressed by the applicant ahead of a Stage 2 referral.

### **Flooding and Drainage**

187. The site is entirely in Flood Zone 1, which is the lowest category for flood risk. On that basis, and given the small size of the site, a Flood Risk Assessment is not necessary for submission and policies BSUI3 in the Local Plan and SI12 in the London Plan, which relate to flood risk, are not applicable.

188. Policy SI13 in the London Plan requires major developments to implement sustainable drainage (SuDS) techniques, in line with the drainage hierarchy. Policy BSUI4 in Brent's Local Plan requires all developments to incorporate SuDS techniques and to ensure the separation of surface and foul water drainage. A drainage strategy has been submitted as required by these policies.

189. The proposal is to provide attenuation in the form of blue roofs on each of the three building shoulders. The three blue roofs combined will provide 63m<sup>3</sup> of attenuation and will be able to store rainfalls up to and including a 1:100-year storm event + 40% for climate change, discharging into the existing Thames Water sewer at a rate of 2 litres per second, which is lower than the general greenfield runoff rate target of 5 litres per second. Other SuDS measures are not suitable in this instance as there are no external areas at ground floor level for this particular development.

190. The surface and foul water will discharge to separate foul and surface water Thames Water sewers, located to the north of the site beneath Elm Road. Thames Water have confirmed capacity on both the foul and surface water sewers for the development, and have also agreed to the discharge rate proposed (2 litres per second).

191. The SuDS strategy generally complies with SI13 and is supported by the GLA, subject to some further points of clarification in relation to showing areas of green roof and exploring the potential for rainwater harvesting. The GLA have also queried the proposed water efficiency strategy for the non-residential uses on site and have requested the applicant consider water harvesting and reuse to reduce consumption of water across the site. These comments will be addressed by the applicant ahead of a Stage 2 referral.

192. The submitted drainage strategy is considered to comply with SI13 (subject to any further work as agreed with the GLA) and BSUI4 and will be secured by condition.

193. Thames Water have reviewed the proposal and do not raise any concerns from a construction perspective or an operational perspective in relation to surface water and foul water sewer capacity. However they have requested a condition is attached requiring a piling method statement is submitted for approval before such works take place. Some additional advice for the application in relation to green roofs and waste water will be communicated to the applicant by way of informative.

### **Wind and Microclimate**

194. A microclimate assessment has been submitted by the applicant, undertaken in line with the Lawson Criteria for wind suitability.

195. Wind tunnel testing was undertaken on a scale model in both the existing and proposed scenarios, with the measurements of mean and gust windspeed being made at a number of locations on and around the development, including at ground and rooftop amenity space levels.

196. The testing indicated that the proposed development will noticeably increase the windspeeds at a small number of roadway locations around the site. However, the increase in wind speed will not be to an extent that makes them unsuitable for their intended pedestrian usage. However, the higher wind speeds will have the benefit of more rapidly dispersing vehicle effluent. Aside from the roadway conditions discussed above, in both summer and winter all of the remaining test locations have wind conditions that are suitable of any intended pedestrian activity. These test locations include both ground level and roof terrace test points.

197. In summary, all of the roof top terrace locations tested have wind conditions in summer and winter that are suitable for this usage. There are a few test points (which have wind conditions that are suitable for strolling and more strenuous pedestrian activities such as business walking. These test points are all

located in the middle of roads, and the wind conditions at these points are suitable for this activity. None of the locations tested exceed upper or lower distress wind conditions.

198. Microclimate mitigation is not required for this development.

### **Trees and Landscaping**

**199.** The applicant has submitted an arboricultural impact assessment which identifies 8 trees close to the site, although none on the site itself.

200. The 8 nearby trees line the Elm Road and St Johns Road frontages and present a good existing coverage of street tree planting in front of the site. One of the trees is a high quality mature alder tree (category A), close to the junction of Elm Road and St Johns Road, whilst the others are 3x category B lime trees, 2x category C cherry trees, 1x category C elder tree and a stump. The applicant seeks to remove one low amenity value (category C) cherry tree along St Johns Road to enable realignment of the kerb as part of the highways works, but this tree is already damaged by vehicle collisions. The loss of the tree will be offset by the planting of two new trees of a similar size further along St Johns Road, adjacent to the other cherry tree (which is to be retained). All other trees close to the site are to be retained and protected from damage during construction. In respect of the mature alder tree, the arboriculturalist's report notes that the paving slabs and underlying concrete at its base have become embedded into the tree and it is proposed to improve this situation by removing the paving slabs and concrete from around the base.

201. The proposals would result in a net gain of trees (+1). Given the good amount of existing tree coverage in this location and the lack of any ground floor open spaces within the development site itself, this is considered to be a suitable uplift in tree planting. The submissions comply with the relevant policies BGI2 in the Local Plan and G7 in the London Plan.

202. A condition will require that final detailed landscaping drawings are submitted, approved and implemented prior to the occupation of the development, which will include full details of the tree to be planted. Another condition will secure the tree protection measures set out within the arboricultural impact assessment.

### **Ecology and Biodiversity**

**203.** The site is not close to any designated ecological assets.

204. The applicants have submitted an assessment appraising the ecological value of the land with a view to recommending mitigation and enhancement measures to preserve and increase ecological value and biodiversity on site.

205. The existing site is dominated by urban features, namely the Boots chemist and the Jobcentre buildings, both of which are flat roofed, heavily disturbed by people and in a highly urban location. No significant wildlife interest or potential was identified on the site and it is judged to have negligible wildlife value, with a high degree of ecological isolation. On that basis, there is no need for any ecological mitigation measures. Nonetheless, policy G6 of the London Plan, as well as BGI1 of the Local Plan, require that developments achieve a net gain in biodiversity.

206. The ecological assessment sets out a number of ecology enhancement measures including:

- Planting of locally native species or others which might be appropriate in an urban setting and which are of acknowledged value in providing resources (e.g. pollen and nectar) for native species.
- Incorporation of swift bricks or boxes into the design. Suitable locations are sheltered from direct sun and rain (e.g. on a north-facing aspect under a small overhang at eaves level or similar uncluttered vertical surface) at least 5 m above ground level and with clear airspace around.
- Provision of insect shelters in sunny locations around the ground and roof level planting.
- Inclusion of small log heaps in shaded locations amongst vegetation in the planted areas and small heaps of stones/rubble in more exposed locations to provide habitat for invertebrates.
- Inclusion of a rainwater-fed depression within at least one planted area to provide a water source for



wildlife.

207. The applicants have also submitted a Biodiversity Net Gain assessment, which provides quantitative evidence that the proposed development secures a net gain in biodiversity. This report details the following provisions for biodiversity gain:

- Provision of 30 swift nesting sites on the upper northern aspect of the new building.
- Creation of flower-rich perennial vegetation (approximately 161 m<sup>2</sup>) on levels 1, 2 and 5.
- Creation of a green wall (approximately 200 m<sup>2</sup>) on levels 1 and 2.
- Creation of amenity grassland (approximately 30 m<sup>2</sup>) on level 5.
- Creation of an extensive Sedum mat (approximately 288 m<sup>2</sup>) on level
- Planting of two new street trees to compensate for the loss of a single damaged street tree.

208. The biodiversity metric calculation identifies the existing site as having a habitat value of 0.00, and the site post development having a habitat value of 0.14, which equates to a very significant gain in biodiversity value.

209. The recommendations and enhancement suggestions are considered to be thorough and robust given the local ecological context, and it is therefore considered that the scheme, subject to the above measures, would not result in any unduly harmful impact on the biodiversity in the area and may be of benefit to local ecology. On the same basis, the proposals would also comply with BG11 and G6.

210. A condition will require that the abovementioned biodiversity enhancement measures are submitted in plan form for approval. This will be incorporated as part of the landscaping condition.

### **Fire Safety**

211. Policy D12 of the London Plan states that major applications should be accompanied by a fire statement, prepared by a suitably qualified third party assessor, demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel. Further to the above, Policy D5(B5) of the London Plan seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users, with fire evacuation lifts suitable to be used to evacuate people who require level access from the buildings.

212. A fire statement prepared by a suitably qualified third-party assessor has been submitted in support of the application. This statement addresses the requirements of Policy D12 including: the buildings construction (materials etc); the means of escape for all users; features which reduce the risk to life; how access for fire service personnel and equipment is achieved; how within the curtilage of the site fire appliances gain access to the buildings; and ensures that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures. The GLA have confirmed that the fire statement is suitable to meet the requirements of D12. The fire safety strategy is to be secured by condition. The Health and Safety Executive (HSE) is a statutory consultee for this application and the applicants have submitted a second fire statement in line with the 'Planning Gateway One' requirements as set out by the Department for Levelling Up, Housing and Communities. The HSE has reviewed the fire statement submitted by the applicant and raises the following queries:

213. A query has been raised as to whether a qualitative design review (QDR) was undertaken for the development, as this is a requirement of the British Standards Institution (BSI) Code of Practice for buildings that are greater than 50m in height and which are served by a single firefighting shaft constituting both the firefighting stair and escape stair. A QDR would assess the implications of fire safety systems failure or foreseeable events. In response, the applicant set out that their submitted outline fire strategy confirms that a QDR was undertaken in May 2021 through which all fire safety provisions were evaluated and deemed appropriate for use given the increased design demand on structure integrity, services, fire safety systems, means of firefighting and evacuation for a building of this height.

214. The escape route from the building has been queried, with reference being made to the fire safety standard cited in the BSI Code of Practice requiring that only stairs which are not the only escape route from flats may serve ancillary accommodation, providing that the stairs are separated from the ancillary

accommodation by protected lobbies or corridors; and that a single staircase should not also serve ancillary accommodation. In response, the applicant's fire safety consultant notes that a building wide sprinkler system, smoke-ventilated lobbies and choices of escape routes have been incorporated and that these are commonly employed and represent robust design solutions when combined with all other fire safety measures and systems within the building. On that basis, the applicant's fire safety consultant considers that the ground floor discharge of the stair is suitable and reasonable in accordance with the functional requirements of the Building Regulations. The consultant also notes that these points will be expanded upon in the next stage of design, when a detailed fire safety strategy is produced. Further to this, officers are content that, were it to transpire at a more advance design stage that amendments are required to re-route the escape route from the stairwell so as not to serve ancillary accommodation, this could be easily achieved through non-material amendment of the scheme.

215. The presence of service risers accessed off the firefighting lobby at ground level have been questioned, as standard guidance states that no services other than those associated with firefighting activities should be accessed from the firefighting shaft. In response, the applicant's fire safety consultant notes that this only occurs at ground level and is therefore unlikely to have an adverse effect on firefighting activities at that level. To further reduce this risk, the applicant's fire strategy proposes to increase the fire resistance of the service riser doors on this level as well as installing fire-stopping within the protected service riser shafts at first floor level (where these are not otherwise required) to greatly reduce the volume of space that the ground level firefighting lobby is potentially exposed to. This is considered a reasonable and robust approach to satisfying the functional requirements in the Building Regulations.
216. Officers are satisfied that the applicant has applied a suitably rigorous approach to fire safety, insofar as is necessary at this early stage of detailed design required for the purposes of planning submissions. Given that the fire matters are addressed fully through separate regulations and would not have a bearing on the planning consent, further work associated with more detailed design stages will not form a part of the planning requirements. The second fire statement submitted in line with 'Planning Gateway One' requirements is to be secured by condition.

#### **Television and Radio Reception Impact**

217. In line with London Plan SI6, a Television and Radio Reception Impact assessment should be submitted to demonstrate that no issues (or suitable mitigation of issues) arising from obstruction of the reception to local television and radio receivers will be incurred by the development.
218. The applicants have submitted a Television, Radio and Mobile Reception Impact assessment to consider the potential impacts that the development could have on local TV and radio signals. Four different signals have been assessed as follows:
219. Digital Terrestrial Television (DTT) – Due to the relationship between the building and existing dwellings to the north west of the site (along the directional plane from Crystal Palace Transmitter), there is the potential for some interference in localised areas immediately north west of the site, on both Elm Road and St Johns Road. Such interference is possible as some antennas receiving signals from Crystal Palace are located in this area. Interference could be mitigated through satellite betterment / dish movement / relocation, which can be undertaken by a suitably qualified professional.
220. Digital Satellite Television – Freesat and Sky – Due to the relationship between the building and existing dwellings to the north west of the site (along the directional plane from Crystal Palace Transmitter), there is the potential for some interference up to 131m away from the site and up to 325.6 degrees with respect to north from the base of the centre of the proposed building. Such interference is possible as some satellite dishes are located in this area. Interference could be mitigated through satellite dish relocation, alternative use of DTT receiving equipment or the use of Sky via Broadband (if available).
221. VHF (FM) Radio – Radio signals are unlikely to be adversely impacted due to the existing good coverage in the survey area and the technology used to encode and decode radio signals.
222. Mobile Phone Networks – Mobile phone signals are unlikely to be adversely impacted due to the existing good coverage in the survey area and the technology used to encode and decode such signals.
223. Overall, some interference to existing TV signals is possible as a result of this development. A Section 106 obligation will require the applicant to carry out a survey before the commencement of the

development and following completion of the development to clearly identify any interference that has been caused. The Section 106 obligation will also require that the applicant underwrites all mitigation required in addressing any interference identified.

### **Training and Employment**

224. Brent's Local Plan policy BE1 'Economic Growth and Employment Opportunities for All' states an Employment and Training Plan will be required for all major developments, to be prepared in partnership with Brent Works or any successor body.
225. A commitment to submit an 'Employment and Training Plan' to the Council for its approval prior to the material start of the development will be secured by way of a Section 106 obligation. This obligation is required of all major development schemes within the borough which comprise of 50 or more dwellings or at least 5,000sqm of floor space.
226. As set out in Brent's Draft Planning Obligations SPD (2022), the obligations in this respect require that 1 construction job (for a minimum period of 26 weeks) for an unemployed resident is secured per ten homes delivered, and that 50% of those jobs should be secured as apprenticeships for Brent residents, for a minimum period of 52 weeks. It also requires that a minimum of 20% of the operational phase jobs should be secured for Brent residents. The operational job requirements are set out in the Homes and Communities Agency Employment Density Guidance 3<sup>rd</sup> Edition (2015), requiring 1 operational job per 15-20sqm of commercial floorspace.
227. When applying these standards to the development, 7 construction jobs should be secured for unemployed residents, with 3 of these jobs being in the form of year+ apprenticeships. In addition, 1 to 2 operational phase jobs should be secured for unemployed residents.
228. The standards also set out a requirement for financial contributions to deliver support fees for each of the local resident jobs to be secured of £2,750 per job. This would equate to a £19,250 contribution to support the 7 construction jobs and a £4,400 contribution to support the 1 to 2 operational phase jobs, for a total contribution towards employment and training opportunities of £23,650.
229. If the job targets are not met, an additional payment of £5,000 per the number of jobs below the target is to be secured to help secure other job opportunities for Brent residents. If the applicant fails to meet the job targets but can demonstrate that reasonable endeavours were undertaken to seek to meet the job targets, an increase in the base contributions will not be required. On the other hand, if the number of apprenticeship positions delivered for Brent residents exceeds the apprenticeship target, a reduction in the base contribution of £1,000 per additional apprenticeship would be applied.
230. The Council is endeavouring to achieve 'London Living Wage' standards, and encourages developers to use their best endeavours to achieve this across all of their development sites in the borough. An informative will advise the applicant of this.

### **Utilities**

231. The applicants have submitted a report setting out the existing and required utilities / statutory services for the scheme, including clean water supply, sewer connection, gas, electric and internet. The details of the report are not considered to contravene any relevant planning policies.
232. The statutory services report indicates that fibre internet is proposed to be delivered to the homes, which would accord with the aims of London Plan policy SI6.

### **Equalities**

233. 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.
234. 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**

235. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions and completion of a Section 106 Agreement.
236. The development would provide a suitable and attractive built addition to the Wembley growth area in line with local policy objectives. The development would provide all of its 79 homes as affordable housing (incorporating an above policy compliant provision of Social Rent homes), and has been designed so that 25% of its homes are family sized and that 94% of its homes are dual aspect. A new, active commercial space is to be provided at ground floor alongside positive public realm improvements that would increase urban greening and improve pedestrian priority and accessibility. In addition, the proposal, in offsetting its shortfall of on-site play space, would enable the delivery of an older children's play area at King Edward VII park for the use of the public. These aspects carry significant weight in favour of the scheme. The proposed building has positive urban design, with a slender profile and a vertical emphasis. Whilst it would be a tall building in its immediate context, its massing would enable it to define itself as a landmark building within the wider context of other existing and emerging tall buildings in the surrounding area, whilst being a subservient building in the context of this wider tall buildings cluster. This height would also be consistent with the Tall Building Zone designation of the site and the aspirations of a local site allocation that anticipates re-development of considerable density to the north of the town centre. Whilst the development would incur some limited level of harm to the daylight and sunlight enjoyed at neighbouring properties and would fall short on external amenity space standards, a balance has to be struck between different planning objectives.
237. The conflict with policy is considered to be limited overall and would be outweighed by the wider benefits of this mixed use re-development, including the provision of 100% affordable housing, including Social Rent housing, and the provision of new commercial floorspace and improved public realm.
238. Following the above discussion, and weighing up all aspects of the proposal, officers consider that the proposal should be approved subject to conditions, a Section 106 obligation and referral of the application to the Mayor for his Stage 2 response.



Application No: 21/4155

To: CMA Planning  
CMA Planning  
113 The Timberyard  
Drysedale Street  
London  
United Kingdom  
N1 6ND

I refer to your application dated **08/11/2021** proposing the following:

Demolition of existing building and proposed erection of a part 5 and part 18 storey mixed use building containing commercial floorspace (Use Class E) on the ground floor and comprising 79 residential units on the upper floors

and accompanied by plans or documents listed here:  
Refer to condition 2.

at **6 St Johns Road, Wembley, HA9 7JD**

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: 08/04/2022

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.

DnStdG

**SUMMARY OF REASONS FOR APPROVAL**

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

**Adopted Policy**

- The London Plan (2021)
- Brent's Local Plan (2019-2041)

**Supplementary Planning Guidance / Documents**

- Mayor of London's Affordable Housing and Viability SPG (2017)
- Mayor of London's Housing SPG (2016)
- SPD1 Brent Design Guide (2018)

**Other Material Planning Considerations**

- The National Planning Policy Framework (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):

3676 LBA XX GF DR A 0105 Existing Site Location Plan P1  
3676 LBA XX GF DR A 0110 Existing Site and Ground Floor Plan P1  
3676 LBA XX 01 DR A 0111 Existing First Floor Plan P1  
3676 LBA XX RF DR A 0112 Existing Roof Plan P1  
3676 LBA XX XX DR A 0120 Existing Elevations P1  
3676 LBA XX XX DR A 0130 Existing Sections AA P1  
3676 LBA XX XX DR A 0131 Existing Sections BB and CC P1  
3676 LBA XX 01 DR A 1001 Proposed Site Plan - First Floor P2  
3676 LBA XX RF DR A 1002 Proposed Site Plan - Roof P2  
3676 LBA XX GF DR A 1050 Proposed Demolition - Ground Floor P1  
3676 LBA XX 01 DR A 1051 Proposed Demolition - First Floor P1  
3676 LBA XX RF DR A 1052 Proposed Demolition - Roof P1  
3676 LBA XX GF DR A 1100 GA Ground Floor P5  
3676 LBA XX 01 DR A 1101 GA First Floor P3  
3676 LBA XX 02 DR A 1102 GA Second Floor P3  
3676 LBA XX XX DR A 1103 GA Third and Fourth Floor P3  
3676 LBA XX 05 DR A 1105 GA Fifth Floor P3  
3676 LBA XX XX DR A 1106 GA Sixth and Seventeenth Floor P3  
3676 LBA XX RF DR A 1108 GA Roof Plan P3  
3676 LBA XX XX DR A 1350 Dwelling Types P2  
3676 LBA XX XX DR A 1351 Dwelling Tenure P2  
3676 LBA XX XX DR A 1352 Accessible Dwellings P1  
3676 LBA XX XX DR A 2000 Proposed Site Elevation - St John's Road P1  
3676 LBA XX XX DR A 2001 Proposed Site Elevation - Elm Road P1  
3676 LBA XX XX DR A 2100 Proposed Elevation - St John's Road P2  
3676 LBA XX XX DR A 2101 Proposed Elevation - Elm Road P2  
3676 LBA XX XX DR A 2102 Proposed Elevation - North East P2  
3676 LBA XX XX DR A 2103 Proposed Elevation - Courtyard South P2  
3676 LBA XX XX DR A 2104 Proposed Elevation - Courtyard South and East P1  
3676 LBA XX XX DR A 3060 Proposed Section AA P1  
3676 LBA XX XX DR A 3061 Proposed Section BB and CC P1

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

- 3 The scheme hereby approved shall contain 79 residential units as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

- 4 The development hereby approved shall contain 167sqm GIA of commercial floor space which shall not be used other than for purposes within Use Class E, as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification).

Reason: In the interests of proper planning and to ensure the adequate provision of retail floorspace within the borough.

- 5 The development hereby approved shall be built so that no fewer than 71 of the residential units achieve Building Regulations requirement M4(2) - 'accessible and adaptable dwellings' and that no fewer than 8 of the residential units achieve Building Regulations requirement M4(3) - 'wheelchair accessible dwellings'. The residential units achieving Building Regulations requirement M4(3) shall be fit out such that they are accessible to wheelchair users at the time of first occupation.

Reason: To ensure that the development achieves an inclusive design in accordance with London Plan Policy D7.

- 6 Prior to occupation, a communal television aerial and satellite dish system linking to all residential units within the building shall be installed and retained in perpetuity. No additional television aerial or satellite dishes shall be erected on the premises.

Reason: In the interests of the visual appearance of the development in particular and the locality in general.

- 7 The development hereby approved 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.

- 8 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 in accordance with Brent Policy and London Plan (2021) Policy SI 1.

- 9 The refuse storage shall be installed prior to occupation of the building hereby approved and thereafter retained and maintained for the lifetime of the development. The refuse storage facilities shall not be used other than for purposes ancillary to the occupation of the building hereby approved.

Reason: To ensure that the development is fit for purpose.

- 10 Between the 2<sup>nd</sup> and 4<sup>th</sup> floors of the development (inclusive), the windows to the south facing elevation of the southernmost flat (which forms a 3 bedroom 4 person flat) that serve the combined living, kitchen and dining rooms (as shown on the approved plans) 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 from first occupation thereafter unless the prior written consent of the Local Planning Authority is obtained.

Between the 2<sup>nd</sup> and 17<sup>th</sup> floors of the development (inclusive), the easternmost flats within the development (which comprise a 3 bedroom 5 person flat between 1<sup>st</sup> and 5<sup>th</sup> floors, and both a 2 bedroom 3 person flat and 2 bedroom 4 person flat between 6<sup>th</sup> and 17<sup>th</sup> floors, as shown on the approved plans) shall have their east facing windows (with the exception of windows serving balcony spaces) 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 from first occupation thereafter unless the prior written consent of the Local Planning Authority is obtained. For clarity, this restriction would apply to one bedroom window to each floor between the 2<sup>nd</sup> and 5<sup>th</sup> floors and to six windows to each floor between the 6<sup>th</sup> and 17<sup>th</sup> floors.

Reason: To minimise interference with the privacy of the adjoining occupiers and to prevent compromising the development potential of neighbouring sites.

- 11 Unless alternative details are first agreed in writing by the Local Planning Authority, the tree protection recommendations set out in the submitted Arboricultural Impact Assessment (prepared by SJ Stephens Associates, dated 13<sup>th</sup> April 2021) shall be fully implemented following the commencement of the development where relevant.

Reason: To ensure the development suitably protects trees that could be damaged by the development.

- 12 Unless alternative details are first agreed in writing by the Local Planning Authority, the development hereby approved shall be carried out in full accordance with the submitted Drainage & SuDS Strategy Revision 03 (prepared by Curtins Consulting Limited - ref. 077041-CUR-00-XX-RP-D-92001 - dated 22<sup>nd</sup> October 2021) following the commencement of the development where relevant.

Reason: To ensure the safe development and secure occupancy of the site proposed for residential use.

- 13 Unless alternative details are first agreed in writing by the Local Planning Authority, the recommendations set out in the submitted Air Quality Assessment Revision A (prepared by Aeolus Air Quality Consulting, dated 1<sup>st</sup> April 2022) shall be fully implemented following the commencement of the development where relevant.

Reason: To ensure a suitable air quality impact from the development.

- 14 Unless alternative details are first agreed in writing by the Local Planning Authority, the mitigation recommendations set out in the submitted Noise Assessment Report for Planning Revision 1.2 (prepared by Cahill Design Consultants, dated 19<sup>th</sup> October 2021) shall be fully implemented following the commencement of the development where relevant.

Reason: To demonstrate a suitable noise environment for prospective residents.

- 15 Unless alternative details are first agreed in writing by the Local Planning Authority, the development shall be implemented in accordance with the details contained in the submitted Outline Fire Safety Strategy Issue 01 (prepared by Ashton Fire – ref. AF1611 – dated 20<sup>th</sup> October 2021) and in the submitted Fire Statement Form (prepared by Austin Coyle Associates,



dated 17<sup>th</sup> January 2022).

Reason: In the interests of fire safety.

- 16 Prior to the commencement of the development, a Construction Environmental Method Statement which incorporates a dust management plan shall be submitted to and approved in writing by the Local Planning Authority, through the submission of an application for approval of details reserved by condition. The Construction Environmental Method Statement shall outline measures that will be taken to control dust, noise, construction traffic and other environmental impacts of the development. The statement shall also incorporate details of measures to control emissions during the construction phase relevant to a Medium Risk site for demolition, High Risk site for Earthworks and Construction, and Low Risk site for Trackout, in line with the requirements of the Control of Dust and Emissions during Construction and Demolition SPG. The approved statement shall be implemented throughout the duration of construction.

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

Pre-commencement Reason: The impacts being controlled through this condition may arise during the construction phases and therefore need to be understood and agreed prior to works commencing.

- 17 Prior to the commencement of the development, a revised Construction Logistics Plan shall be submitted to and approved by the Local Planning Authority (in writing through the submission of an application for approval of details reserved by condition) outlining measures that will be taken to address issues such as delivery of materials, lorry routeing, staff parking etc., whilst also minimising lorry movements by recycling on site and back loading spoil and aggregates. The approved statement shall be implemented throughout the duration of demolition and construction.

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

Pre-commencement Reason: The condition relates to details of construction, which need to be known before commencement of that construction.

- 18 No development shall take place until a detailed Circular Economy Statement and Operational Waste Management Strategy in line with the GLA's Circular Economy Statement Guidance is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Prior to final occupation of the development, a Post Completion Report setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement shall be submitted to the GLA at: [circulareconomystatements@london.gov.uk](mailto:circulareconomystatements@london.gov.uk), along with any supporting evidence as per the GLA's Circular Economy Statement Guidance. The Post Completion Report shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials. Confirmation of submission to the GLA shall be submitted to, and approved in writing by the Local Planning Authority prior to occupation, through the submission of an application for approval of details reserved by condition.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials.

Pre-commencement Reason: The condition relates to details of construction, which need to be known before commencement of that construction.

- 19 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works within that Phase) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water (through the submission of an application for approval of details reserved by condition). Any piling shall be

undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 20 Details of all external materials of the development, including samples which shall be made available for viewing in an agreed location, shall be submitted to and approved in writing by the Local Planning Authority (through the submission of an application for approval of details reserved by condition) prior to the installation of any external materials. 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.

- 21 Within six months of commencement of works above ground level, a scheme shall be submitted to and approved in writing by the Local Planning Authority (through the submission of an application for approval of details reserved by condition) that provides details of all landscaped areas. Such approved landscaping works shall be completed prior to first occupation of the development and thereafter maintained.

The submitted scheme shall include details of:

a) The planting scheme for the site, which shall include species, size and density of plants and trees, sub-surface treatments (or planters / green roof substrate profiles where applicable), details of the extent and type of native planting, any new habitats created on site and the treatment of site boundaries

b) Walls, fencing and any other means of enclosure, including materials, designs and heights

c) Biodiversity enhancement measures, as set out within the submitted Ecological Assessment (prepared by Richard Tofts Ecology, dated July 2021) and the submitted Biodiversity Net Gain Assessment (prepared by Richard Tofts Ecology, dated February 2022).

d) Treatment of areas of hardstanding and other areas of hard landscaping or furniture, including materials

e) Details of all play spaces, as outlined within the Design and Access Statement – Landscape Addendum (prepared by Levitt Bernstein, dated January 2022).

f) A landscaping maintenance strategy, including details of management responsibilities.

Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

- 22 Within six months of commencement of works above ground level, the following shall be submitted to and approved in writing by the Local Planning Authority (through the submission of an application for approval of details reserved by condition):

- A revised plan of the long-stay residential cycle storage area that demonstrates an altered arrangement that incorporates suitable circulation space to comply with the London Cycle Design Standards (LDCS).

The approved details shall be implemented by the time of the first occupation of the residential component of the development hereby approved. The cycle storage shall thereafter not be used other than for purposes ancillary to the occupation of the building hereby approved and shall be retained and maintained in good condition for the lifetime of the development.

Reason: To ensure that the development is fit for purpose and will establish a suitable living

environment for residents.

23 Within six months of commencement of works above ground level, the following shall be submitted to and approved in writing by the Local Planning Authority (through the submission of an application for approval of details reserved by condition):

- Details of suitable privacy screening to the southern edge of the balcony serving the southernmost flat (which is a 3 bedroom 4 person flat) on the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors of the development (as shown on the approved plans)
- Details of suitable privacy screening to the eastern edges of the balconies serving the easternmost flats (which comprise a 3 bedroom 5 person flat on the 1<sup>st</sup> to 5<sup>th</sup> floors and both a 2 bedroom 3 person flat and a 2 bedroom 4 person flat on the 6<sup>th</sup> to 17<sup>th</sup> floors of the development) across all floors of the development (as shown on the approved plans)
- Details of suitable privacy screening to the northern and eastern edges of the large terrace serving the 2 bedroom 4 person flat on the 6<sup>th</sup> floor of the development (as shown on the approved plans)

The approved details shall be implemented prior to the first occupation of the residential component of the development hereby approved and shall thereafter be retained and maintained in good condition for the lifetime of the development.

Reason: To protect the privacy of neighbouring occupiers and to avoid compromising the potential for development at neighbouring sites.

24 Prior to occupation of the development hereby approved, details of how the development is designed to allow future connection to a district heating network should one become available, shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition.

The development shall be completed in accordance with the approved details prior to occupation of the development.

Reason: To ensure the development is in accordance with the principles of London Plan Policy SI3.

25 Prior to the first occupation of the development hereby approved, a final Delivery, Servicing and Long Term Maintenance Management Plan shall be submitted to and approved in writing by the Local Planning Authority (through the submission of an application for approval of details reserved by condition). The development shall thereafter operate in accordance with the approved management plan unless an alternative arrangement is first agreed in writing by the Local Planning Authority.

Reason: To minimise negative impacts associated with servicing.

26 Prior to the occupation of the building hereby approved, the post-construction tab of the GLA's whole life carbon assessment template shall be completed accurately and in its entirety in line with the GLA's Whole Life Carbon Assessment Guidance. The post-construction assessment shall provide an update of the information submitted at planning submission stage, including the whole life carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. This shall be submitted to the GLA at: [ZeroCarbonPlanning@london.gov.uk](mailto:ZeroCarbonPlanning@london.gov.uk), along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to and approved in writing by the Local Planning Authority (through the submission of an application for approval of details reserved by condition) prior to occupation of the relevant building.

Reason: In the interests of sustainable development and to maximise on-site carbon dioxide savings.

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](http://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](http://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 Thames Water wishes to advise the applicant that opportunities for green roofs should be maximised. Thames Water also advises that the foul water connection point for this development is into a 150mm sewer, not a 225mm sewer.
- 5 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 6 The Council recommends that the maximum standards for fire safety are achieved within the development.

Any person wishing to inspect the above papers should contact Toby Huntingford, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1903

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

20 April, 2022  
05  
21/3248

## SITE INFORMATION

RECEIVED	24 August, 2021
WARD	Kenton
PLANNING AREA	Brent Connects Kingsbury & Kenton
LOCATION	Lidding Road Garages, Lidding Road, Harrow
PROPOSAL	Demolition of the existing garages and redevelopment to provide 3 self-contained flats and 5 dwellinghouses; with associated car parking, cycle storage, refuse storage, amenity space and landscaping
PLAN NO'S	See Condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u><a href="#">When viewing this on an Electronic Device</a></u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_156704">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_156704</a></p> <p><b><u><a href="#">When viewing this as an Hard Copy</a></u></b> .</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "21/3248" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## INTRODUCTION

Members will be aware that the application was first reported to Committee at the meeting on 15 December 2021 where the committee agreed to defer a decision on the application in order to:

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

### **Impact of the proposed development on drainage and the maintenance of the sewerage infrastructure and how these would be mitigated**

In the Committee members raised concerns regarding flood risk impacts on the site. Specific concerns were raised regarding the potential for the voids under the houses to be blocked by residents; the ability for Thames Water to access and service the pipes where necessary. Additionally members raised concerns over the potential impact of the development on pollution in the Wealdstone Brook and further details were requested regarding any projects to clean the Brook.

Since the application was deferred, further comments were received from Thames Water regarding impacts of the development. It should be noted that these comments relate only to flooding that may rise from foul or surface water flooding. Flooding from other sources (such as the Brook) fall outside the statutory responsibility of Thames Water.

They consider that there is sufficient capacity and that the flow expected from the development would be exceptionally small. They have specified that they have no concerns over the risk of foul water flooding as part of the development. Additionally, they consider that the development would not result in an increase to the pollution of the Wealdstone Brook.

With regard to the concerns raised by residents about the sewers, Thames Water have specified the following:

*We acknowledge concerns raised by residents about the performance of the foul sewers in this area. These have not been caused by the capacity of the sewers but by sewer blockages. Sewers are only designed to take water from toilets, sinks, baths and showers along with human waste and toilet tissue. Everything else should be put in the bin.*

*Sewer blockages in this area are predominantly due to fats, oils and grease being inappropriately put down the sewer. This then clogs the pipes, which causes the foul water to back up and eventually flood out of the sewer.*

*Sewer capacity is when the pipe is too small to accommodate flow and it can eventually back up and eventually cause flooding. Increased flow to the foul sewer from new developments has the potential to increase the risk of flooding due to sewer capacity. From our knowledge of the current flow in the sewer in question and the expected increase due to this development we are confident that the receiving sewer has sufficient capacity to accommodate the proposed flows. If we had concerns that capacity did not exist to serve this development, it would initiate Thames Water funded modelling investigations. Our initial assessment of this site shows this is not necessary.*

They also note that with regards to surface water flooding there would be an overall reduction in flood risk due to the increased flow rates identified in the drainage strategy.

With regards to access to the sewers, Thames Water have confirmed that the applicants have engaged with them during the course of the development and a build-over agreement has been proposed. Thames Water raise no objections or concerns in regards to this and note that such matters are usually dealt with post-approval via Building Regulations.

The applicant has also advised that they already have details of the existing line, level and condition of the



existing sewers within the development boundary prior to development, from undertaking drainage CCTV condition and utilities surveys in 2020. The flood risk consultant has therefore suggested that a post-construction drainage CCTV and conditions survey is undertaken of the Thames Water assets within the redline boundary to confirm that there has been no damage to the existing sewers during construction. Any damaged and/or blocked pipes could then be reported to Thames Water for repair. Such details could be conditioned to any forthcoming consent.

With regards to pollution in the Wealdstone Brook, colleagues in the Parks team have provided further information on the existing circumstances. They note that most of the pollutants in the water would have originated upstream and flowed down into Brent towards the River Brent.

Brent Parks Service are working on an early-stage scheme to improve the structural and wildlife diversity and amenity section of the Brook through woodcock Park. Additionally, the catchment area of the brook is mainly located in Harrow and Harrow Council has ongoing projects to improve the brook.

Thames Water have an on-going programme looking at addressing the issues with water quality in the Wealdstone Brook, and have specified the following:

*We recognise that there is a significant issue with water quality in the Wealdstone Brook. We host a "Friends of the Wealdstone Brook" quarterly meeting where residents, the Environment Agency, Lead Local Flooding Authorities are other interested stakeholders can meet and engage on the issue. This allows us to share water quality data for the watercourse, our operational activity and longer-term investment plans with interested stakeholders. The group is attended by the NERC funded CAMELLIA project (Community Water Management for a Liveable London) consisting of many academic partners including Imperial College, British Geological Survey, and Oxford University. We completed an extensive Catchment Study on the Wealdstone Brook in 2016/17 that assessed the root cause of poor water quality and flood risk in the area. Following that study, we have a long-term list of improvements we propose to make to the sewer system. As water quality and flood risk are intrinsically linked, we have to start by creating capacity in the river system. We are in discussions with Harrow Council about a potential scheme to do that. Once details are available, we will share them. We hope to promote a similar scheme with Brent Council in the future.*

Thames Water conclude their further advice by confirming that they have adequately assessed the impact that the proposed development will have on the sewer system and that they are confident that the development will not cause a deterioration to the level of service residents receive at present.

### **Location of the flooding incidents identified within the Flood Risk Assessment**

In the committee members noted that the flood risk assessment identified 66 flooding events at postcode 'HA3 0'. It should be noted that this postcode zone encompasses a larger area stretching from Kingsbury to Northwick Park and including the area between Kenton Road and Preston Road.

In response to the above, the applicants have requested a Sewer Flooding History Enquiry from Thames Water. This has selected 1 Lidding Road as the centre point but encompasses a wider area around this address. The report notes that there have been no recorded flooding events in the area as a result of surcharging public sewers.

With regards to the potential for the voids to be blocked, the applicants have agreed that a planning condition can be attached requiring a verification report to confirm that the relevant measures have been implemented on site. This is intended to include a drainage maintenance schedule which can incorporate checks to the void structure.

Notwithstanding that, the voids are closed in by 'hit-and-miss' brickwork leaving several small gaps for water to escape. The gaps are considered small enough to avoid large objects from being inserted into the void space. Additionally, these voids would be located under all plots 1-6. As such, officers consider that the likelihood of the voids to be fully blocked and therefore resulting in undue flooding impacts is low and suitably addressed by the suggested condition.

### **Construction Vehicle Impacts**

In the committee members raised concerns over the potential impact of construction vehicles accessing the site with regards to restricting parking in the area. In particular concerns were raised regarding the potential impacts of vehicles accessing the site via Goosacre Lane. Members requested a Construction Logistics Plan (CLP) to be submitted.

The applicants have confirmed that a full CLP is not feasible at this stage as many of the details in a CLP are only finalised when a contractor has been retained for the development and this will not happen until after permission is granted. This is a common situation for most developments, and therefore full details of CLPs are often conditioned to planning consents.

However, as members concerns related only to the access of vehicles to the site, the applicant has provided tracking diagrams. These diagrams indicate the routes of typically sized construction vehicles to the site (including a small tipper, 10m rigid, small artic). The drawings submitted, show that the site itself is wide enough to accommodate construction vehicles into the site so that they can enter and leave in a forward gear..

With regards to vehicles accessing the site from further away, the drawings show that access would be possible via Goosacre Lane or via Hillview Avenue. These drawings have been assessed by Transport Officers who note that construction vehicles are able to access the site from both Gooseacre Lane and Hillview Avenue without the need for parking suspensions.

Furthermore no parking suspensions would be required for construction vehicles egressing the site via Hillview Avenue although they are likely to be required on the northbound carriageway of Gooseacre Lane. For these reasons it is recommended that vehicles access is via Gooseacre Lane whilst egress is via Hillview Avenue.

It should be noted that if construction vehicles are required to access Lidding Road itself then some traffic management would be required to enable vehicles to turn right onto Gooseacre Lane.

A full CLP would be required by condition. As part of the CLP condition a requirement for vehicles access via Gooseacre Lane whilst egress is via Hillview Avenue could be included.

## **Equalities**

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). An analysis of equalities impact has been provided within the main committee report.

**Recommendation: Officers continue to recommend that permission is granted subject to the conditions set out within the original report (which is set out below), update to condition and additional condition.**

## **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. Restriction of PD rights to change to C4 HMO use
4. Obscure Glazing
5. Restriction of PD rights for dwellinghouses
6. Unit Mix
7. Affordable Housing
8. Flood Mitigation

9. Tree Protection measures
10. Construction Method Statement and Construction Logistics Plan
11. Ecology measures
12. Construction Environmental Management Plan
13. External Materials
14. Landscaping
15. Highway works
16. Lighting
17. Cycle Parking
18. Parking Management Plan
19. Noise


#### Informatives

1. CIL liability
2. Party Wall Act
3. Asbestos
4. Fire Statements
5. Flood Risk Activity Permit
6. Noisy Works

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

	<b>Planning Committee Map</b> Site address: Lidding Road Garages, Lidding Road, Harrow © Crown copyright and database rights 2011 Ordnance Survey 100025260
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This map is indicative only.

## PROPOSAL IN DETAIL

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

## EXISTING

The application site is a 0.32 Hectare plot of land at the rear of 1 to 31 (odd) Lidding Road, and to the south of Lidding Road adjacent to the Wealdstone Brook, and includes the alleyway and 27 detached garages accessed from Gooseacre Lane.

The site is partly in Flood Zone 3a and 3b, and partly within the Grade II Wealdstone Brook Site of Importance for Nature Conservation (SINC) and wildlife corridor, alongside the Wealdstone Brook. The site also contains some land that is liable to local surface water flooding, and is within an Air Quality Management Area. It has PTAL Rating of 1b (poor).

## AMENDMENTS SINCE SUBMISSION

The following amendments were made to the plans during the application:

- Updated plans and documents to correct redline boundary
- Urban Greening details provided

Preliminary Bat Survey and Ecology Appraisal updated to include a subsequent walkover of previously inaccessible areas within the site.

## 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 the owners/occupiers of neighbouring properties in response to the consultation. These are set out above and discussed in the report.

**Principle of Development:** The site is within a residential area and the general principle of residential development to provide additional new Affordable homes is supported in this location.

**Highway impacts:** The level of car parking considered sufficient to mitigate the potential for over-spill parking. Servicing for the dwellings is to be undertaken within the site and from Lidding Road. The proposed access arrangements within the site are considered to be acceptable. A new turning head and parking arrangement on Lidding Road will improve parking and servicing manoeuvrability for existing vehicles.

**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.

**Design and appearance:** The proposal is considered to represent a good standard of design within an infill site and would not result in harmful impact on the character and appearance of the local area.

**Trees, landscaping and ecology:** Landscaping has been provided with a practical layout with beneficial soft landscaping which respects the nearby SINC. Replacement trees are to be secured on the site to mitigate the loss of existing trees. The submission demonstrates that the potential impacts of the proposal on ecology and protected species can be mitigated through measures which are secured through condition.

**Flood Risk:** The proposal would result in a betterment in terms of drainage rates at the site and has effectively mitigated impacts of flooding events on the future residential units. There are no objections from

the Lead Local Flood Authority or the Environment Agency.

## RELEVANT SITE HISTORY

Reference	Proposal	Decision	Date
14/0712	Prior approval application for demolition of the Former Royal British Legion Hall building	Raise No Objection	31/03/2014

## CONSULTATIONS

77 Neighbours Consulted were consulted by post on the 1<sup>st</sup> of September 2021

18 objections were received from 17 individual addresses and the Friends of Woodcock Park. These are summarised as follows:

Objection	Response
<b>Residential amenity concerns</b>	
Concerns over loss of daylight/overshadowing	Discussed in paragraphs 23-26
Loss of privacy	Discussed in paragraphs 27-29
The new builds would be close to neighbouring boundaries	Discussed in paragraphs 9-19 and 21-22
Impact of new street lighting and light pollution	Discussed in paragraphs 37-38
Potential anti-social behaviour and security concerns	Discussed in paragraphs 34-36
Potential for increase in fly tipping	Discussed in paragraphs 34-36
Will there be enough lighting and CCTV	Discussed in paragraphs 36-38
Impact on neighbouring gardens	Discussed in paragraphs 20-29
Objection to loss of green space for turning head	Discussed in paragraphs 30-33
<b>Design concerns</b>	
Out of character with the local area	Discussed in paragraphs 9-19
New homes are oriented in a different way to other houses	Discussed in paragraphs 9-19
<b>Highways concerns</b>	
Concerns over parking impacts	Discussed in paragraphs 60-72
How will construction vehicles access the site	Discussed in paragraphs 75
Will the road be a public road/accessible to everyone	No barriers are proposed within the road to prevent public access.

Noise from new cars	Discussed in paragraphs 74
Existing parking problems in the area that need to be resolved	Discussed in paragraphs 68 to 72
<b>Impact on SINC/Wildlife</b>	
Impact on wildlife	Discussed in paragraphs 97-111
Concerns over impact on the SINC	Discussed in paragraphs 97-111
Impact on trees	Discussed in paragraphs 88-96
Potential impact of light pollution on bats	Discussed in paragraphs 37-38 and 107
<b>Flood Risk</b>	
Thames Water require access to the site to deal with blockages. The area already experiences issues from sewer.	Discussed in paragraphs 64 and 84 to 87
Concerns over flood risk to site and neighbouring properties	Discussed in paragraphs 76-87
New builds would impede water drainage	Discussed in paragraphs 76-87
Will Brent Council cover costs of insurance for flood risk/ pay for liability in flood events	This is not a planning matter. However all of the units are proposed to be delivered and managed by Brent Council and as such they would be responsible for obtaining the necessary insurance.
<b>Other Issues</b>	
Maintenance of green space (to be lost) is included in service charge. Will this be reduced once greenspace is lost	This is not a material planning consideration
The site is not a brownfield site	Discussed in paragraphs 6
The submitted plans include land outside ownership of the site	The originally submitted plans contained an error in the redline boundary which included part of neighbouring land in error. No development was ever intended on this land. Updated documents have been submitted which no longer include this land.
Lack of opportunity for local residents to object to the proposal	Consultation letters were sent out to properties in proximity of the application site on 1 <sup>st</sup> September 2021, with a consultation period of 21 days. As noted above, objections have been received from 17 individual addresses and the Friends of Woodcock Park. Concerns have been raised that as some residents are unable to email or send in their

	comments on line, objections should be considered by letter. In response, officers can confirm that objections can be considered by letter as well as on line or via email.
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### Internal Consultees

Local Lead Flood Authority – No objections

Environmental Health – No objections subject to conditions

### External Consultees

The Environment Agency – No objections to the proposal.

## **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 is comprised of the:

London Plan 2021

Brent Core Strategy 2010

Brent Development Management Policies 2016.

### **London Plan (2021)**

Key policies include:

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

D12 – Fire Safety

G5 – Urban greening

G6 – Biodiversity and access to nature

G7 – Trees and woodlands

H1 – Increasing housing supply

H2 – Small sites

H4 – Delivering affordable housing



S4 – Play and informal recreation  
H6 – Affordable housing tenure  
SI 1 Improving air quality  
SI 12 Flood risk management  
SI 13 – Sustainable drainage  
T2 – Healthy Streets  
T4 – Assessing and mitigating transport impacts  
T5 – Cycling  
T6 - Car parking

### **Core Strategy (2010)**

CP 2 Population and Housing Growth  
CP 17 Protecting and Enhancing the Suburban Character of Brent  
CP18 Protection and Enhancement of Open Space, Sports and Biodiversity  
CP21 A Balanced Housing Stock

### **Development Management Policy (2016)**

DMP1: General Policy  
DMP12: Parking  
DMP19: Residential Amenity Space

Other material considerations include:

National Planning Policy Framework 2021  
Supplementary Planning Document 1 “Brent’s Design Guide” 2018,

The Council is at an advanced stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. Planning Inspectors appointed on behalf of the Secretary of State have considered the draft Plan and have requested that the Council undertake consultation on a number of Main Modifications which is taking place between 8 July and 19 August 2021. Therefore, having regard to the tests set out in paragraph 48 of the NPPF, it is considered that greater weight can now be applied to policies contained within the draft Brent Local Plan.

The draft Local Plan carries significant weight in the assessment of planning applications given the progress through the statutory plan-making processes.

### **General Policies:**

DMP1 – Development Management General Policy

### **Design Policies:**

BD1 – Leading the way in good design

### **Housing:**

BH1 – Increasing Housing Supply

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

**Green Infrastructure and Natural Environment:**

BGI1 – Green and Blue Infrastructure in Brent  
BGI2 – Trees and Woodland

**Sustainable Infrastructure:**

BSUI1 – Creating a Resilient and Efficient Brent  
BSUI2 – Air Quality  
BSUI3 – Managing Flood Risk  
BSUI4 – On-site Water Management and Surface Water Attenuation

**Transport:**

BT1 – Sustainable Travel Choice  
BT2 – Parking and Car Free Development  
BT4 – Forming an Access on to a Road

## DETAILED CONSIDERATIONS

### Principle of Development

1. Policy CP2 of the Brent Core Strategy sets out a target for delivering 22,000 new homes over the 2007-2026 period, including a target of 25% family sized accommodation. 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. Emerging local plan policy BH1 reflects this target.
2. 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.
3. In response to the strategic policy position above, within Brent's draft Local Plan, the Council has set out priority areas for new housing under policy BH2. This policy identifies that new housing will 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.
4. The above position is reinforced in policy BH4 of Brent's draft 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). Outside of 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.
5. The site is not within a priority location as noted above. However, the site currently houses 27 garages which are disused and in a poor state of repair. There are no objections to the loss of these garages (as outlined in the Transport section of this report) and part of the proposal would sit on the site of the former Legion Hall. The proposal forms part of the Council's Development Programme to deliver 1000 council homes by 2024 as part of its Housing Strategy. The programme aims to make the best use of existing land and under-utilised/vacant garage sites across the site. This scheme forms part of phase 3 of the programme. The redevelopment of the site to provide 8 new homes within a residential area would contribute to the borough's housing stock and is considered acceptable in principle, subject to other material planning considerations as discussed below.

6. An objector has commented that the site is not a brownfield site. The majority of the site was occupied by garages or the former British Royal Legion Hall and these elements of the site therefore are previously developed land. The element of the site at the end of Lidding Road comprised the access to the former British Legion Hall together with grassed areas adjacent to this access and landscaped areas adjacent to the Brook. This area is not considered to be a brownfield part of the site. However, the three flats proposed in this location sit within a street frontage and are considered to appropriately terminate Lidding Road.

### **Affordable Housing**

7. The application is not classified as a Major Development (i.e. at it does not propose 10 or more homes) and as such there is no policy requirement for affordable units to be provided on site, as it does not meet the threshold for on site affordable housing as set out in policy H4 of London Plan 2021 and policy DMP15 of Brent's Development Management Policies . Policy BH5 of the emerging Local Plan seeks a contribution towards the provision of off-site affordable housing for developments of between 5 to 9 new dwellings.
8. In this case, the proposal would be 100% affordable units at London Affordable Rent which would be a significant benefit of the scheme. Brent Council would be responsible for the maintenance and management of the properties. A condition is recommended to secure the homes as affordable housing as noted above.

### **Layout, Design and Appearance**

9. Policy BD1 of the Draft Local Plan sets out that 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. In delivering high quality design, development proposals will be expected to show how they positively address all the relevant criteria within London Plan design policies and the Brent Design Guide SPD1.
10. Policy CP17 seeks to ensure that the development in suburban areas should be of a scale and character that respects the suburban character of Brent.
11. The scheme would be designed with three groups of buildings to accommodate eight new homes. Plot 1 would be located to the south of Lidding Road and would accommodate three flats. Plots 4 to 6 would be located to the east of plot 1 and would accommodate three new houses. Plots 7 and 8 would be located to the rear of 5 to 7 Brookfield Crescent and would accommodate two new houses. Each of the buildings would be designed at two storeys with pitched roofs. The external materials would consist of brickwork for the walls and clay tiles for the roofs.
12. The proposed units would be of a more contemporary design than the surrounding traditional suburban housing nearby. However, given the type of accommodation proposed, and the limitations of the site, it is considered that contemporary designs would be more appropriate at this site.
13. The proposals are based on site-specific design principles that have been developed through comprehensive research and site analysis; these have been successfully translated into a scheme that carefully balances the site constraints against an ambition for good quality housing and amenity space.
14. Each building has its own distinct character, yet all are easily read as part of a unified scheme within the area. Each gives definition to a different part of the site and its surroundings helping to reintegrate it into the suburban fabric.
15. A strong approach to materiality has been set out in the submission drawings and includes typical construction details to illustrate the design intent for key elements of the building envelope. Consequently, this gives confidence that the scheme will deliver high quality and robust buildings
16. Notwithstanding the above, approval of final materials and key construction details is sought via planning condition.
17. The proposal includes some larger areas of hardsurfacing to allow vehicles to turn within the access road. While there may be some opportunities to reduce the size of these slightly, given the nature of the access road and relationship with the adjoining buildings, it is considered that these will contribute positively to the shared surface environment providing good quality materials are used.

18. The scheme has been assessed by the Council's Urban Design Officer who considers the scheme to be an exemplar infill scheme in terms of design.
19. It is acknowledged that objections have been received regarding the design of the proposal which differs from that of the surrounding houses. However, the design of the homes and gardens responds to the shape of the site and makes effective and efficient use of the land whilst minimising potential impacts to the amenity of neighbours. In this instance a more contemporary design is considered to be an appropriate response to the site specific context and the proposal is considered to represent a high standard of design.

### **Neighbouring Residential Amenity**

20. Policy DMP1 of the local plan both emphasise that new development should not result in unacceptable harm to the residential amenities of neighbouring properties. SPD1 provides further guidance on the layout of new development to avoid such impacts.

### *Outlook*

21. SPD1 states that the building envelope of new development should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, 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.
22. Sectional drawings have been provided with the application which demonstrate that these requirements would be complied with, both in terms of 30 and 45 degree lines when measured from the properties on Brookfield Crescent and Lidding Road.

### *Daylight*

23. The application includes a Daylight/Sunlight report which sets out the impacts of the proposal on daylight and sunlight to neighbouring properties and gardens
24. The report uses the Vertical Sky Component (VSC) test which measures the amount of visible sky outside a property. Guidance states that an undue impact is considered to be where the VSC levels drop below 27% or are reduced to 0.8 times their existing value.
25. For the assessment of Sunlight the report uses the APSH test which calculates the percentage of statistically probable hours of sunlight received by each window in both summer and winter months represented as APSH (Average Probable Sunlight Hours) and WPSH (Winter Probable Sunlight Hours). BRE guidelines suggest that main living rooms should achieve at least 25% of annual sunlight hours with 5% in the winter period.
26. The submission identifies properties 10-16 and 25-31 Lidding Road as closest to the proposal and as such most likely to be impacted. The results of the report indicate that VSC would remain well above the 27 benchmark in all locations and as such would satisfy BRE guidance.

### *Privacy*

27. SPD1 requires a minimum distance of 9m from habitable room window to neighbouring private external amenity spaces and a minimum distance of 18m between directly facing habitable room windows. The proposal does not directly face the rear windows of adjoining properties.
28. Plot 8 would feature windows which directly face those on the rear elevation of properties on Brookfield Crescent. However, the distance between these windows would be 32.6m, exceeding the above guidance and in any case would be a secondary window which can be obscure glazed to avoid privacy impact. Clear glazed windows on this plot would face south towards the private rear garden of No. 8 Brookfield Close. However this distance would be 9m, meeting the above requirement.
29. Plots 4, 5 and 6 would be located less than 9m from the rear gardens of properties on Lidding Road. However, at first floor, the windows facing this garden would be secondary windows serving stairwells and would be obscure-glazed. As such, there would be no undue impact on neighbouring privacy from

the proposed units into the garden areas for the maisonettes within Lidding Road.

#### *Other Concerns*

30. Objectors have raised concerns over the loss of some of the green space from the southern side of the site adjacent to the Wealdstone Brook.
31. It is acknowledged that it is possible that some residents may be currently using some of the grassed area for recreational functions despite the proximity to Woodcock Park, and that this may have some local value despite not falling within the boundaries of a designated public open space. Policy CP18 seeks to protect open space of local value from inappropriate development. The policy seeks to preserve open spaces for the benefit, enjoyment, health and wellbeing of Brent's residents, visitors and wildlife. Support will be given to the enhancement and management of open space for recreational, sporting and amenity use and the improvement of both open space and the built environment for biodiversity and nature conservation. Where the loss of open space is proposed, this would be required to be balanced against the benefits of the proposal.
32. The proposal would result in part of the wide grassed verge area to the south of Lidding Road to accommodate the new parking turning area off Lidding Road and the building footprint, pathways and parking for the three flats within plots 1 to 3. However, no buildings are proposed within the SNIC and wildlife corridor. This element of the proposal would improve the existing parking arrangement (increasing the aisle width between the parking spaces) and would provide a turning head for servicing vehicles. This is not necessary to make the development acceptable in planning terms as the three homes that would be serviced from this location would be accessed via a road from which homes are already serviced (Lidding Road). However, the proposed works represent a benefit for the servicing of both existing and future residents.
33. Notwithstanding that, there would be some loss of soft landscaped publicly accessible area as a result of the proposal. While the loss of the grassed verge area is acknowledged, this improvement is considered to outweigh the harm, particularly given the proximity to Woodcock Park which provides a large area of open space in very close proximity and access to this park would remain unrestricted for nearby residents. On balance, the loss of this grassed area is outweighed by the benefits of the scheme as a whole, including the delivery of eight affordable homes and the improvements to the parking and servicing arrangements as discussed above.
34. Objectors note that historically the rear access to the garages suffered from anti-social and criminal behaviour including fly-tipping which was mitigated by the installation of a security fence/gate where the road adjoins Gooseacre Lane. Concerns have been raised that the loss of this gate would result in an increase in anti-social behaviour as a result.
35. These comments are acknowledged. However, the route to the garages at present is a dilapidated and unused route which lacks any natural surveillance and is poorly overlooked. As a result of the redevelopment, the route would become a more open and accessible road which would benefit from surveillance from the proposed units and from pedestrian and car traffic from users of the site. It is acknowledged that the gate/fence provides security benefits for the site as it exists at present but it is considered that this would no longer be necessary once the site is developed.
36. Objectors have questioned whether the development would include CCTV. As noted above, the application site would experience a significant improvement in terms of natural surveillance as a result of the development compared to the existing situation and it is not considered necessary or reasonable to require the development to also provide a CCTV system.
37. Objectors have questioned whether any proposed lighting may result in impacts on neighbouring properties. Lighting will need to be considered in terms of impacts on local ecology, residential amenity and safety (including transportation safety). The application submission confirms that the lighting can be provided to the access road and homes while mitigates potential impacts on ecology and protected species.
38. The Ecologist recommends several methods such as the use of low UV bulbs and low level lighting which can be used in a potential scheme. The use of low level lighting would also minimise the level of potential impact on surrounding properties. A condition is therefore attached requiring details of any lighting to be submitted and approved before implementation.

## Mix of Units and Standard of Accommodation

39. Policy CP2 seeks an overall target of 25% of new homes within the Borough to be family sized (three bedrooms or more).
40. Emerging policy BH6 of Brent's Draft Local Plan seeks for 1 in 4 homes to be family sized. In this case, the proposal exceeds these requirements and the proposal is considered to be compliance with policy CP2.
41. The proposal would provide eight new homes comprising of three flats ( 1x1 bedroom, 1x2 bedroom and 1x3 bedroom) and five houses (1x2 bedroom and 4x3 bedroom). Therefore 5 of the 8 proposed homes would have 3 bedrooms (accounting for 62.5%) and would therefore exceed the above policy requirement.
42. So as to ensure that these flats are not re-purposed to become homes in multiple occupation (HMOs), resulting in the further loss of single family homes to meet an identified need, and to ensure a satisfactory standard of accommodation, a condition is attached to restrict the use of the flats as single family dwellinghouses (C3 use class) and prevent the conversion of the use of the flats to homes in multiple occupation (C4 use class).

### *Standard of Accommodation*

43. Policy D6 of The London Plan (2021) requires new housing to be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiate between tenures.

Unit	Size	Proposed GIA	Minimum GIA*
Plot 1	3B5P (Flat)	96.7sqm	86sqm
Plot 2	2B3P (Flat)	70sqm	61sqm
Plot 3	1B2P (Flat)	65.3sqm	50sqm
Plot 4	2B4P (House)	88.5sqm	79sqm
Plot 5	3B5P (House)	104.1sqm	93sqm
Plot 6	3B5P (House)	96.4sqm	93sqm
Plot 7	3B5P (House)	105.1sqm	93sqm
Plot 8	3B5P (House)	99.5sqm	93sqm

44. All of the proposed units would meet or exceed the minimum space standards as required by the London Plan and all units would be provided with purpose built internal storage. All of the habitable rooms would meet the minimum sizes and widths required and all would have external windows providing good levels of daylight and outlook. Floor to ceiling heights would meet the minimum 2.5m across 75% of the GIA of all units.
45. In addition, the submitted Daylight and Sunlight Report identifies that all of the proposed units would achieve acceptable levels of internal daylight with the exception of 2 habitable rooms which would fall slightly below BRE targets. However, the shortfalls would be relatively minor with the kitchen/dining room of Plot 8 having a ADF score of 1.79 compared to a target of 2 and the kitchen/dining of plot 5 having an ADF score of 1.89 compared to a target of 2. All homes have at least two aspects. The overall quality of the units is considered to be acceptable.
46. The private amenity spaces would likewise receive good levels of daylight, particularly in the summer months.

### *Accessible homes*

47. Policy D7 of London Plan seeks for at least 10% of new dwellings to be designed to M4(3) 'wheelchair user dwellings' and the remainder to be designed to M4(2) 'accessible and adaptable dwellings'. Therefore in this case, policy D7 seeks for all eight homes to be designed to M4(2) requirements.

48. Plot 1, 7 to 8 have been designed with step free access from street level to meet policy M4(2) requirements. However plots 2, 3, 4 to 6 do not have stepped access from street level. Plots 2 and 3 are located above plot 1 and only have stepped access to the first floor. No lift would be proposed to allow step free access to these flats. However, policy D7 recognises that there are exceptional circumstances where the provision of a lift to a dwelling entrance may not be achievable. This would only apply for buildings that are four storeys or less. Additionally a clear width of 1.35m would be maintained at the bottom of these stairs allowing sufficient space for the implementation of a chair-lift as per M4(2).
49. Plots 4 to 6 are raised above ground level as a result of needing to raise ground levels to avoid flood risk. However, the front gardens of plots 4-6 have been designed to allow sufficient space for a wheelchair ramp to be installed if necessary in the future, which in turn would not compromise the wider flood impacts on the site.
50. Overall, the layout of the units is considered to be of good standard and would be acceptable.

#### *External Amenity Space*

51. Policy DMP19 establish 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 20 sqm studio, one or two-bedroom home and 50 sqm for family housing (homes with 3 or more bedrooms). Policy BH13 of Brent's Draft Local Plan also requires 20sqm for all studio, one and two-bedroom homes, but only requires 50sqm for three bedroom homes at ground floor only. Therefore any three bedroom homes above ground floor level, would requires 20sqm.
52. The policy requirement in relation to external private amenity space is for it to be of a "sufficient size and type", which may be achieve even when the "normal expectation" of 20 / 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 spaces may also be considered when weighing a shortfall against the normal expectation.
53. With regard to quality of the space, the supporting text to policy DMP19 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.
54. 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 emerging policy.

Unit	Unit Size	Proposed Amenity Space	DMP19 Requirements
Plot 1	3B5P	52.1sqm	50sqm
Plot 2	2B3P	6.1sqm	20sqm
Plot 3	1B2P	5.2sqm	20sqm
Plot 4	2B4P	70.1sqm	20sqm
Plot 5	3B5P	50.6sqm	50sqm
Plot 6	3B5P	57.6sqm	50sqm
Plot 7	3B5P	54.1sqm	50sqm
Plot 8	3B5P	146.8sqm	50sqm

55. The proposed units would all have access to private gardens or balconies, all of which would meet the minimum depths and sizes required by London Plan policy D6. Plots 2 and 3 would fall below the 20sqm target for private amenity space within DMP19, with a total shortfall of 29 sqm. However, these two flats are adjacent to the landscaped area within the site which is accessible to residents (and the general public) and is considerably larger than the level of shortfall. While it also serves an ecological function, it will also provide space that is usable by residents. The flats would be sited in close proximity to Woodcock Park which is a large open space.
56. As such, although two flats within the proposal fall below the numerical target for private external amenity space expressed within policy DMP19, having regard to the proximity to nearby open spaces and the quality and quantity of on-site provision, would nonetheless provide external space that is sufficient in size and type to satisfy the needs of future residents and it is therefore considered to accord with DMP19.

#### *Fire Safety*

57. Policy D12a of The London Plan (2021) requires all new development to take account of fire safety in design. The applicant has submitted a Fire Statement which identifies the potential fire risks and sets out passive and active safety measures and identifies escape routes and access for emergency vehicles.

#### **Highways and Parking, Refuse, Cycle Parking**

58. The access road to the garage is from Hillview Avenue in between its junctions with Brookfields Avenue and Gooseacre Lane. According to 2013 parking surveys, Hillview Avenue and Gooseacre Lane are not considered to be heavily parked. However Brookfields Avenue and Lidding Road are considered to be heavily parked due to their narrow widths.
59. The site has poor access to public transport (PTAL 1b).

#### *Car Parking and access road into the site*

60. The maximum car parking allowance for the eight proposed dwellings is 10.5 car parking spaces. The proposal would include 10 car parking spaces for the proposed development and so is within these maximum allowances.
61. Plots 1 to 3 would have their main entrance fronting Lidding Road and the proposal includes the provision of two car parking spaces accessed from Lidding Road itself on either side of the block, set behind a new footway.
62. Plots 4-8 are all proposed to be accessed from the garage access road, with parking provided for the units from this access and a further turning head provided at the end of the access road for service and emergency vehicles.
63. With some larger areas of hardstanding proposed for turning and vehicle access, there is a risk that some of the areas within the site may be used for further car parking unless measures to prevent this are put in place. As such, a parking management plan is recommended to be secured through condition. While on-site management would not be feasible due to the small scale of the development, other measures could be introduced to reduce the potential for parking outside of the designated parking bays.
64. The technical drawings include tracking diagrams, which demonstrate that refuse and fire service vehicles can access the site and turn around, which would be acceptable. Objectors have commented that Thames Water may require access to the site to deal with blockages. The service road is accessible for a range of vehicles and there is no reason to believe that Thames Water could not maintain any of their sewers as a result of this proposal.
65. A number of highway works are proposed to improve the junction between the garage access road and Hillview Avenue, providing radius kerbs and tactile paving. As part of these highway works a suitable worded condition is recommended to secure the following: Amendments to the junction of the garage access road with Hillview Avenue to include the provision of new radius kerbs, tactile paving and a raised entry table

#### *External lighting*

66. It should be noted that all routes to the proposed dwellings, including the existing garage access road



and any footpaths, would need to be well lit so that they can be useable and safe for pedestrians throughout the day and year.

67. As noted previously, any lighting scheme will need to be sensitively designed so as to not impact local wildlife or local amenity, with recommendations for the lighting scheme discussed within the ecology section above.

#### *Wider highway improvements on Lidding Road*

68. Lidding Road is an existing adopted highway with a carriageway width of 4.1m, which widens out to approximately 13m at its southern end for a length of approximately 18m to allow perpendicular car parking and a turning area. However, the turning area is routinely obstructed, particularly as cars park at 90 degrees on both sides of the turning area, despite its limited width.
69. The proposals include revisions to this arrangement by widening the northern part of the Lidding Road carriageway to 4.8m to enable cars to park parallel to it and widening the southern part of Lidding Road to 16m in order to provide perpendicular parking on both sides. This extent of the highway works lie outside the red edge site plan of the application site. The road is also to be extended southwards within the existing area of grassland to provide a turning head clear of the parking bays.
70. Lidding Road has a capacity for 10 on-street car parking spaces, but surveys carried out in September 2020 identified 18 cars parked on Lidding Road (6 in the northern stretch and 12 in area designed for 10 cars plus a turning head). The results of this survey are similar to overnight parking surveys carried out in 2013, which is why Lidding Road is noted as being a heavily parked street. Cars parked on the northern 4.1m stretch obstruct larger vehicles such as emergency and service vehicles, so provision of extra space to accommodate parking and the safe passage of larger vehicles is supported in principle.
71. The total number of on-street car parking spaces proposed is 20, which is slightly more than the demand identified in either the latest survey or the 2013 survey, although this does now include two spaces for the new dwellings, although it should be noted that these would not be able to be allocated.
72. As part of any forthcoming application the following highway works would need to be secured through a suitably worded condition:
- Construction and adoption of the proposed new turning head at the southern end of Lidding Road with associated parking restrictions;
  - Widening of the carriageway of Lidding Road to the front of nos. 7-23 to 5.5m in order to accommodate parallel on-street parking bays with associated waiting restrictions on the western side of the street.

#### **Cycle parking**

73. The proposals require a minimum of 15.5 cycle parking spaces located in secure undercover lockable storage areas. Sheds are shown for each of the dwellings and details of the sheds would be conditioned to any forthcoming consent.

#### **Noise and construction management**

74. Regulatory services have highlighted that the site is within a residential area, but noted the presence on non-residential uses nearby. In order to ensure an acceptable standard of accommodation, they have recommended that a condition is attached requiring details of the sound insulation measures for the new homes. Objectors have raised concern regarding noise from cars accessing the homes. The previous use of the site was garages, which would have resulted in noise. However, it is understood that the garages have not been used for some time. The level of noise associated with the homes is considered likely to be low given the small number of cars that would park within the site. Similarly, the frequency of servicing vehicles (e.g. refuse trucks or delivery vans) is also not likely to be at a level that would result in significant noise disturbance.
75. Conditions requiring a Construction Management Plan and a Construction Logistics Plan are also recommended to ensure that the impacts of the development in terms of noise and dust are effectively controlled throughout development to protect neighbouring amenity.

#### **Flood Risk and Drainage**

76. Policy SI 12 of The London Plan requires development to ensure that flood risk is minimised and mitigated. Similarly Policy DMP 9A states that proposals should demonstrate that they will be resilient to all surfaces of flooding and should not increase the risk of flooding elsewhere. This is re-iterated in draft policy BSUI3.
77. The proposal site includes land within Floodzone 3a for fluvial flooding, and along the edge of the Wealdstone Brook within floodzone 3b for fluvial flooding. The applicant has submitted a Flood Risk Assessment which sets out the identified risks of flooding on the site and surrounding locations.
78. Plots 1 to 3 and 7 to 8 are located outside of Floodzone 3a and 3b. Plots 4 to 6 are located within flood zone 3a. No buildings are proposed within floodzone 3b, nor would there be any hardstanding within floodzone 3b. The Environment Agency originally objected to the proposal on the grounds that it was located within functional flood zone 3b. However, they since confirmed that the site is not in the 1 in 20 flood extent, nor is the site designed Flood Zone 3b. They have confirmed that they wish to remove their objection.
79. The submitted details indicate that the proposal would result in a significant betterment to the current brownfield discharge rates, which equates to the following improvements: 73% in a 1 in 1, 89% in a 1 in 30, 92% in a 1 in 100. The discharge rates demonstrate that the proposal would offer a significant betterment to the current development in place which in turn will improve the flood risk locally.
80. The flood risk assessment clearly demonstrates mitigation through Flood Resistance Measures which is proposed to include, for Plots 1 to 6, a flood resistant damp proofing into the construction of the ground floor. Surface Water Flood Routing As shown in the EA Flood Risk from Surface Water mapping, a surface water flow path crosses the site from north to south, into Wealdstone Brook which mitigates the flood risk to the proposed Plots 1 to 6 and ensures that flood risk is not increased outside of the site boundary.
81. In the event of a flood at the site the residents within the properties will not be at risk due to the flood levels within the site for a 1-in-100-year flood event + 35% allowance for climate change shows a level of 37.75m AOD. The development proposes to raise the Plots 1 to 6 by 300mm above that flood level, making it 38.05m AOD. The proposed FFLs are above this flood level and therefore acceptable.
82. The assessment demonstrates the finished floor level is raised 300mm in 1 in 100 event with a 70% allowance scenario and therefore is safe for the residents at the first floor level.
83. The flood risk assessment and its mitigation measures have been assessed by the Local Lead Flood Risk Authority who consider that flood risks have been effectively mitigated and that the development offers an overall betterment to drainage on the site.
84. Objectors have commented that the site currently suffers from flooding due to the local sewer pipes that run through the site and this has been confirmed by the Council's drainage team. Concerns have been raised that the development would be impacted by an increase in these issues.
85. The local sewers are owned and maintained by Thames Water and as such Thames Water is responsible for the maintenance of this system.
86. The submitted drainage strategy provides a significant betterment in terms of surface water discharge to the sewer. Additionally, the details submitted show confirmation from Thames Water that the network has sufficient capacity to cope with the new development, both in terms of surface water and foul water.
87. Overall, it is therefore considered that the development would result in an improvement in terms of surface water drainage when compared to existing circumstances and that it is acceptable in terms of flood risk and potential impact on the local sewerage system.

### **Trees and Landscaping**

88. Policy G7 states that existing trees of value should be retained where possible and that adequate replacements should be sought where loss of trees is acceptable. This is reinforced in Policy BGI2 of the Draft Local Plan.
89. The application has been accompanied by an arboricultural assessment and arboricultural impact assessment. These reports note that the application site contains 34 individual trees, 8 groups of trees

and 3 hedgerows. The development would require the removal of 15 individual trees, 5 groups of trees, 2 further groups of trees to be partially removed, 1 hedgerow to be removed and 1 further hedgerow to be partially removed. The supplied Tree Survey identifies that all of the individual trees are either Category C of low quality or Category U and would be unsuitable for retention beyond 10 years. In particular it is noted that several of the groups of trees are located in poor environments with hard standing in the root zones and contain dead trees. The submitted Arboricultural assessment indicates that 6 of the 7 groups are classified as providing 'limited contribution' to the area. This has been assessed by the Council's Tree Officer who agrees with the conclusions.

90. A tree replacement scheme has been submitted and would result in 38 new trees being planted at the site and are of a species and type considered to be acceptable by the Council's Tree Officer.
91. In order to ensure that retained trees are protected throughout development, a condition is recommended requiring an Arboricultural Method Statement and tree protection plans to ensure that all retained trees are adequately protected throughout the duration of the construction works.
92. Most of the existing soft landscaping at the southern side of the site would remain left in its natural state with two new pathways on the western end to provide a link to the neighbouring park.
93. Permeable hard landscaping would be provided at the front of plots 4-6 to provide parking spaces for future residents. Improvements to the access route to Gooseacre Lane would include the use of soft landscaping and new trees lining this route to create a more welcoming pedestrian environment.
94. As noted previously, there would be some loss of green space as a result of the proposal. However, the part of the site where new building works would take place is not designated as space of high ecological importance. A buffer zone would be maintained from the development to the nearby SINC and there would be the aforementioned increase in number of trees. A condition has been added requiring a detailed landscaping plan to be submitted to ensure that the type and mix of plants proposed maximise ecological benefits to the site.
95. Overall, the proposed landscaping is considered to improve elements of the site which are at present of a poor and unwelcoming environment whilst minimising impacts on nearby ecology assets. The landscaping is considered to be acceptable.
96. Policy G5 of The London Plan and Policy BGI1 of the Draft Local Plan require developments to contribute to Urban Greening and a target Urban Greening Factor (UGF) of 0.4 is recommended. The applicants have submitted details which demonstrate that the proposal would have a UGF score of 0.42 which would accord with this policy requirement.

### **Ecology and impacts on the SINC**

97. The land adjacent to Wealdstone Brook is a designated Site of Importance for Nature Conservation (SINC). Policy G6 of The London Plan states that SINCs should be protected. It goes to state the following under part B:

*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.*

98. Part D sets out 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.
99. The applicant has provided an Ecological Appraisal which included a desk study and walkover survey. The appraisal identified that the following habitats within the site and their value in ecological terms:
  - Amenity grassland in the south west of the site, scrub within the eastern portion of the site and introduced scrub beneath the trees in the western portion of the site - these habitats are well represented locally, have low species diversity and can be easily recreated post development. Any

- loss of these habitats would be considered to have minimal impact on the ecology of the local area.
  - Species poor intact hedgerow located in the south west of the site within the area of amenity grassland -the hedgerow lacks species diversity and can easily be replaced if lost. Furthermore, the hedgerow is not classed as a Habitat of Principal Importance.
  - Garage buildings and hardstanding - low or negligible species diversity and can be easily recreated post development.
  - Scattered Trees - The mature and semi-mature trees on site are of intrinsic value as they cannot be easily replaced in the short to medium term. Therefore any losses should be compensated for in line with the mitigation hierarchy. Retained trees could be adversely impacted during construction, and protection measures are recommended.
  - Semi-natural broadleaved woodland - The woodland on site meets the criterion to be classified as a Habitat of Principal Importance and, although it is limited in extent, the woodland has intrinsic value due to the maturity of the trees and as it provides connectivity to the wider landscape. This habitat type cannot be easily replicated if lost and, therefore, should be retained and protected where possible. If loss of this habitat cannot be avoided, then appropriate mitigation and compensation measures will need to be implemented.
100. As noted within the "Trees and Landscaping" sub section above, a number of trees would be removed within the site to facilitate the development. The ecology report identifies that trees should be retained where possible, and if retention is not possible, appropriate replacement planting should be incorporated into the soft landscape scheme in accordance with the ecological mitigation hierarchy. It advises that only native and/or wildlife attracting species should be planted.
101. The report goes on to advise that biodiversity enhancement measures should be incorporated into the landscape scheme to work towards delivering net gains for biodiversity. Such planting should be of value to wildlife.
102. The ecology report has also considered the impact of the proposal upon protected species.
- Badger, otter and water vole, and amphibians - not a notable consideration in relation to the proposed development with no badger records or evidence of badgers observed during the site visit and no further recommendations are made.
  - Hedgehogs - notable consideration in relation to the proposed development, and to prevent harm to this species during construction works, a recommendation regarding the protection of foraging terrestrial mammals is made during construction works .
  - Reptiles - site has suitable refuge and foraging habits for reptiles, and whilst the risk of causing adverse impacts to reptiles to low, some suitable terrestrial habitat will be cleared by the proposed development, recommendations are made within the ecology report.
  - Birds - Numerous other notable bird species were also identified within the desk study, as well as various bird species being observed on site at the time of survey. The woodland, scattered trees and dense scrub provide suitable habitat for nesting birds within the survey area. If works are undertaken in the bird nesting season, there is potential to impact on nesting birds and recommendations are made within the ecology report. .
103. The ecology report has also considered the potential impacts on bats and this is further considered within a preliminary bat roost assessment. The reports highlight that the desk study provided records of at least three species of bat, the closest of which was of an unidentified bat located 80 m west.
104. The garage buildings presented no value to roosting bats and no evidence of roosting bats was recorded. However, a number of the trees provide suitable opportunities for roosting bats, containing features such as cavities and woodpecker holes. The trees with a high suitability for bats included T22 and T8. Three further trees, T19, T20 and T32 were identified as having low bat roosting potential due to the age of the trees and the presence of light ivy cover.
105. As T22 is proposed to be removed and has high bat roosting potential, further surveys are required in the form of dusk emergence and dawn re-entry surveys. In the event that a roost is discovered, a Natural England licence application may be required.
106. The woodland, scattered trees and dense and scattered scrub provide suitable foraging and commuting opportunities for bats which is well connected to areas of suitable habitat within the wider landscape, including the vegetated corridor of Wealdstone Brook located adjacent to the southern site boundary and the habitats within Woodcock Park to the west.

107. Recommendations have therefore be made in relation to external lighting to be designed to minimise potential disturbance including avoiding the installation of new lighting in proximity to key ecological features, such as the boundaries adjacent to Woodcock Park North and the Wealdstone Brook. Lighting for the road has been discussed above, including the ecological recommendation such as the use of low UV bulbs and low level lighting.
108. In the interests of enhancing the net gain in biodiversity within the site, the report recommends the use of hedgehog passes under fence lines, nest boxed for bird species such as house sparrow, dense scrub for species such as song thrush, and bat boxes for species such as pipistrelle. The creation of deadwood habitat for stag beetles is also recommended.
109. The report has identified species and habitats that may be vulnerable to the impacts of the development and further identifies methodology that can be used to mitigate impact of the development on native species.
110. Although adjacent to the SINC, the proposal would not involve development within the SINC area which is also an identified flood zone. Nonetheless the Appraisal identifies that some vegetation would be lost adjacent to the SINC and indirect impacts are possible. The appraisal therefore recommends that a Construction Ecological Management Plan (CEcMP) should be compiled for the site. A condition has been added to require this is submitted prior to the commencement of works.
111. All mitigation measures are to be secured through condition.

### **Equalities**

112. 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**

113. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions.
114. The proposal will bring forward the provision of eight new affordable homes including 5 family sized homes within a disused site.
115. The application is therefore recommended for approval subject to the conditions set out in this report.



Application No: 21/3248

To: C/O Agent  
JLL  
30 Warwick Street  
London  
W1B 5NH

I refer to your application dated **24/08/2021** proposing the following:

Demolition of the existing garages and redevelopment to provide 3 self-contained flats and 5 dwellinghouses; with associated car parking, cycle storage, refuse storage, amenity space and landscaping

and accompanied by plans or documents listed here:  
See Condition 2

at **Lidding Road Garages, Lidding Road, Harrow**

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: 08/04/2022

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.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in material accordance with the:-  
London Plan 2021  
Brent Core Strategy 2010  
Brent Development Management Policies 2016  
Emerging Local Plan  
National Planning Policy Framework 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):  
  
1843 P-01 D – Proposed Ground Floor Plan  
  
1843 P-02 D – Proposed First Floor Plan and Sections  
  
1843\_P-03 – Proposed Floor Plans  
  
1843\_P-05\_REV A – Visualisations  
  
1843 P-10 E – Proposed Site Plan  
  
1843 P-11 A – Existing Site Plan  
  
1843\_P-20 REV A – Proposed Elevations  
  
1843\_P-25 REV B – Detail Elevations Sections and Materials  
  
1843\_SLP-01\_A – Site Location Plan  
  
C154334-03-01\_REVA – Tree Survey Plan  
  
GW - BR035 - P- 100 REV D – Hard Landscaping  
  
GW - BR035 - P- 200 REV E – Trees Removed/Retained  
  
GW - BR035 - P- 300 REV E – Tree Planting Plan  
  
GW - BR035 - P-302 – Planting Plan Sheet 2  
  
GW - BR035 - P- 303 REV CA – Planting Plan Sheet 3  
  
GW - BR035 - P-304 – Planting Plan Sheet 4  
  
GW - BR035 - P-305 – Planting Plan Sheet 5  
  
GW - BR035 - P-306 – Planting Plan Sheet 6  
  
GW - BR035 - P-307 – Planting Plan Sheet 7

Supporting Documents: -

RT-MME-154334-03 Rev B - Preliminary Arboricultural Assessment (Dated August 2021)

RT-MME-154334-04 Rev A – Arboricultural Impact Assessment (Dates August 2021)

RT-MME-154334-01 Rev B – Preliminary Ecological Appraisal (Dated October 2021)

RT-MME-154334-02 Rev B – Preliminary Bat Roost Assessment (Dated October 2021)

Flood Risk Assessment and Drainage Strategy (Dated 12 November 2021)

- 3 The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units and in view of the restricted space in the front garden to accommodate additional bin or cycle storage.

- 4 The windows in the first floor bathrooms, hallways and landing on the northern elevation of plots 4 to 6, the eastern elevation of plot 7 and the north eastern elevation of plot 8 shall be constructed of obscure-glazing which is un-openable below 1.7m above the internal finished floor levels.

These shall be retained as such unless otherwise agreed in writing by the Council

Reason: To minimise any direct overlooking or loss of privacy to neighbouring properties.

- 5 No further extensions or buildings shall be constructed within the curtilage of the dwellinghouses subject of this application, notwithstanding the provisions of Class(es) A, B, C, D, E and 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(s):

In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority.

- 6 The development shall provide 8 self-contained residential units (1 X 1bed, 2 x 2bed and 5 x 3bed) to be used as residential units (Use Class C3) as shown on the approved plans, unless otherwise approved by the Local Planning Authority

Reason: In the interests of proper planning and for the avoidance of doubt

- 7 The 8 residential dwellings hereby approved shall be provided as affordable housing in perpetuity, and shall be delivered as 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 DMP15.

- 8 The works shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy (Dated 12 November 2021) unless otherwise agreed in writing by the Council

Reason: To ensure that risks from flooding are effectively mitigated

- 9 Prior to the commencement of works (excluding site clearance and hoarding), an Arboricultural Method Statement shall be submitted to and approved in writing by the Council. This shall include details of site supervision and tree protection measures to be carried out at all stages where development takes place in proximity to the root protection areas or crown spreads of retained trees and hedges throughout the duration of the development.

The works shall be carried out in accordance with these approved details throughout the construction phases.

Reason: To ensure that retained trees are protected throughout development.

Reason for pre-commencement condition: Construction impacts can arise at any time from the commencement of works, and adequate controls need to be in place from this time.

- 10 Prior to the commencement of the development a Construction Method Statement and Construction Logistics Plan shall be submitted to and approved by the Local Planning Authority outlining measures that will be taken to control dust, noise, construction traffic and other environmental impacts of the development. As part of the Construction Logistics Plan measures shall be included to require construction vehicles to access the site via Gooseacre Lane and egress the site via Hillview Avenue. The approved details shall thereafter be implemented in accordance with the approved documents unless otherwise agreed in writing by the Local Planning Authority.

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: Construction impacts can arise at any time from the commencement of works, and adequate controls need to be in place from this time.

- 11 The measures and recommendations set out in the 'RT-MME-154334-01 Rev B – Preliminary Ecological Appraisal (Dated October 2021)' and RT-MME-154334-02 Rev B - Preliminary Bat Roost Assessment (Dated December 2021) shall be implemented in full throughout the development.

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

- 12 Prior to commencement of development a Construction Ecological Management Plan shall be submitted to and approved in writing by the Council. The approved measures shall be

implemented in full.

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

Reason for pre-commencement condition: Construction impacts can arise at any time from the commencement of works, and adequate controls need to be in place from this time.

- 13 Prior to the commencement of works (excluding demolition, site clearance, laying of foundations or any other below ground work) details of the following shall be submitted to and approved in writing:

- (a) materials to be used in the external appearance of the development including samples to be pre-arranged to viewed by the Local Planning Authority
- (b) details of window reveals, head and cill details and eaves details to be provided at scale 1:10

The works shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposals would have an acceptable appearance.

- 14 Prior to the commencement of works (other than demolition, site clearance, laying of foundations or any other below ground work) details of a hard and soft landscaping scheme for the development shall be submitted to and approved by the Local Planning Authority. Such details shall include:

- (i) A planting plan, including the provision of a minimum of 33 replacement trees within the site, with the use of native and/or wildlife attracting species as per the recommendations made within the Preliminary Ecological Appraisal dated October 2021 Rev B
- (ii) details of garden wall, fences or other form of boundary treatment to be provided within the site (including details of external materials and heights);
- (iii) details of surfacing materials to be used for hardstanding, together with any delineation of car parking spaces or pedestrian pathways
- (iv) details of wildlife enhancements within the site as per the recommendation sets out within Preliminary Ecological Appraisal dated October 2021 Rev B, including the use of hedgehog passes under fence lines, nest boxes for bird species such as house sparrow, dense scrub for species such as song thrush, bat boxes for species such as pipistrelle and the creation of deadwood habitat for stag beetles

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 .

Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

- 15 Within three months of commencement of the development, the developer shall enter into an agreement with the Local Highways Authority to carry out the following works:

- 1. construction and adoption of the proposed new turning head at the southern end of Lidding Road with associated parking restrictions.

2. widening of the carriageway of Lidding Road to the front of nos. 7-23 to 5.5m in order to accommodate parallel on-street parking bays with associated waiting restrictions on the western side of the street;
3. Amendments to the junction of the garage access road with Hillview Avenue to include the provision of new radius kerbs, tactile paving and a raised entry table;

The development shall not be occupied until evidence that the abovementioned highway works have been implemented in full and certified as completed to an acceptable standard by the Local Highways Authority has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development provides a safe and functional highway environment to connect the development with its surroundings.

- 16 Details of external lighting including the height, type, position, angle and spread of any external lighting to minimise light spillage and glare outside the designated area, shall be submitted to and approved in writing by the Local planning authority prior to first occupation of the development hereby approved. The external lighting shall be erected and maintained in accordance with the approved details

Reason: To protect the amenity of existing and future residents, in the interest of highway safety and ecology (including protected species).

- 17 Prior to first occupation of the site details of proposed cycle storage for the dwellings shall be submitted to and approved in writing by the Council which shall demonstrate that cycle parking shall be provided to meet London Plan standards through the provision of secure, weatherproof cycle storage facilities. The development will be carried out in accordance with the approved details and thereafter maintained and retained

Reason: To encourage sustainable methods of transport

- 18 Prior to the occupation of the dwellings hereby approved, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority setting out details of measures to prevent car parking on land not identified for car parking for the 8 units hereby approved, and thereafter implemented in accordance with the full details throughout the lifetime of the development.

Reason: In the interests of highway safety.

- 19 All residential premises shall be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following noise levels:

Time	Area	Maximum noise level
Daytime Noise 07:00 – 23:00	Living rooms and bedrooms	35 dB LAeq (16hr)
Night time noise 23:00 – 07:00	Bedrooms	30 dB LAeq (8hr) 45 dB LAmx

A test shall be carried out prior to first occupation of the dwellings hereby approved to show that the required noise levels have been met and the results submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of accommodation for future residents.

- 20 Prior to first occupation of the approved units, a Sustainable Urban Drainage System (SuDs) Verification report shall be submitted to and approved in writing by the Council.

This report shall include details of:

- a) Confirmation that SuDs measures have been implemented on site
- b) Details of proposed drainage and void structure maintenance schedules

The details shall be implemented on site unless otherwise approved in writing by the Council.

Reason: To ensure that surface water impacts are properly mitigated against, and to reduce the risk of flooding.

- 21 'Prior to occupation of the proposed development a drainage CCTV conditions survey is to be undertaken and a verification report produced to confirm the condition of the drainage within the development boundary'.

## 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](http://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](http://www.communities.gov.uk)
- 3 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.
- 4 The submission/approval 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.
- 5 The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
  - on or within 8 metres of a main river (16 metres if tidal)
  - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
  - on or within 16 metres of a sea defence
  - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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

Any person wishing to inspect the above papers should contact Liam McFadden, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 3299

## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

20 April, 2022  
06  
21/1634

## SITE INFORMATION

RECEIVED	5 May, 2021
WARD	Wembley Central
PLANNING AREA	
LOCATION	Wembley Hotel, 40 London Road, Wembley, HA9 7EX
PROPOSAL	Demolition of existing hotel and erection of a new building comprising hotel with basement level and residential apartments, ground floor cafe, provision for cycle parking spaces, bin stores and associated landscaping.
PLAN NO'S	See Condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_154953">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_154953</a></p> <p><b><u>When viewing this as an Hard Copy</u></b> .</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "21/1634" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

- A. That the Committee resolve to grant planning permission subject to conditions and the completion of a satisfactory Section 106 or other legal agreement.

Section 106 Heads of Terms:

1. Payment of legal and professional costs
2. Notification of material start 28 days prior to commencement
3. Securing financial contribution towards off-site affordable housing
4. Contribution towards a local carbon off-setting scheme to achieve the London Plan targets for carbon reduction, should those targets not be met through on-site measures.
5. Car free agreement
6. Any other planning obligation(s) considered necessary by the Head of Planning

That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.

- B. That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### Conditions

1. Timescales for the commencement of the development
2. Approved plans
3. Number of residential flats
4. Number of hotel rooms
5. Restriction on occupation
6. Residential flats to comply with M4(2) requirements
7. TV aerial/satellite system
8. Water consumption
9. Refuse storage
10. Sustainable Drainage Measures
11. Obscure glazing
12. NRMM
13. Construction Method Statement
14. Construction Logistics Plan
15. Site investigation
16. External materials
17. Hard and soft landscaping
18. Accessibility Management Plan
19. Management Plan
20. Delivery and Service Plan
21. Cycle details
22. Travel Plan
23. Noise verification
24. Plant noise

### Informatives


1. CIL liability
2. Party Wall
3. Asbestos
4. State of Highway
5. Fire Safety Standards
6. Living Wage
7. Noisy Works

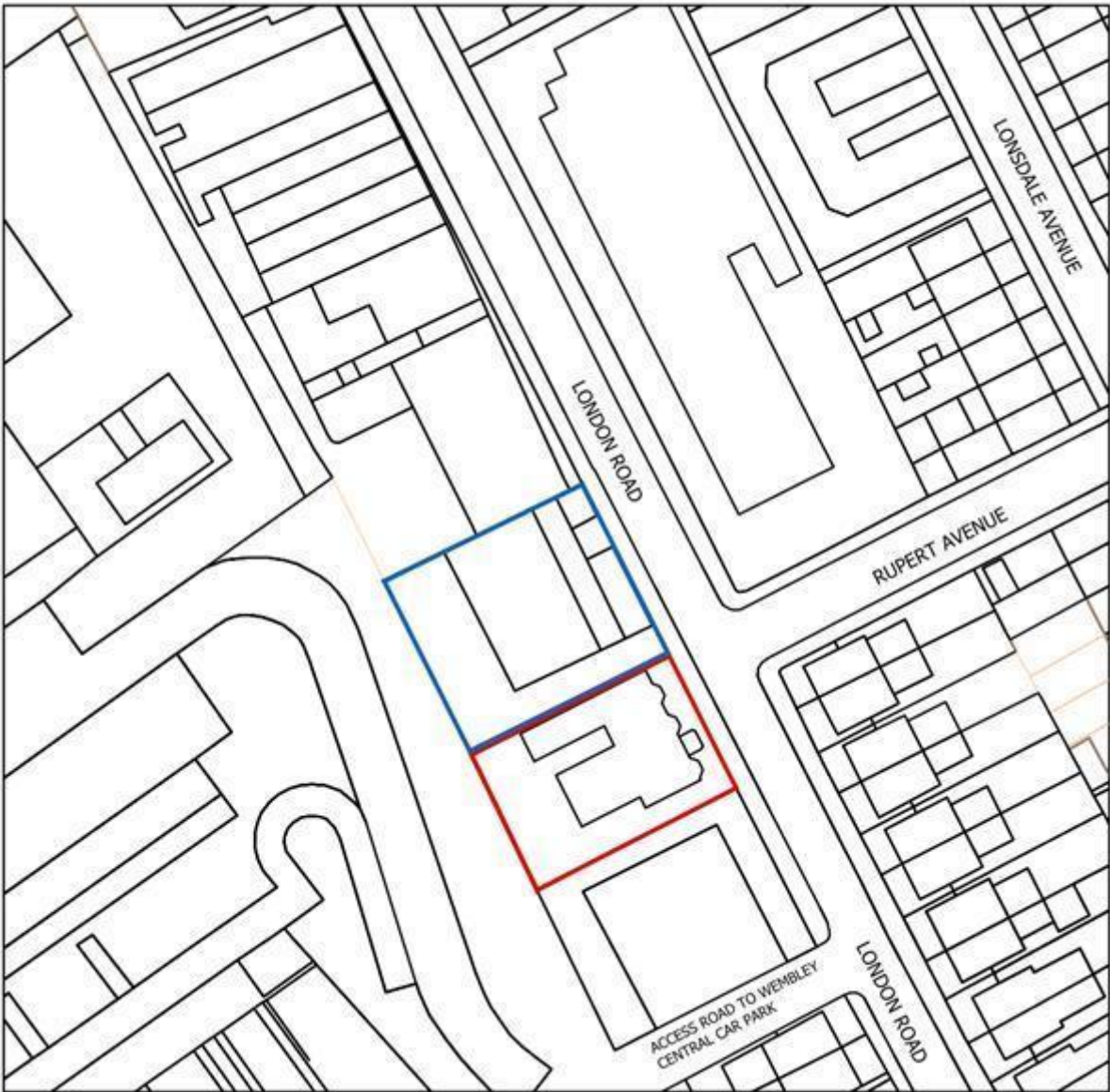


1. That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied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

	<b>Planning Committee Map</b>
	Site address: Wembley Hotel, 40 London Road, Wembley, HA9 7EX
	© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

## PROPOSAL IN DETAIL

Demolition of existing 3 storey hotel and erection of a new 6 storey building comprising 53 room hotel (Use Class C1) with basement level and 9 residential apartments (Use Class C3), ground floor cafe, provision for cycle parking spaces, bin stores and associated landscaping

## EXISTING

The application site is a two storey detached building with accommodation in the roofspace in use as a hotel. It is located on the west side of London Road. The site is located within the Wembley Growth Area and Opportunity Area, and is within the boundaries of Wembley Town Centre. It also lies within an Air Quality Management Area and is within the boundaries of the Wembley Tall Building Zone.

## AMENDMENTS SINCE SUBMISSION

The following amendments were made to the plans during the application:

- Additional information submitted regarding sustainability, transport, air quality and fire safety
- Sectional drawings and contextual elevations submitted
- Minor amendments to layout of ground floor
- Alterations to layout to provide additional family unit
- Amended roof plan to provide green roof

## 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 the owners/occupiers of two neighbouring properties in response to the consultation. These are discussed in the consultation and detailed considerations sections of the report.

**Principle of Development:** The principle of the provision of new homes to meet identified need is supported in this location. The hotel use is existing and would be intensified. This is in accordance with policy which identifies the need for hotel accommodation and encourages hotel provision in the Wembley town centre:

**Housing mix and quality:** The proposal meets the policy target of 1 in 4 new homes being family sized and would include a contribution to off-site Affordable housing in line with Local Plan policy BH5 (applicable to schemes of 5-9 new homes). The new homes would provide a good standard of internal accommodation and while there would be a shortfall in external space against Brent targets, levels would significantly exceed Mayoral standards and on balance this is considered to be acceptable.

**Highway impacts:** Transport officers have assessed the scheme and advised that the proposal is acceptable. The site has good public transport accessibility levels and is car-free in line with policy. Cycle parking is incorporated. Servicing would take place from the double yellow lines in the highway which is considered to be acceptable. It is not considered to result in a material impact upon the local highway network or public transport infrastructure.

**Residential amenity:** the proposal would not result in an unduly detrimental impact on the residential amenities of neighbouring occupiers in terms of noise and disturbance, daylight and sunlight or overlooking.

**Design and appearance:** The proposal would provide a good level of activation within the street frontage and would fit well within the context of the site, making a positive contribution to the streetscene. Details of external materials would be secured through condition.

**Flood Risk:** The proposal would result in a betterment in terms of drainage rates at the site and has effectively mitigated impacts of flooding events on the future residential units. There are no objections from the Lead Local Flood Authority.

**Sustainability:** The proposal would meet policy targets for carbon reduction, with 59 % carbon reduction (beyond Building Regulations) achieved through on-site measures and net zero achieved through a carbon offsetting contribution. The hotel would achieve BREEAM “Excellent” in line with policy. An Urban Greening Factor of 0.29 would be met, which falls marginally below the target of 0.3 but represents a significant improvement over the existing situation.

## RELEVANT SITE HISTORY

### Relevant planning history

Reference	Proposal	Decision	Date
21/4287	Change of use from existing hotel (Use Class: C1) to non self-contained residential accommodation (Use Class: Sui Generis), installation of front ramp, alterations to fenestration, provision for refuse and bicycle storage and amenity spaces including rear roof garden at first floor level	GRANTED	25/02/2022

## CONSULTATIONS

214 Neighbours Consulted were consulted by post on the 30<sup>th</sup> June 2021

The application was advertised in the local press on 8<sup>th</sup> July 2021 and a site notice was displayed on 14<sup>th</sup> July 2021.

2 objections were received from 2 individual addresses. These are summarised as follows:

Objection	Response
Concerns over impact on traffic and parking within the local area	Discussed in paragraphs 62-84
Too many high rise buildings in this area	Discussed in paragraphs 12-20
Concerns over noise and dust impacts of development	Discussed in paragraphs 94-97
No need for more hotels	Discussed in paragraphs 1-3

### Internal Consultees

## **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 is comprised of the

- London Plan 2021
- Brent Local Plan 2019-2041\*

Key policies include:

### **London Plan 2021**

SD1 – Opportunity Areas

SD6 – Town centres and high streets

D3 – Optimising site capacity through the design-led approach

D4 - Delivering good design

D5 – Inclusive Design

D6 - Housing quality and standards

D7 – Accessible housing

D12 – Fire Safety

H1 – Increasing housing supply

H2 – Small sites

E10 – Visitor Infrastructure

SI 1 Improving air quality

SI2 – Minimising greenhouse gas emissions

SI3 – Energy infrastructure

SI4 – Managing heat risk

SI5 – Water infrastructure

SI 13 – Sustainable drainage

T1 – Strategic approach to transport

T2 – Healthy streets

T4 – Assessing and mitigating transport impacts

T5 – Cycling

T6 - Car parking

## **Brent Local Plan 2019-2041**

### **General Policies:**

DMP1 – Development Management General Policy

BP7 - South West

### **Design Policies:**

BD1 – Leading the way in good design

BD3 – Basement Development

### **Housing:**

BH1 – Increasing Housing Supply

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

### **Economy & Town Centres:**

BE9: Visitor Accommodation and Attractions

### **Heritage and Culture:**

BHC2 – National Stadium Wembley

### **Green Infrastructure and Natural Environment:**

BGI1 – Green and Blue Infrastructure in Brent

BGI2 – Trees and Woodlands

### **Sustainable Infrastructure:**

BSUI1 – Creating a Resilient and Efficient Brent

BSUI2 – Air Quality

BSUI4 – On-site Water Management and Surface Water Attenuation

### **Transport:**

BT1 – Sustainable Travel Choice

BT2 – Parking and Car Free Development

BT3: Freight and Servicing

### Other material considerations

The following are also relevant material considerations:

- National Planning Policy Framework

- National Planning Practice Guidance
- Supplementary Planning Guidance / Documents:
  - SPD1 Brent Design Guide (2018)
  - Mayor of London Housing SPG (2016)
  - Mayor of London Energy Planning Guidance

#### \* Local Plan 2019-2041

The Council adopted the new Brent Local Plan 2019-2041 at Full Council on 24 February 2022. The following documents have now been revoked:

- The Brent Core Strategy 2010
- Brent Site Allocations Development Plan Document 2011
- The Wembley Area Action Plan 2015
- The Development Management Policies Plan 2016.

These documents are no longer considered Development Plan Documents for the purposes of determining planning applications within the area that the Council remains the Local Planning Authority and also their associated policies map.

## DETAILED CONSIDERATIONS

### Principle of Development

#### *Hotel use*

1. Policy BCGA1 of Brent's Local Plan recognises Wembley Growth Area to be an area where generation of new jobs will be supported, including through hotel business.
2. Policy BE9 encourages hotel provision within Wembley Town Centre. It highlights that hotels will be appropriate within town centres in accordance with the sequential approach, and will be supported provided they:
  - a) do not significantly compromise the supply of land for new homes on allocated housing sites and the council's ability to meet its housing targets;
  - b) are inclusive and accessible, with applications for detailed planning permission accompanied by Accessibility Management Plans;
  - c) are not occupied by any resident for 90 consecutive days or more; and
  - d) create active ground floor frontages.
3. The proposal is for a six storey building of which the first four floors are proposed to be used for hotel use. This involves intensification of the existing hotel use from 30 rooms to 53 rooms in total. The site is located within Wembley Town Centre and is not within an allocated housing site. The principle of intensification of the hotel use within the site is consistent with policies BCGA1 and BE9. Consideration of points (b), (c) and (d) are discussed below.

#### *Delivery of new homes*

4. 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. Local Plan Policy BH1 reflects this target.
5. 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 (below 0.25 hectares in size) make a significant contribution towards increasing housing supply within London. This is also set out in policy H2 of London Plan 2021.

6. 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 will 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.
7. The above position is reinforced in policy BH4 of Brent's Local Plan. This policy relates to small housing sites (site of under 0.25 hectares in size or below 25 dwellings) 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). Outside of 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.
8. The site is located within Wembley Town Centre and is highly accessible (PTAL 6). The proposal for new homes within the site would contribute towards meeting the Council's housing targets, and would comply with the objectives of policy H2 of London Plan 2021, and policies BH1 and BH4 of Brent's Local Plan.
9. Affordable Housing
10. The application is not classified as a Major Development (i.e. it does not propose 10 or more homes) and as such there is no policy requirement for affordable units to be provided on site, as it does not meet the threshold for onsite affordable housing as set out in policy H4 of London Plan 2021 and BH5 of Brent's Local Plan. However, policy BH5 of the Local Plan seeks a contribution towards the provision of off-site affordable housing for developments of between 5 to 9 new dwellings.
11. In this case, the proposal would provide nine new units and based on the draft Planning obligations SPD would be required to provide £450,000 (£50,000 per unit) financial contribution towards off site affordable housing within the Borough. This has been agreed in the heads of terms in the s106 agreement.

### **Design and Appearance**

12. Policy BD1 of the Draft Local Plan sets out that 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. In delivering high quality design, development proposals will be expected to show how they positively address all the relevant criteria within London Plan design policies and the Brent Design Guide SPD1.
13. London Road is characterised by taller blocky buildings towards the town centre transitioning down to traditional suburban terraced and semi-detached housing towards the south. The existing building is not listed or of a high architectural merit and as such the loss of this building is not objectionable in design terms.
14. The proposal would broadly align with the building line of the existing building and the neighbouring properties. It would have a similar width and relationship to the boundaries as the existing building.
15. In terms of height the proposal would be a 6 storey building approximately 18m to the roof level. Due to the slope of London Road, the proposal would sit at a lower overall height than the neighbouring property 36-38 London Road resulting in a transition between this property and the neighbouring site at Lily House London Road. As it is less than 30m, it would not be classed as a tall building as set out within policy BD2 of Brent's Local Plan.
16. The upper floor would be set back from the front elevation which helps break up the overall massing and appearance of the building. Similarly the ground floor would be set in to provide a clear legible entrance to the building
17. The proposed fenestration would consist of mostly glazed frontage at ground floor transitioning to off centre/varied windows at first to third floor levels denoting the hotel section. The upper floors would feature recessed floor-to-ceiling windows for the residential units.
18. In terms of materiality, the proposal would feature brickwork for the hotel use with metal cladding on the residential uses. The balconies would be finished with metal railing which is considered appropriate for residential uses in this location. The indicative materials are considered suitable for the location but will

be confirmed via planning condition.

19. The site sits within the edge of the protected view of Wembley Stadium from One Tree Hill. Based on the Council's 3D model system, the proposal would not impact upon the protected view.
20. Overall, it is considered that the design of the proposal would provide an acceptable appearance which has been designed to break up the overall massing of the building and provides clear visual distinction between the residential and hotel uses. It would accord with policy BD1.

### **Neighbouring Residential Amenity**

21. Policy DMP1 of the local plan both emphasise that new development should not result in unacceptable harm to the residential amenities of neighbouring properties. SPD1 provides further guidance on the layout of new development to avoid such impacts.

### *Outlook*

22. SPD1 states that the building envelope of new development should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, 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.
23. In this case, the proposal does not adjoin any private garden areas, and to the rear is Wembley Central Station and the ramped access up to Central Square. Therefore, it would not be applicable to apply either 30 or 45 degree lines as set out in SPD1.
24. SPD1 also highlights that when developments are sited alongside a residential development, the 1:2 guidance as outlined in the Residential Extensions and Alterations SPD2 applies. This requires new buildings and extensions to not extend further beyond the neighbouring building line than half the distance to the centre of the nearest habitable room. Towards public streets and spaces, it is expected that buildings continue the established building line.
25. The new building does project rearward compared to the existing building. Based on the submitted site plan, the closest window within the rear elevation of Lily House is approx.. 6m away from the flank wall of the proposed development. The development projects approx.. 2.3m deep from the rear wall of Lily House and therefore sits within the 1:2 guidance. It is noted that there are flank wall windows within Lily House that face the development site but these serve as high level windows to habitable rooms that are also served by windows to the front and rear of each flat. This is discussed within the daylight and sunlight report below in further detail.
26. The new building also projects rearward of 36 London Road by 7.75m (an increase of 3.65m compared to the existing building). The nearest habitable room window at No. 36 London Road is approx.. 9.8m away and therefore the new building would fail 1:2 guidance. However, given that a good distance is maintained between the windows and the flank wall of the building (over 9m) it is considered that overall outlook would not be significantly impacted upon. Likewise, there is a bedroom window which the sole means of outlook overlooking the application site at second to fifth floor levels. Whilst outlook would be impacted upon as they current afford views over the roof of the application site, further analysis on daylight and sunlight has been carried out, and overall it is considered that the occupiers of the flats within 34 to 36 London Road would continue to afford a good standard of living accommodation.
27. The proposal would keep to the existing building line and separation distance with regards to the opposite neighbouring properties. At the rear there would be no residential properties that would be impacted.

### *Daylight/Sunlight*

28. The application includes a Daylight/Sunlight report which sets out the impacts of the proposal on daylight and sunlight to neighbouring properties and gardens. The National Planning Policy Framework 2021 set out under paragraph 125 that local planning authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
29. The report uses the Vertical Sky Component (VSC) test which measures the amount of visible sky



outside a property, and the No Sky Line Assessment (NSL) which relates to the area of the working plane within a room that has a view of the sky. Guidance states that a noticeable degree of impact is considered to occur where the VSC levels drop below 27% or are reduced to 0.8 times their existing value, and in the case of NSL reduced to no less than 0.8 times its former value.

30. For the assessment of Sunlight the report uses the APSH test which calculates the percentage of statistically probable hours of sunlight received by each window in both summer and winter months represented as APSH (Average Probable Sunlight Hours) and WPSH (Winter Probable Sunlight Hours). BRE guidelines suggest that main living rooms should achieve at least 25% of annual sunlight hours with 5% in the winter period.
31. The daylight and sunlight report has considered VSC and NSL for Nos. 37 to 47 London Road (located on the opposite side of the road) and Nos. 34-36 London Road and Lily House (located either side of the development).
32. In the case of VSC and NSL all affected windows and rooms within Nos. 37 to 47 London Road meet BRE guidelines and the impact of the development upon these properties would be negligible.
33. The proposal identifies properties Lily House and 34-36 London Road as closest to the proposal and as such most likely to be impacted, assessments have also been made for houses 37-39 on the opposite side of the road.
34. The report highlights that out of 33 windows within Lily House that were tested for VSC, 17 would continue to meet BRE guidelines. In the case of windows that failed, these relate to high level flank wall windows facing the application site, that serve the living/kitchen/dining area of a front and rear flat from ground to third floor level. The impact on the affected windows is significant with a reduction in VSC to 0.18 times its former value, which would be significant. However, these rooms are also served by a window on the front/rear elevation of the flats, which would retain VSC levels in line with BRE guidelines. The NSL assessment for these rooms also concluded that NSL would continue to be complied with BRE guidelines, together with relevant windows for annual and winter sunlight. Therefore, the rooms would still receive overall good levels of daylight and sunlight where applicable.
35. The report has also considered the impact on 34 to 36 London Road. It highlights that out of 22 windows within 34-36 London Road that were tested for VSC, 14 would continue to meet BRE guidelines. The windows that fail are on the flank elevation that face the application site. These are sited at second to fourth floor level and serve either the sole window to a bedroom located in the centre of the flat, or a flank wall window to either a bedroom or living room that is also served by a window to the front/rear elevation. The VSC levels reduce at worst case to 0.24 times their former value, which is significant. However, the bedrooms or living rooms that are also served by windows to the front or rear, maintain VSC levels from the front/rear windows that are within BRE guidelines, and NSL and sunlight levels (where applicable) for each of these rooms continue to comply with BRE guidelines. Therefore, the rooms would still receive overall good levels of daylight and sunlight where applicable.
36. As highlighted above, the most affected rooms would be the centrally located bedrooms within the flats on 2nd to 4th floor, which only have a window on the flank elevation. These rooms would fail VSC, NSL and annual sunlight (other than on 4th floor where annual/winter sunlight levels continue to comply with BRE guidelines). However, these rooms are overhang by an existing balcony and this has already constrained a very large area of the sky from view. A further assessment of Average Daylight Factor (ADF) has been carried out, which is a more detailed assessment based on the physical nature of the room. The ADF results conclude that the centrally located bedroom at third and fourth floor levels would achieve an ADF of 0.8% which is below the target of 1%. The reduction is 20% and therefore not considered to be significant, and whilst there is some impact on the bedrooms, the benefits of the scheme to provide new homes and enhanced visitor accommodation, are considered to outweigh the harm to these bedroom windows. It is noted that the applicant has proposing to enlarge the two bedroom windows to increase ADF. However, they are no longer the owner of the neighbouring site, so this would be difficult to achieve in planning terms, and as highlighted above, it is not considered necessary to require these windows to be enlarged to make the scheme acceptable in planning terms.

#### *Privacy*

37. SPD1 requires a minimum distance of 9m from habitable room window to neighbouring private external amenity spaces and a minimum distance of 18m between directly facing habitable room windows. The proposal does not directly face the rear windows of adjoining properties.

38. The proposal would maintain the existing separation distance between properties on the opposite side of the road and there would be no residential properties to the rear which would be impacted. The windows on the side elevations of the proposal would be obscure-glazed to avoid overlooking of neighbouring properties. These would be secondary window sin the residential section of the development. In the hotel section some of these windows would serve hotel rooms. However, there are no policy requirements to provide outlook to hotel rooms and obscure glazing would provide sufficient internal daylight. Such details would be secured by condition.

**Layout of hotel use**

39. The hotel use has been designed with its entrance lobby off London Road. The frontage will be glazed with a restaurant and reception space. This will provide a good level of amination and active frontage onto the street.

40. A secure double door from the reception allows access to the lift lobby and stair case to the upper floors. On ground floor 5 hotel rooms are proposed, and on the upper floors 16 hotel rooms per floor, located around a centrally located core. Each room does have windows to allow for daylight, natural ventilation, and outlook from the front and rear. The windows on the flank elevation will need to be obscured glazed and high opening only to prevent over neighbouring sites. As there are no standards for hotel rooms, this would be considered acceptable.

*41. Accessibility Management Plan*

42. In line with policy BE9 there is a need to provide an accessibility management plan to demonstrate that the management and operation of accessible rooms is considered from the outset of the design. There is an expectation for 10% of hotel rooms to be accessible and suitable for disabled people. An access statement has been set out within the Design and Access Statement for the hotel use. It is recommended that a condition is secured for an Accessibility Management Plan to be submitted.

**Mix of Units and Standard of Residential Accommodation**

43. Policy BH6 of Brent’s Local Plan sets a target of 25% of new homes to be family-sized (3+ bedrooms) it also requires that 1 in 4 homes to be family sized. Exceptions to this can be allowed where the location or characteristics of the development are such that it would not provide a high quality environment for families or where its inclusion would fundamentally undermine the development’s delivery of other local plan policies.

44. The proposal would provide nine new flats (6x1 bedroom, 1x2 bedroom and 2x3 bedroom) and would require 2 family units in order to comply with policy. 2 of the 9 proposed homes would have 3 bedrooms and the scheme would therefore meet the above policy requirement.

*Standard of Accommodation*

45. Policy D6 of The London Plan (2021) requires housing developments to be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners.

46. A table setting out the internal space size for each home is set out below:

Unit	Size	Proposed GIA	Minimum GIA*
Unit 1	1B 2P	57sqm	50sqm
Unit 2	3B 4P	75sqm	74sqm
Unit 3	1B 2P	51sqm	50sqm
Unit 4	1B 2P	57sqm	50sqm
Unit 5	2B 3P (two storey)	71sqm	70sqm
Unit 6	1B 2P	56sqm	50sqm
Unit 7	3B 4P	75sqm	74sqm
Unit 8	1B 2P	51sqm	50sqm
Unit 9	1B 2P	53sqm	50sqm

47. All of the proposed units would meet or exceed the minimum space standards as required by the London Plan and all units would be provided with purpose built internal storage. All of the habitable rooms would meet the minimum sizes and widths required and all would have external windows providing good levels of daylight and outlook. Floor to ceiling heights would meet the minimum 2.5m across 75% of the GIA of all units.
48. In addition, the submitted Daylight and Sunlight Report identifies that all of the proposed units would achieve acceptable levels of internal daylight.
49. It is noted that the ground floor would be subdivided between the hotel use and the residential use. The main residential entrance would be located on the northern side of the frontage and would be differentiated from the main hotel use. 2 lifts are provided and the submitted details indicate that one of these lifts would have access to both residential and hotel floors for maintenance purposes, though it is noted that on the plans both lifts appear to be able to access all floors.
50. Concerns are raised about the potential for non-residents to access the residential floors. The Design and Access Statement indicates that security fobs will be used to restrict access where necessary. This approach can be acceptable but the Council would recommend that one lift is designated for residents only and the other for hotels except for maintenance or security purposes. It is considered necessary to attach a condition requiring a management plan which details the methods which will be used to prevent hotel users accessing the residential floors.

51.

#### *Accessible homes*

52. Policy D7 of London Plan seeks for at least 10% of new dwellings to be designed to M4(3) 'wheelchair user dwellings' and the remainder to be designed to M4(2) 'accessible and adaptable dwellings'. Therefore in this case, policy D7 seeks for all nine homes to be designed to M4(2) requirements.
53. All units would have step free access from street level to meet policy M4(2) requirements and a lift core would be provided allowing access to the residential levels. Unit 1 has been designed to meet M4(3) requirements, although as the scheme results in less than 10 homes, there is no requirement to provide a M4(3) unit.
54. Overall, the layout of the units is considered to be of good standard and would be acceptable.

#### *External Amenity Space*

55. Policy BH13 of Brent's Local Plan 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 20 sqm studio, one or two-bedroom home and 50 sqm for family housing (homes with 3 or more bedrooms) at ground floor only. Any three bedroom homes above ground level would require 20sqm.
56. The policy requirement in relation to external private amenity space is for it to be of a "sufficient size and type", which may be achieved even when the "normal expectation" of 20 / 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 spaces may also be considered when weighing a shortfall against the normal expectation.
57. 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.
58. 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 emerging policy. The amenity space for each flat is set out below:

Unit	Unit Size	Proposed Amenity Space	BH13Requirements	Shortfall
Unit 1	1B 2P	20sqm	20sqm	0sqm
Unit 2	3B 4P	28sqm	20sqm	0sqm
Unit 3	1B 2P	14sqm	20sqm	6sqm
Unit 4	1B 2P	20sqm	20sqm	0sqm
Unit 5	2B 3P	14sqm	20sqm	6sqm
Unit 6	1B 2P	11.2sqm	20sqm	8.2sqm
Unit 7	3B 4P	17.3sqm	20sqm	2.7sqm
Unit 8	1B 2P	8.5sqm	20sqm	11.5sqm
Unit 9	1B 2P	11.2sqm	20sqm	8.2sqm

59. The proposed units would all have access to private gardens or balconies, all of which would meet the minimum depths and sizes required by London Plan policy D6. Flats 3, 5, 6, 7, 8 and 9 would fail to meet the 20sqm minimum required by BH13. However, it is acknowledged that in this town centre location, site constraints can make providing larger amounts of amenity space difficult and it is expected that flexibility can be given in more dense locations such as town centres.

60. The proposal would therefore comply with London Plan Policy D6 but fall below the target for external amenity space expressed within policy BH13. However, given the constraints of the site, while the proposal will not provide external space of a sufficient size or type for the flats, the benefits of the proposal, including the provision of new homes within the borough, are considered to outweigh the impacts associated with the shortfall.

### Fire Safety

61. Policy D12b of The London Plan (2021) requires all major development proposals to be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. The statement should detail how the development proposal will function in terms of:

- 1) the building's construction: methods, products and materials used, including manufacturers' details
- 2) the means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach
- 3) features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans
- 4) access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these
- 5) how provision will be made within the curtilage of the site to enable fire appliances to gain access to the building
- 6) ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection

62. A Fire Statement has been prepared by Bespoke Fire Safety Design Ltd. It sets out the relevant professional expertise and accreditation of the assessor. It has included information to address the six topic areas set out above. It is therefore considered that policy D12b has been complied with.

### Highways and Parking, Refuse, Cycle Parking

63. Policy T4 of the London plan and Policy BT2 of the Local Plan seek to manage the negative impacts of parking on existing highways networks including overspill parking.

64. As the site has excellent access to public transport services, only operational parking is permitted for the hotel. The absence of any proposed standard width off-street parking for the hotel is therefore acceptable.
65. In line with policy T6 of London Plan, as the site is within a major town centre and within PTAL 6, it is expected to be car free. The absence of any off-street parking spaces would accord with maximum allowances. Policy BT2 does also encourage 'car-free' housing, particularly in areas with good public transport access such as this and it is therefore recommended that a 'car-free' agreement be applied to any consent to mitigate potential parking concerns.
66. Hotel staff and guests would be able to make use of the excellent public transport facilities in the area and plentiful nearby off-street public car parks.
67. The London plan requires a minimum of 16 secure bicycle parking spaces for the nine flats. A cycle store on the site frontage is indicated to accommodate 18 cycles. However, the proposed arrangement is not workable, as two-tier stands require 2m length for each stand along with a minimum of 2m aisle width (the LCDS actually requires a minimum 2.5m aisle width) and this is not achieved.
68. Notwithstanding this, the cycle store is large enough to accommodate two rows of two-tier cycle racks – one on the northern side and one on the southern side, with access directly from the street, so the minimum residential provision of 18 cycles could be accommodated with spacings of 450mm and aisle widths well in excess of 2m.
69. A total of four spaces are required for the hotel. However, no details of these have been indicated and these need to be approved as a condition of any approval.
70. The servicing requirement for hotels is for 8m rigid vehicles to deliver to the site. No off-street servicing space is shown and given the small footprint of the site, it would be difficult to accommodate off-street servicing without significantly affecting the floor area of the building.
71. However, it is recognised that this is a shortcoming of the existing hotel too, so this proposal for a larger hotel than exists on site at present does not materially worsen matters in that respect. The double yellow lines to the north of the site provide an area where delivery vehicles can safely stand for short periods when making deliveries.
72. Two bin storage areas are to be provided – one for residents located at the front of the building to provide easy collection for refuse operatives and one for the hotel located towards the rear of the building.
73. A Transport Statement was submitted with the application, which estimates 30 weekly deliveries to the building are proposed to be managed by the applicant to minimise conflict between different companies.
74. Suitable emergency access by fire appliances is available from London Road.
75. The Transport Statement includes a 24-hour survey of the existing 30-bed hotel undertaken in December 2016 to establish existing travel patterns. Ten of the bedrooms were occupied at the time of the survey and the results have been grouped up pro rata to produce estimated trip numbers for the proposed 50-bedroom hotel, if fully occupied. Estimated trips to and from the nine flats were then added to the total, based upon comparisons with three similar small blocks of flats in other well-connected areas of London.
76. Adding these figures together gave estimated trips totalling 10 arrivals/13 departures in the am peak hour (8-9am) and 52 arrivals/46 departures in the pm peak hour (5-6pm).
77. Using the survey data, these trips were then been broken down by mode of travel.
78. As no off-street parking is proposed, no car trips are predicted in the morning peak hour, whilst 5 arrivals and 5 departures by car were predicted in the evening peak hour (5-6pm), all from on-street parking spaces. This level of traffic was not considered to be significant enough to warrant further analysis of junction capacity.
79. In terms of public transport, the development was estimated to generate five bus journeys in the morning peak hour and 12 in the evening peak hour. This equated to less than one passenger per bus passing

close to the site, so was not considered to be significant enough to affect bus capacity.

80. Rail and Underground trips were forecast at five journeys and 17 journeys in the morning and evening peak hours respectively. Again, this equated to less than one additional passenger per train passing close to the site, so was not significant.
81. Pedestrian and cyclist movements are also predicted to be very low (other than for onward public transport trips).
82. The road accident history of the area was also examined for the five year period July 2011-June 2016. Five accidents were recorded on London Road during that period, including three at the junction with Rupert Avenue opposite the site, which all involved motorbikes. However, there was no significant accident pattern in the area that would be likely to be worsened by the proposals.
83. Under current standards, hotels are also required to provide a coach parking space for every 75 bedrooms. No provision for coach parking has been made within the site and again, this would be very difficult to achieve. There is therefore no requirement for coach parking for this development. If a coach were to visit to pick-up/drop-off passengers, it could stop on the double yellow lines fronting the site, but would not be able to park at the premises.
84. Pedestrian access to the hotel and flats is proposed directly from London Road, with the entrance to the flats on the northern side of the frontage. These arrangements are fine and remove the previous need for pedestrians to walk along the private roads to the site of the building.
85. The information submitted in support of the latest application does not include a Travel Plan Statement and this should be secured by condition. Additionally, a Delivery & Service Management Plan should be provided via condition.

### **Sustainability**

86. Policy SI2 sets out that major development proposals should include a detailed energy strategy to demonstrate how zero-carbon target will be met within the framework of the energy hierarchy (be lean, be clean, be green). It highlights that a minimum on-site reduction of at least 35 per cent beyond Building Regulations is required. Residential development should achieve 10% and non-residential development should achieve 15% through energy efficient measures. Where it has been demonstrated that zero-carbon cannot be fully achieved on site. Any shortfall should be provided through a case in lieu contribution to the borough's carbon off set fund.
87. The applicant has submitted an energy strategy which sets out the energy strategy for both the residential and non-residential uses within the site. These are summarised below:

#### *Residential Use*

88. This element of the scheme proposes an overall reduction in carbon savings by 45% which exceeds the minimum 35% to be provided on site. This is proposed to be achieved through 14% through be lean measures (exceeding the requirements of the London Plan) and 31% through green technology through the use of air source heat pumps.

#### *Non-Residential Use*

89. This element of the scheme proposes an overall reduction in carbon savings by 60% which exceeds the minimum 35% to be provided on site. This is proposed to be achieved through 13% through be lean measures (exceeding the requirements of the London Plan) and 47% through clean technology through the use of air source heat pumps.
90. The report indicated an overall reduction of CO2 emissions of 59% which would exceed the 35% requirement but would fail to achieve net-zero. However, Policy SI 2 of The London Plan states that where net-zero cannot be achieved on-site, any shortfall can be provided via a cash in lieu contribution to the borough's offset fund. This has been included in the heads of terms to be secured via the s106 legal agreement.

#### *Cooling hierarchy and overheating*

91. The energy report has considered the cooling hierarchy and overheating. Through a range of measures

including the specifications of the glazing, passive ventilation and mechanical ventilation, the development would have appropriate solar gain limit that is not exceeded within any of the hotel rooms, and overheating compliance through SAP is achieved for each flat. The scheme would accord with policy S14 of London Plan 2021.

### **BREEAM**

92. Policy BSU1 of the local plan requires major non-residential development to achieve a BREEAM standard of 'excellent'. The applicant has submitted a BREEAM report which indicates that the proposal would meet this requirement. Such details would be secured as a condition to any forthcoming consent.

### **Sustainable Drainage Measures**

93. Policy BSUI4 seeks to ensure that major developments are accompanied by a drainage strategy and use Sustainable Drainage System (SuDS). The site lies within land that is liable to surface water flooding. Therefore the proposal should not make flooding worse. The applicant has provided a Surface Water Drainage Strategy. It highlights that the existing site is already developed and it is completely comprised of impermeable surfaces. In order to improve the situation within the site, it is proposed that run off is managed to provide a betterment over the existing situation with outflows limited to 5l/s, resulting in less than 50% runoff rate compared to existing. Storage for attenuated flows on site are proposed to be provided by paving and the use of rainwater harvesting systems. Such details are recommended to be secured as a condition to any forthcoming consent.

### **Landscaping**

94. Policy G5 of the London Plan requires major developments to contribute to the greening of London and sets a target Urban Greening Factor (UGF) of 0.4 for primarily residential developments and 0.3 for commercial developments.
95. The applicants have provided a plan indicating that the site would achieve a UGF of 0.29
96. It is acknowledged that this would not meet the 0.3 requirement however, the site currently has no soft landscaping or trees on the site and this would represent an improvement over existing circumstances. The scheme proposes to provide enhancements through a new area of soft landscaping and trees within the frontage and new garden areas to the ground floor hotel rooms at the rear. It is recommended that a condition is secured for further details of the landscape enhancements within the site with planting that secured a net gain in biodiversity in line with policy BG11 and BG12 of Brent's Local Plan.

### **Environmental Health**

#### *Air Quality*

97. Policy SI 1 states that developments should not deteriorate existing poor air quality and should be at least air quality neutral. It goes on to set out that in order to reduce the impact on air quality during construction and demolition phase, development proposals must demonstrate how they plan to comply with the Non-Road Mobile Machinery Low Emission Zone and reduce emissions from the demolition and construction of buildings following best practice guidance.
98. The applicant has submitted an Air Quality Assessment. This sets out mitigation methods in construction and in the development itself and indicates that it would be at least air quality neutral in terms of transport and building emissions. It highlights that the site is suitable for hotel and residential use as it is not exposed to high levels of concentrations, and therefore no mitigation measures are required. This has been assessed by the Environmental Health team who concur with the conclusions of the report.
99. A condition is recommended to secure a Construction Management Plan to ensure that the impacts of the development in terms of noise and dust are effectively controlled throughout development to protect neighbouring amenity, and that a condition is secured in relation to the Non-Road Mobile Machinery Low Emission Zone.

#### *Noise*

100. A noise assessment has been submitted. It highlights that the development is exposed to noise sources from the railway to the rear of the site and the road at the front. The noise report has made

recommendations in terms of glazing to ensure that the users of the development are not exposed noise levels exceeding World Health Organisation guidance. A condition is recommended to secure the mitigation measures as set out within the noise assessment, together with a condition relating to plant noise.

#### *Contamination land*

- 101.** A contaminated land assessment has been submitted and reviewed by Environmental Health. They have advised that conditions relating to investigation, remediation and verification are secured by condition.

#### **Community Infrastructure Levy**

- 102.** CIL would be payable on the new floorspace created. Notes will be added to this effect.

#### **Equalities**

- 103.** 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**

104. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions.
105. The proposal will bring forward the provision of nine new homes including two family sized homes and would contribute to off-site affordable housing provision, and would provide additional visitor accommodation within Wembley Town Centre.
106. A good overall standard of accommodation would be provided, and while the amount of external amenity space would be below Brent Policy levels, having due regard to the context and location of the site, it is considered that this would be acceptable on balance.
107. The application is therefore recommended for approval subject to the conditions and legal agreement set out in this report.





Application No: 21/1634

To: Mr Akroyd  
Yeme Architects  
The Former Diplomat Hotel  
144 Sunbridge Road  
Bradford  
BD1 2HA

I refer to your application dated **04/05/2021** proposing the following:

Demolition of existing hotel and erection of a new building comprising hotel with basement level and residential apartments, ground floor cafe, provision for cycle parking spaces, bin stores and associated landscaping.

and accompanied by plans or documents listed here:  
See Condition 2

at **Wembley Hotel, 40 London Road, Wembley, HA9 7EX**

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: 08/04/2022

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.

DnStdG

**SUMMARY OF REASONS FOR APPROVAL**

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

London Plan 2021  
Brent's Local Plan 2019-2041

Other material considerations:

National Planning Policy Framework 2021  
Brent's Design Guide SPD1

- 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):

501092PL-01 - Location Plan  
501092PL-02 REV A - Proposed Roof Plan  
501092PL-06 - Building Alignment Plan  
501092PL-11 - Site Location Plan  
501092PL-12 - Existing Floor Plans  
501092PL-14 - Existing Elevations  
501092PL-04 Rev E - Proposed Elevations  
501092PL-05 Rev F - Proposed Basement, First, Second and Third Floor plans  
501092PL-07 Rev E - Proposed Fourth and Fifth Floor Plans  
501092PL-03 Rev F - Proposed Ground Floor Plan  
501092PL-08 - Proposed Sections AA and BB  
501092PL-09 - Contextual Elevations  
501092PL-30 - Urban Greening Factor

Supporting Documents:

Daylight and Sunlight Assessment by Herrington Consulting Ltd (Dated March 2021)  
Acoustic Assessment of Noise (Dated December 2016)  
Surface Water Drainage Strategy by Ambiental (Dated February 2017)

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

- 3 The scheme hereby approved shall contain 9 residential homes as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

- 4 The scheme hereby approved shall contain 53 hotel rooms as detailed in the drawings hereby approved, which shall be used only for the purpose of Hotel and for no other purpose (including any other purpose in Use Class C1 specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without

the prior written permission of the Local Planning Authority.

Reason: To ensure that no other use commences without the prior permission of the Local Planning Authority and to enable other uses to be considered on their merits.

- 5 No guest or customer of the hotel hereby permitted may occupy any part of the accommodation for a period exceeding ninety days in any continuous period of six months. The operator of the hotel shall at all times maintain an accurate register of the full names and permanent addresses of all guests and of the dates of their occupancy of the accommodation. These registers shall be kept for not less than two years from the date of the last entry and shall be made available to be inspected by the Local Planning Authority upon reasonable demand.

Reason: To ensure the development provides an adequate standard of accommodation for guests.

- 6 The residential units hereby approved shall be designed to comply with easily accessible/adaptable standards (Building Regulations M4(2)).

Reason: To ensure suitable facilities for disabled users and to future proof homes.

- 7 A communal television aerial and satellite dish system shall be provided, linking to all residential units unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the visual appearance of the development in particular and the locality in general.

- 8 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.

- 9 The refuse areas shown on the drawings hereby approved shall be provided and made available prior to the occupation of the residential units. They shall be maintained as such thereafter.

Reason: To ensure that the residential units are high quality and that the development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- 10 The development shall be carried out in full accordance with the recommendations set out within the Surface Water Drainage Strategy by Ambiental unless an alternative strategy is submitted to and approved in writing by the Local Planning Authority and thereafter implemented prior to first occupation of the development.

Reason: In the interests of reducing surface water run off within the site.

- 11 The windows in the side elevations of the approved building shall be constructed of obscure-glazed windows and non-opening below 1.7m above the internal finished floor level

Reason: To protect the privacy and amenity of neighbouring occupiers to prevent prejudicing potential neighbouring development

- 12 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

- 13 Prior to the commencement of development, a Construction Management Statement which incorporates details of dust management, noise and other environmental impacts of the development in relation to the surroundings shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be implemented throughout the duration of construction.

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

Pre-commencement reason: The condition seeks to exercise control over the construction phase of the development and therefore needs to be discharged prior to construction.

- 14 The development hereby approved shall not commence until a Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority, outlining how construction vehicle activity will be managed throughout the construction process.

The works shall thereafter be carried out in full accordance with the approved details.

Reason: In order to minimise any adverse impacts of the construction process upon the highway network in the area.

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 (a) Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.
- (b) Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be submitted to and approved in writing by the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

Reason: To ensure the safe development and secure occupancy of the site

- 16 Prior to commencement of development (excluding site clearance, preparation works and laying of foundations) details of all exterior materials including samples (which shall be made available for viewing on site or in another location as agreed) and/or manufacturer's literature shall be

submitted to and approved in writing by the Local Planning Authority. Such details shall include but not be limited to:

- (i) building envelope materials e.g. bricks, cladding;
- (ii) windows, doors and glazing systems including colour samples; and
- (iii) balconies and screens to balconies

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

Reason: To ensure the appearance of the development is high quality, and in the interest of the privacy of future occupants.

- 17 Prior to commencement of development (excluding site clearance, preparation works and laying of foundations), details of hard and soft landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- (i) A planting plan for of the front and rear garden area, including the provision of shrubs and/or trees [which shall include the provision of a minimum of 5 trees and a net gain in biodiversity];
- (ii) details of boundary treatment to be provided or retained;
- (iii) surfacing materials to be used
- (iv) details of any external lighting including spillage diagrams in relation to neighbouring properties
- (v) details of the provision of a green roof, including the area of that green roof and full specification.

The hard and soft landscape works shall be carried out in full accordance with the approved details prior to the use of the building/extension 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 .

Reason: To ensure a satisfactory appearance and in the interests of local amenity.

- 18 Prior to commencement of development (excluding site clearance, preparation works and laying of foundations), an Accessibility Management Plan for the hotel to include provision of 6 of the hotel rooms to be accessible and suitable for disabled people, together with measures for how the scheme has been designed to comply with the requirements for accessibility management plans as set out within shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be provided in full accordance with the approved details prior to first occupation of the hotel, and thereafter maintained throughout the lifetime of the hotel use.

Reason: To ensure an accessible environment for users of the hotel

- 19 Prior to first occupation of the approved development, a Management Plan to control access between the different uses within the building shall be submitted and approved in writing by the Council. This shall include details of methods used to ensure that hotel guests are unable to access the residential floors.

The approved details shall be implemented throughout the lifetime of the development unless otherwise agreed in writing by the Council

Reason: To ensure a secure separation between the hotel and residential uses.

- 20 Prior to the occupation of the residential units hereby approved a Deliveries and Servicing Management Plan setting out delivery arrangements shall be submitted to and approved by the Local Planning Authority. The approved details shall be fully implemented upon first occupation of the non-residential units within the development, and maintained thereafter.

Reason: In the interests of providing sufficient servicing facilities on site, and ensuring that the relationship with the highways network and neighbouring properties is acceptable.

- 21 Prior to first occupation of the approved development, full details of the cycle spaces shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the approved drawings, these details shall show a minimum of 18 secure spaces which comply with LCDS standards. The spaces shall be provided in accordance with these details prior to the occupation of any part of the development and retained and made available for occupants of the development for the lifetime of the Development.

Reason: To encourage sustainable forms of transportation.

- 22 Prior to the occupation of the site, a Travel Plan Statement for the hotel and residential uses shall be submitted to and approved in writing to the Local Planning Authority. This shall include methods to incorporate targets for minimising car use, monitoring of those targets and associated measures to meet those targets. The approved Travel Plan shall be fully implemented for the lifetime of the Development, or as amended by the agreement of the Local Planning Authority in writing.

Reason: In order to promote sustainable transport measures

- 23 Prior to the occupation of the development, a report shall be submitted to and approved by the Local Planning Authority, that provides evidence that the mitigation measures described in the approved Noise Impact Assessment (Ned Johnson Acoustic Consultant noise assessment) have been implemented.

Reason: To protect acceptable local noise levels.

- 24 Any plant shall be installed, together with any associated ancillary equipment, so as to prevent the transmission of noise and vibration into neighbouring premises. The rated noise level from all plant and ancillary equipment shall be 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises. An assessment of the expected noise levels shall be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' and any mitigation measures necessary to achieve the above required noise levels shall be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter be installed and maintained in accordance with the approved details

Reason: To protect acceptable local noise levels

- 25 No later than four months following Practical Completion of the development, a Post Construction Certificate prepared by a BRE approved independent assessor shall be submitted, confirming that an Excellent or higher rating has been achieved under the BREEAM certification process for non-domestic buildings.

Reason: To ensure the development incorporates high standards of sustainable design and construction, in accordance with policy BSUI1.

## 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](http://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](http://www.communities.gov.uk)
- 3 Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant is 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.
- 4 The applicant is advised to notify the Council's Highways and Infrastructure Service of the intention to commence works prior to commencement and include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.
- 5 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 6 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 7 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	
- 8 The quality of imported soil must be verified by means of in-situ soil sampling and analysis. We do not accept soil quality certificates from the soil supplier as proof of soil quality.

Any person wishing to inspect the above papers should contact Liam McFadden, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 3299



## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

20 April, 2022  
07  
21/3713

## SITE INFORMATION

RECEIVED	1 October, 2021
WARD	Kenton
PLANNING AREA	
LOCATION	Land Opposite, 33-47 Brookfield Court, Gooseacre Lane, Harrow
PROPOSAL	Erection of 4 dwellinghouses with habitable roof space, private amenity, provision for 4 car parking spaces and cycle storage, new vehicular accesses and associated landscaping on land adjacent to Brookfield Court, HA3
PLAN NO'S	Please see condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_157230">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_157230</a></p> <p><b><u>When viewing this as an Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "21/3713" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## **RECOMMENDATIONS**

That the Committee resolve to GRANT planning permission

### Conditions

#### *Compliance*

1. 3 years consent
2. Approved Drawings
3. C4 small HMO restriction
4. Permitted Development Rights restriction
5. 105 litres Water Consumption
6. Obscure Glazing
7. In accordance with Flood Risk Assessment
8. In accordance with Tree Survey & Arboricultural Impact Assessment
9. In accordance with Preliminary Ecological Survey
10. Vegetation Clearance Check

#### *Pre-commencement*

11. Construction Method Statement
12. Construction Logistics Plan
13. Land Contamination Studies and Remediation

#### *Post-commencement*

14. Materials
15. Highway Works
16. Landscaping Details
17. Lighting Details
18. Noise

### Informatives

1. Building to adjoining boundaries
2. CIL
3. Party Wall
4. Fire Safety
5. Soil Sampling
6. Working Hours

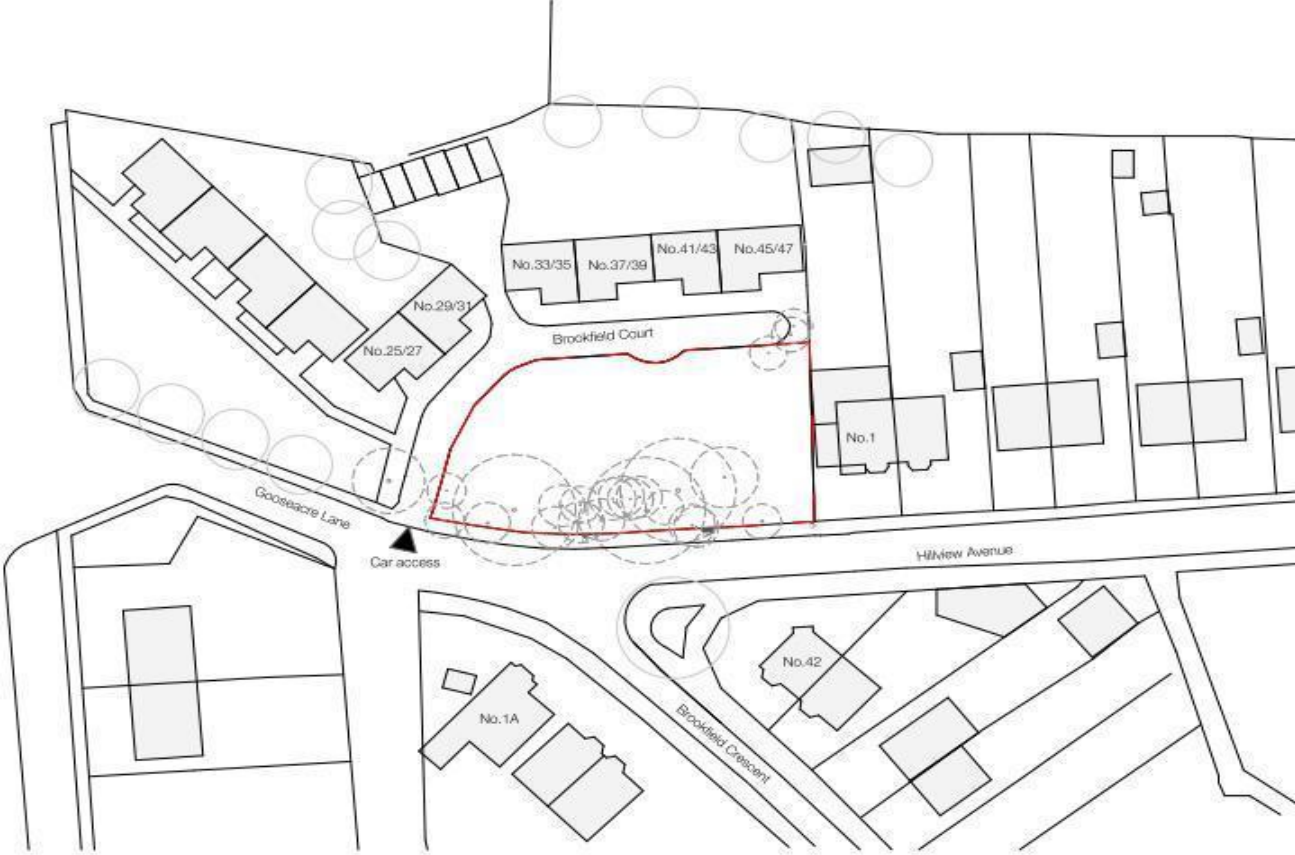
That the Head of Planning is delegated authority to make changes to the wording of the

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.

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**

 **Brent** **Planning Committee Map**  
Site address: Land Opposite, 33-47 Brookfield Court, Gooseacre Lane, Harrow  
© Crown copyright and database rights 2011 Ordnance Survey 100025260



Block Plan

This map is indicative only.

A1

## **PROPOSAL IN DETAIL**

The application is seeking planning permission to re-develop the subject site by introducing 4 no. four bedroom terrace dwellinghouses. The new dwellings would be two storeys in height with the roof levels also supporting habitable space. Dormer additions would be included to both the front and rear roof elevations of each dwelling. The southern parts of the site would be subdivided providing rear gardens to each dwelling.

Front forecourt areas would be positioned to the north of the site facilitating one car parking space to each unit, cycle storage and refuse storage. A rear fence and new tree planting is proposed along the southern boundary onto Gooseacre Lane/Hillview Avenue.

Access to the proposal would be from the existing road supporting Brookfield Court. The proposal seeks to widen this road to 5.5m with a 1.35m wide footpath.

## **EXISTING**

The application site relates to a plot of land that is approximately 0.1 hectares in size, located between Hillview Avenue and Brookfield Court. The site is currently contains a grassland area with trees sited along the southern portion of the site. Brookfield Court is a private cul de sac residential street, which comprises of a residential court of two flatted blocks. The immediate area mainly comprises of residential properties with traditional two storey dwellings within the direct vicinity of the application site. The application site is not situated within Conservation Area nor does it include a Listed Building. The site forms part of a Critical Drainage Area.

## **AMENDMENTS SINCE SUBMISSION**

- Amendments were received during the course of the application increasing the footpath width to 1.35m in line with Transport Officer requirements.
- A modified Aboricultural Report was provided during the course of the application as it incorrectly stated T2 and T3 to be removed.
- Amendments were provided during the course of the application to re-orientate the proposed bedrooms within the loft space.
- The indicative landscape plan has incorporated 4 bird boxes and 2 bat boxes.
- Amendments were provided during the course of the application to modify internal layouts to ensure the proposal fully complies with Policies D6 and D7 of the London Plan.
- Amendments were provided to incorporate a refuse holding area along the south western portion of the site.

## **SUMMARY OF KEY ISSUES**

### **Summary of Key Issues**

The key planning issues for Members to consider are set out below. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

## **Representations received:**

A total of 14 objections were received during the course of the application.

A total of 48 properties were consulted on the application.

Brief Summary of Objections:

- Loss of light and overshadowing
- Overlooking and invasion of privacy
- Drainage systems in the area are already at full capacity
- Surface water drainage issues along Goosearce Lane and Hillview Avenue
- Loss of green space and amenity space for residents.
- Loss of trees on site.
- Four terraced properties would be an over-development of the site, out of keeping with and damaging to the character and appearance of the surrounding area.
- The forward position of all four proposed terraced properties appears abrupt.
- Development appears cramped with minimal space for soft landscaping
- Proposal would result in highway congestion and would create additional highway concerns.
- Overspill of parking
- Negative impact on natural habitat with a loss of wildlife, insects, birds and frogs

## **Principle of Development**

The site is defined as a small housing site within the London Plan and Brent's Local Plan, which seeks Council's to proactively support housing growth within such sites through more efficient and intensive use of the sites, subject to complying with other relevant policies within the development plan. The existing green space on which the development is proposed is not designated open space. Whilst this does have local value its loss is outweighed by the benefits of the scheme which include the delivery of four family sized homes within the Borough for which there is an identified need. The development would contribute towards the Borough's housing targets. Overall, there is no principle objection to the development.

## **Design, Scale and Appearance**

The proposal would result of a row of 4 terraced dwellings at two storeys in height with accommodation within the roof space. The proposal would contain a height and massing that would complement the area and would resemble the height of the existing properties within the area. The orientation of the development with the main front elevation facing north is considered an improved configuration which would result in active frontages facing the existing residential properties directly north of the application site, overcoming the previous reason for refusal. The development would provide a high level of tree planting along the southern portions of the site, maintaining an acceptable level of tree planting and green cover. The introduction of additional tree planting to the south would therefore overcome the previous reason for refusal. The façade treatment of each dwelling is considered good quality design that would be visually attractive from street level adding good variation to the area.

## **Impact on Residential Amenity**

The proposal would allow for an acceptable separation distance with the neighbouring properties

north, north west and south of the application site. Furthermore, the development would not extend beyond the rear building line of No. 1 Hillview Avenue. The overall positioning of the new dwellings would offer suitable levels of privacy with the neighbouring properties. Given the siting and scale of the development no significant loss of light or overshadowing would occur when considering the neighbouring properties within the vicinity of the application site.

### **Residential Living Standards**

Each dwelling would meet internal space standards as set out within policy D6 of London Plan floorspace requirements with access to rear gardens complying with policy BH13 of Brent's Local Plan. Internal arrangements of each dwelling would provide a good quality layout for any future occupiers. Each home has been designed to be M4(2) compliant.

### **Transport Considerations**

The level of parking provided is sufficient meeting the requirements of the London Plan and the recently adopted Local Plan. The improvement to the existing access road would improve the existing situation with the introduction of a new footway which would be beneficial for pedestrian movements. Refuse collection would take place along Gooseacre Lane as per the existing arrangement.

### **Flood Risk and Drainage**

The proposal would result in management of surface water by incorporating suitable mitigation measures ensuring this will be achieved. The Flood Risk Assessment submitted with the application reveals no significant concerns and the Lead Local Flood Authority was satisfied with the information submitted. Thames Water have identified that there are no concerns regarding foul water discharge given the scale of the development.

### **Trees and Landscaping**

The proposal replacement tree cover along the southern parts of the site is considered an acceptable re-provision of trees to overcome the loss. There are currently 19 trees within the site and 16 of these would be removed. The proposal would include the planting of 25 new trees on site resulting in an uplift of 9 new trees throughout the site. High levels of soft landscaping is proposed throughout the site.

### **Environmental Health Considerations**

Conditions have been recommended ensuring matters associated with noise and vibration, air quality, noise, contaminated land and the construction process are considered in further detail.

### **Ecological Considerations**

An ecological assessment has been submitted with the application demonstrating that the site has limited value to wildlife and that no significant wildlife was found. The report recommended that works should take place outside the period between 1 st March to 31 st August. A condition has been recommended ensuring that an appropriate study is provided from a qualified ecologist if works are to be carried during this period.

### **Sustainability and Energy**

The proposal would incorporate design initiatives that would include unique insulation and ventilation strategies with airtight construction. The development would ensure mains water consumption of 105 litres or less per person per day.

### **Fire Considerations**

The Fire Strategy submitted with the application identifies suitable measures to ensure fire safety

measures are featured as part of the development in line with London Plan policy D12A.

**RELEVANT SITE HISTORY**

**20/3082** - Erection of 4 dwellinghouses with habitable roof space, private amenity, provision for 4 car parking spaces and cycle storage, new vehicular accesses and associated landscaping on land adjacent to Brookfield Court, HA3 – **Refused – 31/03/2022**

Reason:

The proposed development would fail to achieve an appropriate standard and quality of design and detailing, by reason of the poor site layout and configuration in relation to surrounding spaces, incoherency in the approach to facades and fenestration and, inappropriate proportion of hard surfacing / hard landscaping and the insufficient provision of replacement planting (in terms of quality and quantity) which fails to mitigate the impact associated with the loss of the existing planting and open space. The proposal therefore would be detrimental to the character and appearance of the area and the streetscene, including the suburban character of the area. This is contrary to policy CP17 of the Core Strategy, DMP1 of the Development Management Policies 2016, Supplementary Planning Document 1 – Brent Design Guide 2018 and Policies BD1 and DMP1 of the emerging Local Plan.

**CONSULTATIONS**

The properties within the vicinity of the site were notified by letter of this proposal for on 29/10/2020.

A total of 14 objections were received during the course of the application.

Summary of Objections:

Summary of Objections	Officer Report
<u>Impact on Residential Amenities</u>	
4 terraced houses would restrict light and cause overshadowing to the residents of both Brookfield Crescent and Hillview Avenue.	The proposal would achieve a suitable relationship with the neighbouring properties within the vicinity of the application site. Refer to paragraphs 24-31
The new houses would be overlooking the houses at the top of Brookfield Crescent and cause a loss of privacy for residents both of Brookfield Crescent and Brookfield	Unduly harmful overlooking would not occur given the orientation of windows and general separation distances achieved with the neighbouring properties. Refer to

Court causing a much poorer outlook.	paragraphs 24-31
Development will invade privacy to nearby neighbours.	Refer to paragraphs 24-31.

<u>Flooding and Drainage</u>	
The drainage systems in the area are already at full capacity according to the surface and foul water undertaker. Both systems overflow during storms and heavy downpours.	Please refer to paragraphs 49-52.
The surface water drainage in the road is so bad on the corner of Gooseacre Lane and Hillview Avenue that even during normal rain episodes the road here gets flooded. These four proposed terraced houses would exacerbate an already serious problem and lead to more frequent overflows of sewage and surface water flooding in the area.	Refer to paragraphs 49-52. The Flood Risk Assessment submitted with the application has recommended suitable mitigation measures to ensure surface water is managed appropriately on site.
The impact of the proposed surface water and foul water discharge from the proposed development into an already full capacity drainage system in the area has not been considered in this planning application.	Refer to paragraphs 49-52. Thames Water raised no objections to the proposed development when considering foul water discharge matters.
Flooding will have a negative impact on the locals who walk to school.	Refer to paragraphs 49-52. The proposed development is not considered to result in additional flooding within the area.



<p><u>Loss of Trees and Amenity Space</u></p>	
<p>The patch of grass on which it is proposed to build these four terraced houses is an amenity space for the residents of Brookfield Court. This is a vital amenity space for the residents of Brookfield Court.</p> <p>Concerns regarding the removal of the green area</p> <p>Loss of an area of recreation space used by residents of Brookfield Court. The proposal would take away such amenity space from the residents of Brookfield Court</p>	<p>Refer to paragraphs 8-11.</p>
<p>The whole front of Brookfield Court is covered by trees which have taken years to grow and become established. The shrubs and trees help residents with their privacy.</p>	<p>Refer to paragraphs 53-59.</p>
<p><u>Character and Design</u></p>	
<p>4 terraced properties would be an over-development of the site, out of keeping with and damaging to the character and appearance of the surrounding area which is mainly made up of semi-detached properties.</p> <p>The forward position of all four proposed terraced properties appears abrupt in the road and would result in the houses having small front gardens with minimal space for soft landscaping to the front of the properties. This is in significant contrast to other properties on Hillview Avenue and Brookfield Crescent which are predominantly set back away from the road behind generous front gardens.</p>	<p>Refer to paragraphs 13-23.</p> <p>Refer to paragraphs 13-23.</p>

<p>The close proximity of these proposed terraced properties to their front, side and rear boundaries accentuates the shallowness of the plot with buildings appearing to be squeezed into the site rather sitting comfortably with its surroundings.</p>	<p>Refer to paragraphs 13-23.</p>
<p>The proposed development as a whole appears cramped in relation to its wider setting leading to a poor visual relationship.</p>	<p>Refer to paragraphs 13-23.</p>
<p>There is minimal space for soft landscaping to the front of the properties.</p>	<p>Refer to paragraphs 13-23 + 53-59.</p>
<p>The proposal represents an over-development of the site.</p>	<p>Refer to paragraphs 13-23.</p>
<p><u>Transport Considerations</u></p>	
<p>Having more car parking spaces loading and turning would result in congestion and compromise Highway safety.</p>	<p>The Transport Statement submitted with the application identifies that the proposed development would not result in a significant level of trip generations to have a negative impact on the local highway</p>

	and transport networks. The proposal would also introduce a new footway improving pedestrian access to Brookfield Court.
Currently Hillview Avenue is a tight road with a sharp bend into Gooseacre Lane. Having more vehicles and carparking spaces would be dangerous to an already congested area with vehicles which currently park on both sides of the road and also speed around the bend.	The proposed highway works would improve the crossover by widening it to improve access from the Gooseacre Lane.
Carbon Monoxide fumes from more vehicles are going to create further health problems.	It is not considered that the level of car trips generated from the development would significantly alter the existing air quality levels within the area as a whole.
Impact on parents and students using public pathways to get to the nearby local schools.	The proposed highway improvements area considered to improve the existing situation. The number of vehicular movements linked to the proposed dwellings is not considered to drastically alter the existing situation throughout the area.
Having these cramped houses erected would restricted and complicated road access to Brookfield Court both for the residents and vehicles including those from Brent Council using this road for weekly refuse collection.	Each dwelling would have access to one parking space which complies with standards. Furthermore, the proposed development would result in a widened crossover measuring approximately 5.5m in width.  Refuse vehicles currently stop along Gooseacre Lane, and the refuse collectors come in to Brookfield Court on foot and collect the bins and the proposal would result in a continuation of this arrangement.
Brookfield Court is currently difficult to manoeuvre through the cars.	The proposed development would result in a widened crossover measuring approximately 5.5m in width, resulting in

	an improvement to the existing situation.
<u>Other Matters</u>	
Negative impact on natural habitat.	Refer to paragraphs 53-59 and 64-67.
The stakeholders have not consulted the neighbours.	The Planning Statement submitted with the application sets out that the applicant carried out dialogue with locals residents before submitting the application. See summary below.
Section 5A Notice not served.	This is not a material planning consideration in the assessment of this application and is a legal matter.
Proposal would result in a loss of wildlife, insects, birds and frogs.	Refer to paragraphs 64-67.

### **Applicant's Public Consultation**

The Planning Statement submitted with the application identifies that the applicant had dialogue with local residents and stakeholders prior to the submission. The applicant communicated with residents of the properties within Brookfield Court, and any other properties in the immediate vicinity on Gooseacre Lane/Hillview Avenue and Brookfield Close.

A letter was sent to 30 properties in Brookfield Court, Hillview Avenue and Brookfield Crescent on 31 August 2021. The letter notified residents of the upcoming planning application, providing a description of the development, and providing contact details should residents want any further details of the scheme or want to discuss the matter in detail. It also provided the opportunity for residents to put forward any specific concerns or recommendations which could be taken into account moving forward.

The consultation resulted in two responders requesting additional information. As set out within the Planning Statement submitted in support of the previous planning application, there were five responses by phone, and two responses by email in respect of that previous scheme.

#### Summary of Issues Raised:

- Loss of green space
- Impact on parking for existing residents and visitors
- Question over potential contributions by the developer/residents of the four new homes to

the access road surface.

- Issues to the overall design
- Loss of value to existing properties

### **Internal Consultees**

Local Lead Flood Authority/Principal Engineer Drainage & Flooding - Initial comments: The proposal was not accompanied by a flood risk assessment and the site is within a critical drainage area. In accordance with the National Planning Policy Framework a flood risk assessment is required for a proposal such as this.

Officer comments:

A Flood Risk Assessment was provided during the course of the application and this was reviewed by the Principal Engineer for Drainage & Flooding who was satisfied with the findings of the assessment which is discussed in further detail within the main body of the report.

Environmental Health – No objections subject to conditions.

### **External Consultees**

Thames Water- no objections raised to the proposed development.

## **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 is comprised of the

- London Plan 2021
- Brent Local Plan 2019-2041\*

Key policies include:

### **London Plan 2021**

D3 Optimising site capacity through the design-led approach

D4 Delivering good design

D6 Housing quality and standards

D7 Accessible Homes

D12 – Fire Safety

D14 – Noise

H1 - Increasing housing supply

H2 – Small sites

G5 – Urban Greening

G6 – Biodiversity and access to nature

G7 Trees and woodlands  
SI 1 Improving air quality  
SI5: Water infrastructure  
SI 12 Flood risk management  
SI 13 Sustainable drainage  
T4 Assessing and mitigating transport impacts  
T5 Cycling  
T6 Car parking  
T6.1 Residential parking

**Local Plan 2019-2041**

DMP1 – Development Management General Policy  
BP3 - North  
BD1 – Leading the way in good design  
BH1 – Increasing Housing Supply in Brent  
BH4 – Small Sites and Small Housing Developments in Brent  
BH6 - Housing Size Mix  
BH13 – Residential Amenity Space  
BG11 – Green and Blue Infrastructure in Brent  
BG12 – Trees and Woodland  
BSUI1 - Creating a Resilient and Efficient Brent  
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

**Local Plan 2019-2041**

The Council adopted the new Brent Local Plan 2019-2041 at Full Council on 24 February 2022.

The following documents have now been revoked:

- The Brent Core Strategy 2010
- Brent Site Allocations Development Plan Document 2011
- The Wembley Area Action Plan 2015
- The Development Management Policies Plan 2016.

These documents are no longer considered Development Plan Documents for the purposes of determining planning applications within the area that the Council remains the Local Planning Authority and also their associated policies map.

## **DETAILED CONSIDERATIONS**

### **Assessment**

#### **Background**

1. Application 20/3082 was previously refused based on an overall poor design approach of each façade of the scheme. The layout and configuration failed to correspond to the surrounding spaces and built form. Inappropriate levels of hardstanding and insufficient provision replacement planting (in terms of quality and quantity) which failed to mitigate the impact associated with the loss of the existing green cover south of the application site.
2. A poor relationship was achieved with the existing properties along Brookfield Court with the rear boundary treatments facing the existing residential properties to the north of the site resulting in private garden boundaries facing a public space. The development failed to provide acceptable levels of landscape design and tree planting to enrich the local environment and to mitigate the loss of the existing landscaping. This further underlined the negative impact the proposal would have on the character of the area.
3. The current application is seeking to overcome the previous reason for refusal. Alterations have been made to the proposed façade treatments in light of the previous issues raised. The proposal has now been re-orientated with the main front elevation directed to the north, while the rear elevation and associated garden spaces positioned towards the southern portions of the site. Additional replacement planting has been introduced next to the southern boundary. The modifications have been analysed in detail within the main body of the report.

#### **Principle**

##### **Use**

4. 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. Local Plan policy BH1 reflects this target.
5. Policy D3 of London Plan 2021 requires 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 policy position is set out in further detail within policy H2 of London Plan which states that

boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to amongst other considerations significantly increase the contribution of small sites to meeting London's housing needs.

6. In response to the strategic policy position above, within Brent's Local Plan, the Council has set out its own policy on small housing sites under policy BH4. This policy relates to small housing sites (below 0.25 hectares or 25 dwellings in size) 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). Outside of priority locations greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easily accessible on foot when determining the intensity of development appropriate.
7. The site is not within a priority location as noted above. Therefore there is a requirement for greater weight to be placed on the existing character of the area, access to public transport and a variety of social infrastructure easily accessible on foot when determining the intensity of development appropriate.

#### Development on Green Space

8. The application would result in the loss of existing green space located to the front of Brookfield Court. Objectors have raised concerns regarding the loss of this space. It has been outlined within the objections that this area is used as external amenity/open spaces purposes, including a play area.
9. It is acknowledged that it is possible that some residents may be currently using some of the grassed area for recreational functions, and that this may have some local value despite not falling within the boundaries of a designated public open space. The existing residents within Brookfield Court have access to additional green space to the west of the application site and would also continue to have access to communal external amenity spaces. Furthermore, Woodcock Park is within a 5 minute walk from Brookfield Court.
10. Policy DMP1 seeks to retain existing green infrastructure including one space, high amenity trees and landscape features, and providing appropriate additional or enhancements where possible. Where the loss of open space is proposed, this would be required to be balanced against the benefits of the proposal.
11. While the loss of the green space is acknowledged, the scheme would deliver the provision of four family sized homes within the Borough for which there is an identified need. This is considered to outweigh the harm, particularly given the proximity to Woodcock Park which provides a large area of open space in very close proximity and access to this park would remain unrestricted for nearby residents. On balance, the loss of this green space is outweighed by the benefits of the scheme as a whole, including the delivery of four family sized homes.

#### **Housing Mix**

12. Policy BH6 of the Local Plan 2019-2041 for 3 or more bedroom dwellings (family sized accommodation) within the Borough, For every four dwellings included within developments at least one must be 3 bedrooms or more. The development would provide 4 no. four bedroom residential dwellings resulting in new family sized dwellings in the Borough. The proposal therefore complies with Policy Bh6 of the Local Plan 2019-2041.

#### **Design, Character and Impact on Street Scene**



13. The NPPF emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials, while not discouraging appropriate innovation, and Policy DMP1 of the Local Plan 2019-2041 requires the scale, type and design of development to complement the locality. Policy BD1 of the Local Plan stipulates that innovative contemporary design will be supported where it respects and complements historic character but is also fit for the future. Developments should protect suburban areas from inappropriate development including infilling of plots with out-of-scale buildings that do not respect the settings of the existing dwellings, while Policy DMP1 requires the scale, type and design of development to complement the locality.
14. SPD1 outlines that development should respond to the local context and respect the existing character of the landscape, streetscape, architectural and historic environment. New development height, massing and façade design should positively respond to the existing context and scale; facilitating good urban design. Building heights should positively respond to existing character. Development massing should limit its visual impact by effectively breaking up facades, creating a varied roofscape and relating positively to existing surroundings. It further outlines that buildings should generally fit in with the existing character of roof types within the streetscene and minimise the visual impact from street level.
15. SPD1 highlights the importance for building roofs to be designed to minimise the impact of height and positively respond to the character of the area. Roof forms of new development should fit in with the established character of the street or area.
16. The application is seeking to introduce a mews type development with the main frontages positioned north. The proposal would have the appearance of two storeys with the roof supporting additional living space. The proposal would contain a maximum height of approximately 9.2m when measured from the front elevation. A projecting bay element would be added to the front elevation of each property. Further to this, dormer features would be included to the front and rear elevations of the proposed roofs. Each dwelling would contain a forecourt occupying a front garden area and car parking space.
17. Policy BD1 of the Local Plan 2019-2041 reveals that innovative contemporary design will be supported where it respects and complements historic character but is also fit for the future. The proposal would incorporate a modern interpretation of a typical traditional pitched roof design. The pitched elements would complement the traditional roofs of the properties within the area and the contemporary approach would add a different variation to the existing character of the street scene. The proposed street scene drawings illustrate that the proposed development would resemble the height of the neighbouring properties along Hillview Avenue. The section drawings provided with the application demonstrate that the height of the development would mirror the height of the built form directly north and north west of the application site. As such, the height and massing is appropriate for the site and would fit cohesively with the established built form in the area. The information submitted with the application highlight the suitability of the overall height within the area. The eastern elevation of the development would maintain a suitable separation distance from the side elevation of No.1 Hillview Avenue, preventing the scheme appearing cramped when viewed from street level.
18. The proposal would not project forward of the established front building line linked to the properties to the east of the site. It is noted that House D would be positioned further forward of row of properties within Brookfield Court facing Gooseacre Lane, however this relationship is considered acceptable given the separation distance achieved. In addition to this, the development would primarily be viewed from Hillview Avenue/ Gooseacre Lane and the therefore would be suitably positioned when viewed directly from these streets.
19. The overall contemporary design approach is considered to enrich the street scene, while also maintains the traditional character of the area. The facades are well-composed, with good

proportions that establish a clear hierarchy across the scheme and a well-balanced solid to void ratio.

20. SPD1 highlights the importance for development to ensure animated facades towards public routes and spaces while avoiding blank walls. The proposed orientation of the development is acceptable providing frontages facing the existing properties along Brookfield Court creating a good sense of place and providing good activity to the elevation facing the existing properties overcoming the previous reason for refusal.
21. 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 submitted with the application identifies that the development would incorporate red zinc roofs, the majority of each elevation would include red brick and the windows would be built with black metal frames. The main front doors would comprise of wood. The materials proposed are considered acceptable in principle and would not detract from the character of the area.
22. The proposal would mainly comprise of red brick with red zinc included at roof level. Black metal frame windows and sliding doors would be added to each elevation. Elements of wooden decking would be utilised to the rear gardens of each property. The proposed front bay projection is considered acceptable as the front dormers would contain a reduced width appearing as a separate entity to that of the projecting bays, resulting in an acceptable design when viewed from the front.
23. The proposed materials are considered acceptable in principle and draws on the surrounding context. Overall, the building would be of a high-quality design and contain a contemporary design that would benefit from positive architectural features. However, further details including samples of the external materials are recommended to be secured as a condition.

### **Impact on Residential Amenity**

#### *Outlook and daylight/sunlight considerations*

24. SPD1 outlines that the building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from height of two metres above floor level. Furthermore where a 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. This is to ensure that a development does not appear overbearing from neighbouring rear habitable room windows and gardens.
25. SPD1 states that 1:2 rule for two storey extensions outlined in the Residential Extensions and Alterations SPD2 applies for commercial developments next to residential as well as between residential developments. SPD2 outlines that two storey rear projections is restricted to half the distance between the side wall and the middle of any neighbours nearest habitable room window. This rule ensures that the loss of amenity and light to the neighbouring properties is kept within reasonable limits. Where there is a flank wall window which provides sole light to a habitable room (including kitchens) any loss of light to this room will be taken into account and is likely to reduce the size of extension considered acceptable.
26. Due to the orientation of the application site, the new homes do not face rear habitable room windows of neighbouring properties and therefore the 30 degree line would not be applicable. Likewise, it does not adjoin private amenity/garden areas of neighbouring properties (other than No. 1 Hillview Avenue). The new dwellings would not extend beyond the rear elevation of No. 1 Hillview Avenue and therefore would not breach 1:2 rule.

27. In addition to the above, SPD1 sets out that development should ensure a good level of daylight, sunlight and outlook, throughout the day and the year and minimise the impact on surrounding properties and spaces. It highlights that Brent supports the use of 'Site Layout planning for daylight and sunlight: a guide to good practice' produced by BRE (BRE209).
28. Based on the section drawings provided within the Design and Access Statement the proposal does not require further consideration of a sunlight and daylight study given no infringement of the 25 degree angle would occur in relation to the properties north and north west of the site. Nos 1 and 42 Brookfield Crescent would also be sited significant distances from the proposed dwellings and given the overall orientation of these existing properties no detrimental harm would be caused to the occupiers of these properties.

### Privacy

29. SPD1 stipulates that directly facing habitable room windows will require a minimum separation distance of 18m. A distance of 9m should be kept between gardens and habitable rooms or balconies. Reduced distances between new frontages may be acceptable subject to consideration of overlooking and privacy as well as height.
30. The proposed development would maintain a distance of just under 18m (17.76m to 17.96m) separation distance between habitable room windows with the neighbouring properties at Nos. 35 to 47 Brookfield Court) directly north of the site. The separation distances would be further reduced when considering the projecting elements to the front elevation of each proposed dwelling. These distances would range between 16.5m and 16.6m. Given that the shortfall is minor and the houses face across the access road into Brookfield Court, it is not considered that the occupiers of Nos. 35 to 47 Brookfield Court would be adversely impacted through loss of privacy and overlooking. Furthermore, the presence of additional windows over the access road provides additional passive surveillance.
31. Flank wall windows are proposed to houses A and D but these serve landing/stairwell. Given that the flank wall windows to house A is within 9m of the boundary with No. 1 Hillview Avenue, it is recommended that the flank wall window at first floor level is conditioned to be obscured glazed and high opening only. The flank wall windows to House D overlook the access road into Brookfield Court and therefore these windows are not required to be obscured glazed or high opening only.

### **Standard of Accommodation**

32. Policy D6 of London Plan sets out standards for housing quality. It requires new homes to be of high quality design and provide adequately sized rooms with comfortable and functional layouts. Policy D6 requires new housing developments to maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings.
33. Policy D6 of London Plan sets out minimum floorspace requirements. It also requires single bedrooms to have a floor area of at least 7.5sqm and be at least 2.15m wide. A double or twin bedroom must have a floor area of at least 11.5sqm, with at least one of the double bedrooms at 2.75m wide, and the remaining double bedrooms at 2.55m wide. Policy D6 further highlights that minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.
34. Both the ground floor and first floor would achieve 2.5m heights while elements of the upper floor would not, however this would not fall below 75% when considering the entirety of each dwelling as a whole. The section drawings and proposed second floor plans provided reveal that the upper floor would contain suitable headroom height for a typical room within a loft.

<b>Unit</b>	<b>House Type</b>	<b>Required Floorspace</b>	<b>Proposed Floorspace</b>
House A	4b 7p over 3 storeys	121sqm	140sqm
House B	4b 7p over 3 storeys	121sqm	140sqm
House C	4b 7p over 3 storeys	121sqm	140sqm
House D	4b 7p over 3 storeys	121sqm	140sqm

35. The applicant has demonstrated that the proposed units would meet the London Plan floorspace requirements as identified within the table above. The internal arrangements of each of the proposed residential units would allow for satisfactory levels of outlook and access to acceptable levels of daylight. Amendments were provided during the course of the application to re-orientate the proposed bedrooms within loft space, these alterations are considered acceptable and provided a better arrangement for future occupiers. The layout of each would provide good levels of outlook and access to light. It is noted that one bedroom within top floor of each unit would be served by two rooflights which is not uncommon for bedroom occupying the loft. The rear rooflights would achieve an opening point of 1.5m which would provide opportunities for outlook. This is considered acceptable on this occasion given the overall high standard of accommodation that would be achieved throughout the development. Overall it is considered that the proposed internal arrangement of each unit would provide a sufficient standard of accommodation for future occupants.

36. Policy D7 of the London Plan states that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children all dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. The applicant has identified and amended the plans to ensure the proposal achieving internal layouts that would meet the required standards.

#### Amenity Space

37. BH13 of the Local Plan 2019-2041 further states that all new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents'

needs. This is normally expected to be 50sqm for family sized housing (3 bedrooms or more) situated at ground floor level and 20sqm for all other housing. 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.

38. Each dwelling would have access to private rear gardens measuring approximately 50sqm which meet the requirements set out above. The proposal fully complies with policy BH13 in relation to external amenity space.

## **Transport Considerations**

### Background

39. Brookfield Court is a private residential street developed in the 1970s consisting of 20 dwelling units, a 4.5m wide access road, six rear garages and communal amenity space. The site is located close to the junction of Gooseacre Lane with Brookfields Crescent and Hillview Avenue. On-street parking is unrestricted along all three streets except with the vicinity of the junction, although all three are narrow.
40. The site itself is accessed via a non-adopted street serving the houses and garages of Brookfield Court. This un-adopted street appears to support footway parking which is a commonplace. The site contains a PTAL 1b with close access to one bus route within walking distance.
41. Pedestrian and cycle access to Brookfield Court will be taken from the amended junction with Gooseacre Lane. A new footway will be provided on the southern side of the widened access road providing access to the dwellings. The existing vehicular access which serves Brookfield Court will provide access to the four new dwellings. The access and the internal access road serving Brookfield Court will be widened to 5.5m, with a new 1.2m footway provided on the southern side of the access road. These works would also result in the widening of the crossover serving Brookfield Court.

### Car parking standards

42. As the site does not have good access to public transport services, the maximum car parking allowance for 1.5 spaces per dwelling under the adopted Local Plan which aligns standards with the London Plan, to give a total allowance of 6 spaces.
43. The proposals include the provision of 4 car parking spaces, one in each of the forecourts and so complies with maximum allowances in either case. All spaces will be accessed via the private road away from Gooseacre Lane. The Transport Note submitted with the application includes tracking drawings that illustrate that cars would have sufficient space to manoeuvre while considering a 2m gap to allow for the existing doubler parking to be carried along Brookfield Court.
44. Based upon 2011 census data, the four new houses are predicted to generate parking demand for 5 to 6 cars. To accommodate overspill parking, the proposal also involves the widening of the Brookfield Court access road to 5.5m-6m in order to accommodate on-street parking along one side of the road without obstructing footways. A new 1.2-1.6m wide footway will also be provided on the eastern/southern side of the private access. This is welcomed, resulting in improvement to pedestrian safety along the street.
45. The trip generation demonstrate that the introduction of the development in the area will have little impact on the highway and transport networks.

### Cycle parking

46. The proposals require a minimum of 8 cycle parking spaces and each forecourt includes a cycle locker which is large enough to accommodate 2 cycles. Minimum requirements would therefore be met.

#### *Refuse, service and deliveries*

47. Refuse storage areas have also been indicated on the plans within the front forecourt of each house. which are fine, although it would be useful if details are provided on how the refuse for existing residents for Brookfield Court is collected. Refuse/re-cycling storage will be located within the front garden of each plot.

48. Delivery and servicing of the residential units will take place on-street from Gooseacre Lane, which is a continuation of the existing arrangements for Brookfield Court.

#### **Flooding and Drainage Considerations**

49. Policy SI 12 of The London Plan requires development to ensure that flood risk is minimised and mitigated. This is reinforced within policy BSUI3 of Brent's Local Plan that highlights the need for proposal that require a flood risk assessment to demonstrate that the development will be resistant and resilient to all relevant sources of flooding including surface water. The site is located within Flood Zone 1 (low risk of flooding), therefore flooding is not expected to be an issue on site. The LPA's Principal Engineer for Flooding and Drainage/LLFA stated that the site is situated within a critical drainage area and as such requested a flood risk assessment to be submitted with the application.

50. A Flood Risk Assessment (FRA) was been submitted during the course of the application. The Principal Engineer for Flooding and Drainage/LLFA reviewed the contents of the report and was satisfied. The report reveals that the site lies approximately 80m to the north of the nearest land within Flood Zones 2 and 3 and highlights according to the EA's Risk of Flooding from Surface Water (pluvial) flood mapping, the site has a very low risk of pluvial flooding. The data provided indicates surface water flooding occurring further south west of the site along Gooseacre Lane and Lidding Road. The proposals involve an increase in the building footprint within the extent of the surface water flooding extent and could potentially displace flood water in this event. As a result, compensation for any loss in flood plain storage is required.

51. Policy BSUI4 of the Local Plan 2019-2041 highlights that proposals for new development will be required to make provision for the installation and management of measures for the efficient use of mains water and for the control and reduction of surface water run-off. The FRA reveals, the rate and volume of runoff from the development is likely to increase over its lifetime. Therefore, an estimation of run-off is required to permit effective site water management and prevent any increase in flood risk to off-site receptors from the site, over the lifetime of the proposed development. The findings conclude that surface water (pluvial) would be low. More extreme weather events could increase the risk to the site from increased surface water flooding. To ensure proper management of water on site the FRA recommends mitigation measures which include 10 rainwater harvesting butts on site and to ensure there is 50% soft landscaping in the front gardens for surface water runoff management. It is noted the proposed front forecourt areas would provide at least 50% soft landscaping covering each area.

52. The FRA records from Thames Water indicate that there have been no incidences of flooding related to surcharging of public sewers at the site. Drawing Number GA-032-7400 shows that the proposal would incorporate separate arrangements for foul water and surface water drainage on site. Thames Water were consulted during the course of the application and stipulated no concerns with foul water discharge matters given the scale of the development. Thames Water acknowledge concerns raised by residents about the performance of the foul sewers in this area. The majority of issues is not related to the capacity of the sewers but

mainly by sewer blockages. Thames Water identified that sewer blockages in this area are predominantly due to fats, oils, food scraps, wet wipes and sanitary items being inappropriately put down the sewer. This then clogs the pipes, which causes the foul water to back up and eventually flood out of the sewer. It is not considered that the proposed development would not result in a negative impact given that Thames Water have highlighted that there is capacity for the proposed development.

### **Trees and Landscaping Considerations**

53. 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.
54. The proposed development would result in the removal of the majority of the corridor of trees and planting will be removed to support the development. The site occupies 19 trees and 16 would be removed. The Arboricultural Impact Assessment submitted with the application states that the trees mainly comprise of mature Ash with Elder, Elm and Sycamore growing amongst them. The findings within the report reveal that the Ash trees are likely to be affected by Ash die-back within the coming years. The report also highlights suitable tree protection measures to be in conducted during construction for the trees to be retained (i.e. T1, T16, and G19). The use of pile foundation design would mean that the proposed dwellings would have no detrimental impact on tree roots. A suitably-qualified arboriculturalist will provide on-going supervision during construction.
55. The Tree Officer reviewed the information submitted with the application and was satisfied with the removal of the trees on site. None of the trees on site or within the vicinity of the site contain tree preservation orders. The Tree Officer welcomes the increase tree species which would result in the re-provision of 25 trees planted through the scheme as a whole. It is noted that it would be difficult to replicate the existing tree line with large mature specimens which would pose a large constraint to the development. The number of trees delivered would maintain a green character along the southern portions of the site and therefore would overcome the previous reason for refusal.
56. The proposal is seeking to replace the trees with a mix of Field Maple, Wild Cherry and Silver Birch. A total of 25 trees would be re-planted through out the site. The majority of the trees would be planted along the southern boundary adjacent to Gooseacre Lane and Hillview Avenue.
57. A green area would be maintained towards the south western part of the site and this area would also facilitate additional tree planting. The level of replacement trees is considered sufficient to overcome the loss of the existing green corridor planting to the south of the site and would therefore overcome the previous reason for refusal. The balance between the proposed soft and hard landscaping is considered appropriate from a design perspective.
58. The development would see the removal of trees on site, however the application is seeking to replant significant number of trees as part of the development. Each proposed forecourt area would include large portions of soft landscaping areas which would benefit the northern segments of the site. A landscape condition has been recommended to finalise the precise details.
59. Policy G5 of The London Plan and Policy BGI1 of the Draft Local Plan require developments to contribute to Urban Greening and a target Urban Greening Factor (UGF) of 0.4 is recommended. The applicants have submitted details which demonstrate that the proposal would have a UGF score of 0.47 would be achieved.

## **Environmental Health Considerations**

### Air Quality

60. The development is within an Air Quality Management Area and located very close to other residential properties. Construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours. Therefore a Construction Method Statement has been requested via a pre-commencement condition.

### Contaminated Land

61. The Environmental Health Officer noted that the area of land that has been identified as contaminated. As a result, conditions are recommended requiring an investigation of land contamination to be carried out prior to commencement of any building works together with details of remediation and verification of the works carried out.

### Noise

62. Environmental Health Officer requested that all residential premises shall be built in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'. A condition has been recommended to ensure these standards are met.

### External Lighting

63. The new development must not give rise to light or other nuisance to nearby residents. A condition will require that, should external lighting be installed, details of the lighting, including a measure of lux levels, is submitted and approved by the Council.

## **Ecological Considerations**

64. A Preliminary Ecology Report was submitted with the application. The site comprises of a small area grassland, with a species poor intact hedgerow along the southern boundary. The findings set out within analysis reveal that bat roosting is considered to be low on site. None of the trees contained features such as decay cavities, woodpecker holes, fissures and exfoliating bark, that would be considered suitable for bat roosting and/or hibernation. The report concluded that the site itself has very little value for foraging bats, as it was illuminated at night and was small in extent. On that basis, no further or nocturnal surveys were recommended as required for bats. Further to this, there was no signs of Badger, Otter and Water Voles presence on site.

65. A total of just three species of birds were recorded on the site, all of which were Species of Low Conservation Concern (i.e. Blackbird *Turdus merula*, Great Tit *Parus major* and Magpie *Pica pica*). No old or in use birds' nests were found, although there was potential for nesting birds within the trees and hedgerow. The site was considered to be unsuitable for reptiles due to its isolation within a busy urban area. Since the site was dominated by mown amenity grass, it was concluded that there was low potential for significant invertebrate assemblages, in particular those species listed as a priority in the UK Biodiversity Action Plan and/or Local Biodiversity Action Plan.

66. The analysis within the ecology report concludes the site has limited value to wildlife. No rare vascular plants were found, and all species recorded were common and widespread. The report recommended that since all in-use bird's nests and their contents are protected from damage or destruction, any tree or shrub removal or works which may affect a nest should be undertaken outside the period 1 st March to 31 st August inclusive. The proposal would provide four bird boxes and two bat boxes to the south and south western parts of the site. Further surveys would be required if any tree or shrub removal works are conducted during the nesting period (i.e. considered to be March to August). As such a



condition has been recommended for details if works are intended to be carried out within this specified timeframe.

## **Sustainability**

67. In accordance with London Plan, Local Plan and Brent's declaration of climate emergency, the applicants should ensure all developments are climate resilient in order to avoid additional, costly requirements at a later date. This requires applicants to give careful consideration to the development's energy performance. Policy BSUI1 outlines that substantial weight will be afforded to the target for mains water consumption of 105 litres or less per person per day. Minor developments will be encouraged to maximise feasible opportunities for on-site renewable energy generation.
68. The proposal would incorporate Passivehaus initiatives within the technical design stage of the development. These principles would include a high level of insulation, ventilation strategies with using of MVHR, electric heating, airtight construction and consideration of avoiding thermal bridges. Therefore heating and cooling demands will result in less use of energy. The Design and Access Statement submitted with the application highlights that the proposal would ensure mains water consumption of 105 litres or less per person per day.

## **Fire Considerations**

69. Policy D12 of the London Plan highlights the importance for all development proposal achieving the highest standards of fire safety. A Fire Strategy was submitted with the application which details suitable structural requirements necessary to provide the appropriate level of fire safety protection. No combustible cladding installed on any of the exterior walls of the development. The internal arrangements and means of escape are considered satisfactory. The report specifies particular design methods and systems to be used to ensure fire safety requirements are met. The report also sets out a strategy during the construction period. It is noted that efforts must be made to create exit gates from each of the rear gardens, this was highlighted as a requirement and the introduction of gates to the rear boundary treatment could result in the loss of the proposed tree cover, given that this was not set out as a requirement the tree cover has been maintained given the value this would provide to the street scene.

## **Equality**

70. 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).

## **Summary**

71. The application has successfully overcome the previous reasons for refusal, as discussed within the main body of the report above. The proposal would provide a well-designed development to the area which would occupy four family sized homes. There is no designation to maintain the green space currently on site and therefore the principle to re-develop the site is supported. The proposal would result in a number of significant benefits, including the provision of new family sized homes to meet identified need. The overall height and mass would relate appropriately to the existing buildings within the vicinity of the application site and suitable relationships would be achieved with the neighbouring properties surrounding the site. The quality of accommodation is considered to be of a high standard for any potential

occupants.

72. It is considered that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions.



Application No: 21/3713

To: Mr Cutler  
Strutt & Parker  
5 Aldermanbury Square  
London  
EC2V 7BP

I refer to your application dated **01/10/2021** proposing the following:

Erection of 4 dwellinghouses with habitable roof space, private amenity, provision for 4 car parking spaces and cycle storage, new vehicular accesses and associated landscaping on land adjacent to Brookfield Court, HA3

and accompanied by plans or documents listed here:  
Please see condition 2.

at **Land Opposite, 33-47 Brookfield Court, Gooseacre Lane, Harrow**

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: 08/04/2022

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.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in material accordance with the:-  
National Planning Policy Framework 2021  
London Plan 2022  
Brent Local Plan 2019-2041  
Brent's Design Guide – Supplementary Planning Document 1 2018
  
- 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):
  1. The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):  
Drawing Numbers: \_  
GA-032-0001  
  
GA-032-0002  
  
GA-032-0020  
  
GA-032-1000 Rev. D  
  
GA-032-1100 Rev D  
  
GA-032-1101 Rev A  
  
GA-032-1102 Rev. E  
  
GA-032-1103 Rev A

GA-032-1200 Rev D

GA-032-2000 Rev A

GA-032-2001 Rev B

GA-032-2002 Rev A

GA-032-2003 Rev B

GA-032-3000 Rev B

GA-032-3001 Rev B

GA-032-3002 Rev A

V-032-1000 Rev B

V-032-1001 Rev B

V-032-1002 Rev A

V-032-1003 Rev B

GA-032-7400 Rev. A

GA-032-7401

GA-032-3003 Rev A

GA-032-3004 Rev A

Supporting Information Submitted

Planting Plan and Wildflower Maintenance Note by Daniel Shea Garden Design

Transport Note by Markides Associates

Tree Survey & Arboricultural Impact Assessment by Trevor Heaps received 31<sup>st</sup>

January 2022

Preliminary Ecological Survey by Indigo Surveys

Flood Risk Assessment conducted by Flood Smart

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

- 3 The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units and in view of the restricted space within the site to accommodate additional bin or cycle storage.

- 4 No further extensions or buildings shall be constructed within the curtilage of the dwellinghouses subject of this application, notwithstanding the provisions of Classes A, AA, 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 development hereby approved 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 proposed upper floor flank wall windows serving House A shall be fitted with obscure glazing and contain an opening point 1.7m above the floor in which the windows are to be installed. These windows shall be permanently returned and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained through the submission of an application for approval of details reserved by condition.

Reason: To protect the residential amenities of the neighbouring properties east of the proposed development.

- 7 The proposed development hereby approved shall be built in accordance with the

mitigation measures set out within the Flood Risk Assessment conducted by Flood Smart.

Reason: To ensure water management measures are controlled on site.

- 8 The proposed development hereby approved shall be built in accordance with the criteria set out within Tree Survey & Arboricultural Impact Assessment prepared by Trevor Heaps received 31<sup>st</sup> January 2022

Reason: To ensure a satisfactory development which does not result in harm to trees.

- 9 All recommendations and mitigation measures set out within the Preliminary Ecological Survey prepared by Indigo Surveys shall be carried out in full throughout the duration of construction of the development.

Reason: To ensure a satisfactory development which does not prejudice wildlife on site

- 10 Vegetation clearance shall be undertaken outside of the nesting bird season (generally extends between March and September inclusive). If this is not possible then any vegetation that is to be removed or disturbed shall be checked by an experienced ecologist for nesting birds immediately prior to works commencing and a detailed survey shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

- 11 Prior to the commencement of the development a Construction Method Statement (CMS) 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 CMS shall include details of a dust monitoring plan, to be implemented during construction works. Details shall be submitted to and approved in writing by the Local Planning Authority through the submission of an application for approval of details reserved by condition. All agreed actions shall be carried out in full throughout the duration of construction of the development.

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: These impacts can arise at any time from the start of construction works, and adequate controls need to be in place at this time.

- 12 Prior to commencement of development, a Construction Logistics Plan, identifying anticipated construction traffic movements and setting out measures to manage and minimise the construction traffic impacts arising from the development, taking into account other construction projects in the vicinity, shall be submitted through the submission of an application of approval of details to the Local

Planning Authority.

The development shall thereafter be carried out in full accordance with the approved Construction Logistics Plan.

Reason: To ensure construction traffic impacts are effectively managed throughout the construction process.

Reason for pre-commencement condition: Construction traffic impacts can arise at any time from the commencement

- 13 a) Prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options and a Remediation Strategy should any contamination be found that presents an unacceptable risk to any identified receptors.

(b) Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be submitted to and approved in writing through an application for approval of details reserved by condition to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

Reason: To ensure the safe development and secure occupancy of the site.

- 14 Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority prior to commencement (but excluding site preparation 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.

- 15 Within three months of commencement of the development, the developer shall enter into an agreement with the Local Highways Authority to carry out the following works:

1. Widening of existing access road to 5.5m.
2. Alterations to crossover from Gooseacre Lane
3. Introduction of a new footway measuring 1.35m in width.
4. Drainage details associated with highway works.

The development shall not be occupied until evidence that the abovementioned highway works have been implemented in full and certified as completed to an acceptable standard by the Local Highways Authority has been submitted to and



approved in writing by the Local Planning Authority.

Reason: To ensure the development provides a safe and functional highway environment to connect the development with its surroundings.

- 16 Notwithstanding the submitted plans otherwise approved, landscaping details for the new dwellinghouses shall be submitted to and approved in writing by the Local Planning Authority prior to commencement (but excluding site preparation and the laying of foundations). The hard and soft landscape works shall be completed prior to first occupation of the proposed dwellinghouses hereby approved Unless otherwise timescales are agreed in writing by the Local Planning Authority.

Such details shall include:

- (i) Patios and pathways (including details of materials, finishes and height of patio)
- (ii) Details of existing and proposed boundary treatments (including materials and height).
- (iii) Details of soft landscaping (including species, location and densities) together with design of tree pits for trees planted within the site.
- (vi) Details and planting positioning of 25 trees.
- (v) Details of bin storage for each dwellinghouse to comply with Brent's Household Waste Collection Strategy.
- (vi) Details of the proposed cycle storage
- (vii) Details demonstrating biodiversity net gain within the site.

Any trees and shrubs planted in accordance with the landscaping scheme or proposed to be retained which, within 5 years of planting (or the completion of the development, whichever is later) are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development, to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development, in the interest of biodiversity and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- 17 Prior to occupation of the development hereby approved, details of proposed external lighting design including a light spillage plan taken into consideration neighbouring properties, luminance levels and light spill shall be submitted to and approved in writing through the submission of an application of approval of details to the Local Planning Authority. The development shall be built in accordance with the approved details for the lifetime of the development, unless

otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality, provides functional spaces.

- 18 All residential premises shall be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following noise levels:

Time	Area	Maximum noise level
Daytime Noise 07:00 – 23:00	Living rooms and bedrooms	35 dB LAeq (16hr)
Night time noise 23:00 – 07:00	Bedrooms	30 dB LAeq (8hr) 45 dB LAm <sub>ax</sub>

A test shall be carried out prior to first occupation of the dwellings hereby approved to show that the required noise levels have been met and the results submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of accommodation for future residents.

#### INFORMATIVES

- 1 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.
- 2 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](http://www.brent.gov.uk/CIL).
- 3 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](http://www.communities.gov.uk).
- 4 The submission/approval 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.
- 5 The quality of imported soil must be verified by means of in-situ soil sampling and analysis. We do not accept soil quality certificates from the soil supplier as proof of soil quality.

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

Any person wishing to inspect the above papers should contact Denis Toomey, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1620