



Planning Committee

Monday 12 June 2023 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)
S Butt (Vice-Chair)
Akram
Begum
Dixon
Mahmood
Maurice
Rajan-Seelan

Substitute Members

Councillors:

Ahmed, Chappell, Chohan, Collymore, Dar,
Ethapemi and Kabir

Councillors

Kansagra and J.Patel

For further information contact: Natalie Connor, Governance Officer
natalie.connor@brent.gov.uk, 0208 937 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**

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 personal 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 10 May 2023 as a correct record.		1 - 16
APPLICATIONS FOR DECISION		
4. 22/4128 - 776 & 778, Harrow Road, Wembley, HA0 2HE	Wembley Central	21 - 56
5. 22/4180 - University of Westminster, Watford Road, Harrow, HA1 3TP	Northwick Park	57 - 72
6. 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: Wednesday 12 July 2023

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 10 May 2023
at 6.00 pm

PRESENT: Councillor S Butt (Vice Chair in the Chair) and Councillors Ahmed, Akram, Collymore, Dixon, Rajan Seelan, Mahmood and Maurice.

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

Apologies for absence were received from Councillor Begum, with Councillor Collymore present as an alternate. Apologies were also received from Councillor Kelcher, with Councillor Ahmed present as an alternate.

2. **Declarations of interests**

All members had received an approach from the agent of Item 4, application 21/2130 – Olympic House, 3 and Novotel, 5 Olympic Way, Wembley, HA9

3. **Minutes of the previous meeting**

RESOLVED that the minutes of the previous meeting held on Wednesday 19 April 2023 be approved as an accurate record of the meeting.

4. **21/2130- Olympic House, 3 and Novotel, 5 Olympic Way, Wembley, HA9**

PROPOSAL

Demolition of existing building at 3 Olympic Way and erection of 3 buildings of basement, ground and 9, 22 and 25 storeys (excluding rooftop plant) to provide 172 residential units (Use Class C3), new hotel accommodation comprising 260 rooms (Use Class C1) and retail food stores (Use Class E). 6-storey extension to existing hotel at 5 Olympic Way to provide 95 additional hotel rooms (Use Class C1) and amenities, extension of ground floor to create new colonnade and public realm improvements to Olympic Way. Other works associated with development include new access from North End Road, disabled car parking, cycle parking, private and communal amenity spaces, public realm works and other associated works.

RECOMMENDATION~:

That the Committee resolve to GRANT planning permission subject to:

- (1) The application's referral to the Mayor of London (stage 2 referral) and the prior completion of a legal agreement to secure the planning obligations as laid out in the report.
- (2) That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives as detailed in the report.

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- (3) That the Head of Planning is delegated 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 if by the "expiry date" of this application (subject to any amendments/extensions to the expiry date agreed by both parties) the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.
- (5) 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.

Gary Murphy, Planning Officer, North Area Planning Team introduced the report and set out the key issues. In introducing the application, the Committee were advised that in relation to 5 Olympic Way, the existing 10 storey section of Novotel Hotel, which was directly adjacent to no.3, to the extent of the existing 'balcony' section at the front, would have an upward extension added of 6 floors, to make this section 16 floors high. The current inset 'balcony' section which was centrally located at the front would be infilled by having two floors added, to make its roofline equal to the current roofline on the section to be extended upwards. The upwards extension and infill section would add 95 new hotel rooms, 9 of which would be accessible rooms. In relation to 3 Olympic Way, a new hotel (use class C1) building would be constructed, joined to 5 Olympic Way, at a height of 23 storeys to provide 260 hotel rooms. The development would include a swimming pool, gym, and accessible parking at the basement level. A 3-bedroom, self-contained residential unit would be provided at the top floor of the new hotel building. The final part of the application proposed the construction of two new residential buildings, Central Residence, a 26-storey block to the rear of 3 Olympic Way would provide 141 residential apartments and the North End Road Residence, proposed to the east would comprise of a ten-storey block containing 30 residential apartments.

It was confirmed that the proposed development site was situated within the Wembley Growth Area and Wembley Opportunity Areas as designated in the 2021 London Plan, neither building was listed in or near to a conservation area or other form of designated heritage asset.

The Committee's attention was drawn to the supplementary report that provided information regarding an amendment to Condition 12 following the applicant's submission of an Obscured Glazing Strategy that confirmed which secondary windows on each floor within the Central Residence and the North End Road Residence would be treated with obscure glazing. Members were also asked to note in the supplementary report that it was proposed to add a condition on the advice of Environmental Health officers, the condition

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requires the submission of a verification report to demonstrate that any necessary remediation has been carried out in accordance with the approved remediation scheme.

As no Committee questions were raised at this point, the Chair invited the first speaker, Miss Jayne Aherne (objector) to address the Committee (online) in relation to the application. Miss Aherne introduced herself as a local resident who lived in Shams Court, a neighbouring property to the proposed development. Miss Aherne proceeded to highlight the following key points:

- Concerns were raised that the balconies of the residential blocks of the proposed scheme would create significant overlooking on to the rooftop terrace of Shams Court. It was felt that this would remain an issue despite the revised condition to provide obscure glass. Additionally, it was felt that this would go against Brent's SPD1 policy in relation to the loss of privacy within an outdoor space.
- It was felt that if the proposed development was approved it would cause Shams Court (at 4 storeys in height) to be engulfed by tall buildings in the perimeter around it.
- Miss Aherne highlighted that the proposed development would be only 3.6 metres away from Shams Court and queried why this was considered to be acceptable when it would result in reduced natural daylight to habitable rooms in 6 properties.
- Concern was shared in relation to the loss of a parking space referred to in the Committee report as S3. Miss Aherne explained that S3 was her allocated parking space and contrary to the Committee report she had not been contacted as the affected leaseholder in relation to this.
- Miss Aherne summarised her concerns before urging the Committee to refuse planning permission on the basis of the information shared.

The Chair thanked Miss Aherne for sharing her concerns with the Committee before asking the Committee if they had any questions or points of clarity to raise with Miss Aherne in relation to the information heard. The Committee sought one point of clarification in relation to how Miss Aherne's property would be affected by the altered levels of natural daylight/sunlight as a result of the proposed development. In response, Miss Aherne advised that there would be a significant impact to her living environment as her kitchen window would be affected, the light received through this window provided light to the kitchen and living room, therefore there would be a noticeable difference to the levels of light received throughout the property.

As no further questions were raised by the Committee, the Chair proceeded to invite the next speaker Mr Alun Evans (agent) to address the Committee (in person) in relation to the application. The following key points were highlighted:

- The proposed development would support an increase in Brent's cultural economy as the proposed development would provide a total of 355 additional hotel rooms to meet the need for additional visitor accommodation in Wembley, along with additional high quality retail space.
- 172 new homes would be built, this included 30 affordable homes (19.4% by habitable room) to support Brent in meeting local housing needs. The

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proposed housing mix included 8.7% family sized dwellings overall, with 27% of the affordable units as family sized dwellings.

- The proposed development was felt to comprise of exceptional design quality in keeping with the existing Novotel building and the character of Olympic Way.
- The proposed development would sit within the established heights within the tall building cluster in Wembley.
- The proposal included obscure glazing to habitable rooms on the side elevations of the buildings to mitigate any potential overlooking impacts, including to the rooftop amenity of the existing building at Shams Court.
- A comprehensive daylight/sunlight assessment had concluded that the development would have an acceptable impact overall, given the high density urban context of the Wembley Town Centre. Additionally, the “No Sky Line” test demonstrated a high level of compliance with BRE guidelines to all neighbouring properties.
- The proposal included the provision of a second stairwell within all blocks of the development, this ensured full compliance with adopted and draft fire safety standards.
- Separate consent had been granted for the replacement of all existing combustible cladding from existing buildings.
- The car free development was in accordance with policy, with the exception of 11 disabled car parking spaces, this exceeded the minimum policy requirement.
- One existing car parking space (S3) would need to be re-located due to the construction of the development, the applicant had engaged with the leaseholder in relation to this.
- In closing his comments, Mr Evans summarised the public benefits of the scheme that included contributions of £500k towards the provision of affordable workspace in the borough, a Carbon offset payment, highway improvement works and further financial contributions towards Healthy Streets, local bus services, off site play facilities at Chalkhill open space and a Training and Employment Plan to provide employment and skills for local residents.

The Chair thanked Mr Evans for addressing the Committee and asked the Committee if they had any questions or points of clarification following the information heard. In response the Committee raised questions regarding the number of affordable units of accommodation, public consultation, a construction management plan, loss of light and overlooking to existing residents and amenity space. The following responses were provided:

- In response to a Committee query in relation to what the Committee felt was a low number of affordable housing units, Mr Evans confirmed that the viability reports had been scrutinised by the GLA officers, Brent Officers and independently. All parties agreed that 30 homes at affordable rent was the maximum viable amount that could be offered at the current stage in the application. The Committee noted that Section 106 of the legal agreement included a two stage review to ensure that the maximum affordable housing provision could be reviewed at two further opportunities.
- Mr Evans clarified that the consultation process had been duly followed, however due to the Covid restrictions in place during this time there were

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less opportunities to provide physical engagement consultation events, however there was website based consultation.

- In response to Committee concerns in relation to how the residents in existing properties would be affected by the engulfment of the proposed development, the Committee were advised that although the development would create some changes in the physical environment, there had been multiple assessments undertaken to test the impact of the daylight/sunlight to existing residents, these assessments concluded that there would be no significant harm and any changes were considered acceptable.
- Following a Committee query in relation to the shortfall of amenity space, the Committee were advised that given the limited dimensions of the site it was not possible to provide policy compliant level of amenity space, however given that there was excellent local amenity space it was not felt to be a cause for concern.
- It was clarified that the units that had partially obscured glazing would still have access to windows that were not obscured.
- Mr Evans confirmed that if planning permission was granted, a Construction Management Plan would be developed to support minimum disruption to local residents.
- Following concerns raised by Miss Aherne (objector) earlier in the meeting in relation to parking space S3, the Committee requested assurance from the agent that notice had been correctly served. Mr Evans advised the Committee that it was the duty of the applicant to serve notice on those with a leasehold interest, in this case this was applicable to Network Homes. The Committee were advised that notice had been served to Network Homes at the beginning of the application process, not specifically to Miss Aherne as a resident. Officers confirmed that they had received a written declaration from the applicant confirming that notice was served and as such officers were satisfied that the notice had been served correctly.

As members had no further questions at this point, the Chair thanked Mr Evans for his contribution to the meeting and proceeded to invite the Committee to ask officers any questions or points of clarification they had in relation to the application. The Committee raised questions in relation to parking permits, daylight/sunlight assessment, Urban Greening Factor, carbon emissions, affordable housing and amenity space. Responses were provided as follows:

- In response to a Committee query regarding parking rights of new residents, officers confirmed that as a “car free” development, residents would be unable to obtain on street parking permits.
- The Committee queried why the breaches in daylight/sunlight noted in the Committee report were considered acceptable by officers. In response officers informed the Committee that the National Planning Policy Framework advised that daylight/sunlight assessments were to be applied flexibly in more dense locations, such as the proposed development site. Officers acknowledged that there were some shortfalls in daylight/sunlight measurements to nearby residential units and units across the development however given the density of the site and the need to effectively maximise the use of the site, it was considered that the wider benefits of the scheme outweighed the harm identified.

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- Officers confirmed that the high density of the site also contributed to the limited Urban Greening Factor (UGF) of 0.26 against the target of 0.4, however the Committee noted that despite the limited UGF there would be a significant net gain of 429% in biodiversity value.
- Following a Committee query in relation to the proposed development's carbon emissions target, officers confirmed that at the time of the energy assessment being undertaken the results were assessed under the 2013 Building Regulations, as the most up to date legislation at the time. The assessment demonstrated a 65% overall reduction in carbon emissions, this significantly exceeded the overall energy performance targets in policy SI2.
- The Committee noted that the limited size of the proposed site had resulted in further shortfalls in amenity and workspace and recognised that officers had worked with the applicant to mitigate the impact of the shortfalls where possible. This included a financial contribution from the applicant secured via the s106 agreement for the applicant to make a contribution towards an offsite play facility at Chalk Hill open space and to address the requirements of BE3, to protect the loss of employment generating floorspace, a further financial contribution would be made to provide affordable workspace off site.
- Officers clarified that following the Wind Microclimate Assessment in accordance with London Plan Policies D3, D8 and D9, the assessment concluded that the seven highest floor balconies did not meet the required comfort and safety levels for regular use, therefore appropriate side screening and barriers would be installed and such details to be secured via condition.
- Following Committee concerns that the affordable housing offer from the applicant was too low at 17.4%, officers confirmed that following viability testing it was concluded that the offer of 30 affordable dwellings was more than the maximum reasonable amount of affordable housing that the development could provide at this point. It was highlighted to the Committee that as the affordable housing offer fell short of the 35% target of both the London Plan and Brent Policy there would be two further opportunities to capture any uplift in affordable housing via the Early and Late Stage review mechanism to be secured via the s106 agreement. The Committee requested a further amendment to conditions that social rented housing was prioritised at the Early Stage review.

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 in the Committee report and subject to the applications referral to the Mayor of London (stage 2 referral) and the prior completion of a legal agreement to secure the planning obligations as per the Committee report, including a further amendment as requested by the Committee that social rented housing is prioritised at the Early Stage review.

(Voting on the recommendation was as follows: For 4, Against 1, Abstentions 3)

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PROPOSAL

Demolition of existing building and construction of a two-storey block of flats to provide 4 residential units (Use Class C3), with associated landscaping and boundary treatments, refuse and cycle storage.

RECOMMENDATION~:

That the Committee resolve to GRANT planning permission subject to:

- (1) The prior completion of a legal agreement to secure the planning obligations as laid out in the Committee report.
- (2) That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives as detailed in the report.
- (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 if by the "expiry date" of this application (subject to any amendments/extensions to the expiry date agreed by both parties) the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.
- (5) 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.

Victoria, Planning Officer, North Area Planning Team, introduced the report and set out the key issues. In introducing the report members were advised that the application proposed the demolition of the existing 3-bedroom detached dwellinghouse, with attached garage on its western side and proposes the erection of a two-storey block of flats to provide 4 residential units, with associated landscaping and boundary treatments, refuse and cycle storage. The existing house was located on the south side of District Road in Sudbury Town in a predominantly residential area, the building was not listed and was not within a Conservation Area. The site fell in the Sudbury Town Neighbourhood Forum boundaries and the railway line to the south of the site was a designated wildlife corridor.

The Committee's attention was drawn to the supplementary agenda that provided information regarding the applicant's submission of their calculated Urban Greening Factor (UGF) that set out that the proposed scheme achieved a factor 0.4199 and as such exceeded the 0.4 requirement set out within Policy BH4 of Brent's Local Plan, however as there had been no UGF Masterplan submitted to show the location of the various landscape aspects, it was recommended that

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further details of the UGF were secured by condition (*as set out within condition 13) to maximise the UGF for the site in line with policy BH4 of Brent's Local Plan 2019-2041.

As no Committee questions were raised at this point, the Chair invited Mr Lakhan Patel (objector) to address the Committee (online) in relation to the application drawing the Committee's attention to the following key points:

- Mr Patel advised that he was aware that many local residents were unhappy with the proposed development and had registered their objections with Brent Council.
- Concerns were shared that the property had historically been used as an HMO.
- It was felt that allowing the demolition of a family sized property would be unfair to larger families looking for a family sized home,
- Given that the property had been vacant for a lengthy period of time, Mr Patel queried whether the Council had encouraged the landlord to reinstate the vacant property over recent years, in line with the in the London Plan 2021 that stated properties should not be left vacant and unused.
- It was felt that if planning permission was granted it would set an unwelcome precedent of flats and tall building in the areas, which it was felt was uncharacteristic in the existing environment,
- In summarising his points, Mr Patel urged the Committee to consider the impact of the loss of a family sized property and to reject planning permission.

In response to hearing the concerns raised by Mr Patel, the Committee required clarity in relation to the nature of the main objections that Mr Patel stated other residents had shared. In response Mr Patel advised that the objections had been shared with officers and included the angle of the front elevation, the development being "car free" with no Controlled Parking Zone (CPZ) zone in the area, which was felt would exacerbate existing car parking issues and the precedent set in the area becoming over developed.

As the Committee raised no further questions, the Chair thanked Mr Patel for his representation and proceeded to invite Councillor Lorber (Ward Councillor) to address the Committee (online) in relation to the application. Councillor Lorber advised that he was speaking on behalf of local residents who shared their concerns with him in relation to the proposed development, the following key points were highlighted:

- Local residents were concerned at what they felt was a high number of approved planning applications within the Sudbury area.
- Given the shortages in large family sized properties, it was felt to be illogical to support the demolition of a family sized property, to then reconstruct it with smaller residential units.
- Concerns were raised in relation to the layout and stacking of the units as the plans appeared to show upper floor units living space stacked over bedrooms in the unit below.
- It was felt that the proposed development would add to existing parking issues, particularly in the absence of a CPZ.

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- In summarising the concerns of local residents Councillor Lorber urged the Committee to consider the issues raised by residents and to defer the application until plans were in place to introduce a CPZ to ensure that the proposed development did not exacerbate parking issues for existing local residents.

In response to the points raised regarding a CPZ and the loss of a family sized dwelling, the Chair advised the Committee that a CPZ consultation had been carried out in 2021 and rejected by residents at the time, however residents were able to register their interest in introducing a CPZ via the Brent Council website at any time if parking issues were a concern. The Committee went on to note that although the proposed development would see the loss of a large family sized dwelling, one of the units of the proposed development would re-provide a 3 bedroom dwelling in addition to the 2 bed room and 1 bedroom units. As the Committee had no further questions for Councillor Lorber, the Chair thanked Councillor Lorber for his contribution to the meeting and invited the final speaker on the item Mr Hector Melendez (agent) to address the Committee (online) in relation to the application. The following key points were shared:

- The Committee were advised that two previous planning applications had been refused on the basis of design, materiality, legibility and visual appearance that was felt to be detrimental to the immediate vicinity and neighbouring properties, with this in mind the applicant had worked with planning officers to ensure that previous issues were remedied and the proposal that was before the Committee today was an improved application that would successfully optimise the brownfield site as it stood.
- Key changes made as result of feedback received from prior applications included a reduction in residential units and a reduction in bulk, scale and massing of the building to provide an enhanced appearance in keeping with the character of the area.
- The proposed development was policy compliant and exceeded the Urban Greening Factor London Plan requirements.
- The proposed development would not generate any harmful impact on neighbouring residents in respect of daylight/sunlight levels or overlooking.
- On the basis of the benefits of the proposed development, Mr Melendez urged the Committee to approve planning permission.

The Chair thanked Mr Melendez for making his representation to the Committee and offered members the opportunity to ask any questions or points of clarification in relation to the information heard. The Committee raised queries in relation to the impact of the size of the proposed development and the owner of the site. Mr Melendez provided the following responses:

- In response to a Committee query in relation to the impact of the size of the proposed development, Mr Melendez advised that although the construction would be slightly larger than the existing building, all 4 units would remain within the existing building footprint. It was clarified that there would be no detrimental impact on the outdoor amenity space, which as part of the development would be divided into separate outdoor amenity space for residents.
- It was confirmed that the owner of the site was detailed on the application as declared by the applicant.

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As the Committee had no further questions for the agent, the Chair invited Members to ask officers any remaining questions they had in relation to the application. Members raised queries in relation to the number of bedrooms in the existing property, the stacking of the units, car parking and permitted development rights. The following responses were provided:

- Officers confirmed that the existing property was shown to have 3 bedrooms, but that there were a number of rooms on the ground floor so in theory, it could be used as a 4- or 5-bedroom property. In line with local plan policy BH10 there would be no net loss of homes on site, in addition to this the scheme was compliant with policy BH6 to provide 1 in 4 family sized homes.
- Officers advised that due to the site's positive PTAL 4 rating it was considered to be within a priority area for additional housing in line with policy BH4 of Brent's Local Plan that recognised the use of small sites in supporting the delivery of a net addition of self-contained dwellings through the efficient use of appropriate sites.
- In response to concerns raised in relation to the stacking of units whereby units on the upper floor flats had living areas above the lower floor flat bedroom space, the Committee were advised that where this was the case Building Regulations would ensure that appropriate mitigations were in place to minimise noise nuisance for the residents.
- Details were confirmed that a CPZ consultation had taken place from October-November 2021 with 289 local residents businesses and Ward Councillors. Of the 109 responses received 32% were in favour of a CPZ with 68% against a CPZ. There was no further action taken as the consultation did not reach the 50% threshold of consultees in support of a CPZ to enable any plans to be taken forward, however this could be revisited in the future.
- Confirmation was provided that in any future CPZ consultation, responses from residents of the proposed development would not be taken in to account as the development was "car free". Responses were only taken into account from affected residents.
- It was clarified that although the site was in the Wembley Event Day zone, residents of the proposed development would not be eligible for parking permits on Wembley Event days due to the developments "car free" status, with the exception of blue badge holders.
- Following a Committee query regarding the potential for the loft space of the property to be converted in to additional dwellings in the future, officers advised that this would require planning permission. It was also clarified that there is a borough wide Article 4 direction in place that removed permitted development rights for changes of use to a House in Multiple Occupation, therefore any changes to the use would require a separate application for planning permission.

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.

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DECISION: Granted planning permission subject to the prior completion of a legal agreement to secure the planning obligations as laid out in the Committee report and the conditions and informatives as laid out in the Committee report.

(Voting on the recommendation was as follows: For 7 & Against 1)

7. **22/3634 – Fairfield Court, Longstone Avenue, London, NW10 3TS**

PROPOSAL

Proposed two second floor extensions and third floor extension to create six new self-contained dwellings including 4 rear dormer windows and new solar panel. Construction of two rear access staircases. Associated enlargement of refuse storage, provision of additional car and cycle parking spaces to front and improvements to soft landscaping to communal garden.

RECOMMENDATION~:

That the Committee resolve to GRANT planning permission subject to:

- (1) The prior completion of a legal agreement to secure the planning obligations as laid out in the Committee report.
- (2) That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives as detailed in the report.
- (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.

Curtis Thompson, Planning Officer, North Area Planning Team, introduced the report and set out the key issues. In introducing the report members were advised that the proposed development would provide 4x3-bedroom flats and 2x2 bedroom flats, 7 additional car parking spaces and 14 new cycle parking spaces to be contained within 2 secure cycle storage spaces on site, as well as an enlargement to the existing bin store. The area for redevelopment at Fairfield Court was located 0.5 miles to the north east of Harlesden High Street and consisted of a mix of residential homes. The site fell within the Harlesden Neighbourhood Plan Area.

The Committee were advised that 27 objections had been received, including an objection from Councillor Chan as the Ward Councillor and a petition containing 105 signatures objecting to the development.

As no questions were raised by the Committee, the Chair invited Ms Rebecca Elliott (objector) to address the Committee (in person) in relation to the application. Ms Elliott provided some printed images to the Committee to illustrate some of the

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concerns she would be addressing, the following key points were then shared as follows:

- Ms Elliott introduced herself as a local resident who lived directly behind Fairfield Court.
- It was felt that the proposed development would not be in keeping with the local character and would have a detrimental affect on local surroundings.
- There was strong opposition from local residents as demonstrated by the 105 signatures on the petition provided.
- Concern was raised that the development would cause significant overshadowing to the buildings to the rear of Fairfield Court which would affect the amount of daylight/sunlight received. The Committee's attention was drawn to an excerpt from the report that stated that further testing should potentially have been undertaken in relation to the windows affected. However, it was felt it was not clear in the report that further testing had been undertaken Consequently Ms Elliott felt that the report was inaccurate.
- Ms Elliott felt that the report provided misleading information regarding trees and visibility, as the report had advised that the large trees on site would obstruct views from existing nearby buildings to the new proposed development, however in drawing Member's attention to one of the images provided, Ms Elliott advised that in the Winter there were no leaves at all and the extension to the building would be clearly visible from Ms Elliott's building.
- Ms Elliott summarised the concerns raised and urged the Committee to refuse the application on the basis of the information heard, alternatively it was felt that the application was not refused, it should be deferred until updated accurate reports were provided in relation to the points raised.

The Chair thanked Ms Elliott for sharing her objections to the application with the Committee and invited the next speaker, Mr Ian Britton (objector speaking on behalf of Ms Faduma Hassan) to address the Committee (in person) in relation to the application. Mr Britton shared some further printed images with the Committee to illustrate the points of concern he would be sharing with the Committee on Ms Hassan's behalf. The following key points were shared as follows:

- Ms Hassan bought her home in Fairfield Court because of the good levels of sunlight/daylight that the property received, as well as the character of the build and the local community. Ms Hassan was concerned that the proposed development would significantly affect the positive things she and other residents enjoyed about living at Fairfield Court and as such would impact everyday life.
- Concerns were shared in relation to privacy, as the stairwell to the proposed extension of the property would be built within touching distance of Ms Hassan's living room. It was felt this could also conflict with policy SPD1.
- It was felt that the proposed development would significantly affect the sunlight received into existing flats at Fairfield Court, as per the report stating the proposal could see a 20% reduction in visible sky and sunlight to some flats.
- It was felt that the additions of the extension and associated stairwells would detrimentally alter the character of Fairfield Court.

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- In summarising the points raised, the Committee were advised that Ms Hassan was not opposed to new flats in principle, however it was felt that the design had not been well considered in terms of the negative and permanent impacts on existing residents in relation to the loss of privacy, daylight/sunlight and the overall character of Fairfield Court. Based on the information shared Ms Hassan felt that the Committee should refuse the planning application.

As there were no Committee questions on the information heard, the Chair thanked Mr Britton for addressing the Committee to share Ms Hassan's concerns and proceeded to invite the final speaker on the application Mr Martin Saluzzo (architect, acting as the agent to the application) to address the Committee (in person) in relation to the application. The following key points were shared:

- The proposal presented followed a positive pre application consultation with Brent Council Planning Department that incorporated all the comments received from officers and was in full compliance with Brent Council policies and the London Plan.
- The proposed scheme would contribute to Brent's housing stock by providing six new residential dual aspect units.
- The benefits of the scheme for existing residents included the refurbishment of communal areas, improved soft landscaping, cycle parking, a larger bin storage area and additional parking spaces with the inclusion of Electric Vehicle Charging points.
- Existing trees would not be affected by the development and the existing communal garden would be maintained and improved as a result of the development, providing amenity space above the current minimum standards in Brent Policy BH13.
- The sustainable design included PV panels to the rear west facing roofs.
- The design was not felt to be overbearing and was within the statutory standards set for daylight and sunlight under BRE guidelines.
- Mr Saluzzo urged the Committee to consider the benefits of the scheme and approve the planning application.

The Chair thanked Mr Saluzzo for making his representation to the Committee and offered Committee members the opportunity to ask any clarifying questions they had. Members queried the number of storeys the proposed development would add to the existing building and car parking spaces. The following responses were provided:

- It was confirmed that the proposal would include two additional floors as a result of the loft space being used for accommodation, however in planning terms only one additional storey in terms of overall height would be added to the existing building.
- Following a Committee query regarding the number car parking spaces, the Committee were advised that there were 8 existing car parking spaces, however the proposed development sought to formalise parking arrangements at the front of Fairfield Court to provide 7 additional spaces bringing the total number of parking spaces to 15.

As there were no further questions for Mr Saluzzo, the Chair invited Members to ask the officers any remaining clarifying questions they had in relation to the

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application. The Committee queried the number of EVC points, accessibility, the reduction in daylight/sunlight, the access staircases and the applicant's contribution towards affordable housing in Brent

- Officers confirmed that there was a total of 3 EVC points in compliance with Local Plan Policy, along with a condition to ensure that they were implemented.
- In response to a Committee query in relation to accessibility to the new flats, officers confirmed that the proposal did not include step free access in the form of a lift to the extended part of the building, however in terms of policy compliance the Committee were advised that under policy D7 of the London Plan there were exceptions that could be applied to specific small scale infill developments (Policy H2).
- The Committee queried if alternative options to the location of the staircase had been explored as part of the application process so that there was less impact on existing residents. Officers recognised that there would be some visibility of the additional feature to existing residents, however advised that officers had not felt it was necessary to make amendments to the location and staircase design as despite its visibility it was not considered to create a significantly harmful impact to existing residents.
- Officers confirmed that the application would include a financial contribution of £300,000 towards affordable housing in Brent, this would be secured via the legal agreement.
- In response to Committee concerns regarding the reduction of daylight/sunlight for some existing residents of Fairfield Court, officers advised that the issues of daylight/sunlight had been considered in detail throughout the assessment and acknowledged although there would be some impact, the assessments demonstrated that measures were within the BRE guidelines. Officers felt that on balance the benefits of the scheme outweighed the minimal harm.
- In relation to the properties in Springwell Avenue, to the rear of Fairfield Court, it was confirmed that the 25 degree line was assessed, and that the development wouldn't clip this line from the first floor windows.
- In response to concerns raised regarding the accuracy of the daylight/sunlight reports, it was highlighted that the BRE guidance provided a framework for the consideration of daylight and sunlight impacts, and while some windows should have been subject to further testing, officers considered that the information included within the reports had provided them with enough evidence to be satisfied that the impacts had been thoroughly assessed and were acceptable with no significant harm as set out in the committee report.
- Following a further Committee query in relation to whether the presence or absence of the trees to the rear of Fairfield Court would make a difference to the assessments carried out into the impacts on daylight/sunlight, officers confirmed that there would be no significant harm in addition to the existing situation if the trees were not there.
- Officers summarised the benefits of the scheme as a sustainable scheme that included an uplift in Brent housing and a financial contribution towards affordable housing provision in the borough.

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The Chair thanked officers for responding to the Committee's questions, as there were no further questions 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 prior completion of a legal agreement to secure the planning obligations and conditions and informatives as laid out in the Committee report.

(Voting on the recommendation was as follows, For 7 & 1 Against).

(7) Any Other Business

None.

The meeting closed at 20.49.

COUNCILLOR S BUTT
Vice Chair in the 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

12 June, 2023
04
22/4128

SITE INFORMATION

RECEIVED	8 December, 2022
WARD	Wembley Central
PLANNING AREA	Sudbury Town Neighbourhood Forum
LOCATION	776 & 778, Harrow Road, Wembley, HA0 2HE
PROPOSAL	Demolition of 2 existing dwellings and construction of 4x new three storey dwellinghouses, associated cycle and refuse storage, amenity space and boundary treatment
PLAN NO'S	Please refer to condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_162930</p> <p><u>When viewing this as an Hard Copy .</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "22/4128" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

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

Conditions

1. Three year commencement rule
2. In accordance with approved plans
3. Restriction of PD rights for dwellinghouses
4. Water Consumption
5. Drainage Strategy compliance
6. Ecology report compliance
7. Car free development
8. Cycle and Bins compliance
9. External amenity compliance
10. Construction Method Statement
11. Construction Environmental Method Statement
12. Tree Protection measures
13. Network rail -risk assessment
14. Network rail- scaffolding
15. Network rail crane details
16. Thames water piling details
17. Network rail piling details
18. Network rail excavation details
19. Contaminated land condition 1-investigation
20. Network rail surface water and foul water disposal drainage strategy
21. External Materials
22. Water butts details
23. Hard/ soft landscaping and lighting details
24. Internal Noise insulation
25. Contaminated land condition 2- Remediation and verification
26. Plant Noise
27. Sustainability

Informative

1. CIL liability
2. Party Wall Act
3. Building Near Boundary
4. Asbestos
5. Fire Statement
6. Construction hours
7. Network Rail BAPA (Basic Asset Protection Agreement)

As set out within the draft decision notice

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

2. That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

PROPOSAL IN DETAIL

Demolition of 2 existing 3-bedroom houses and construction of 4x three-storey 3-bedroom dwellinghouses, associated cycle and refuse storage, amenity space and boundary treatment

EXISTING

The application site comprises of a pair of semi-detached dwellinghouses located along the north-west corner of Barham Park, adjacent to the railway tracks for Network Rail service, in Sudbury. To the north is the embankment for the railway tracks, to the south and east is the public park, Barham Park and to the west are residential flats.

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 33 objectors and a petition containing 160 signatures in response to the consultation. A number of issues were raised including impact on the principle of development within the park, accuracy of the submission, impact on heritage assets, design and massing, trees, wildlife and ecology, flood risk, restrictive covenant of the land, highway safety concerns, vibration and noise. These The objections are summarised in more detail below and discussed in the report.

Principle of Development: The Brent Local Plan and London Plan recognise the role of small sites in the delivery of the new homes that are needed in the borough and the site has a PTAL of 5 and is Priority Area for housing. The general principle of residential development is supported in this location, contributing towards the Council's housing targets. The site is currently in residential use and contains 2 houses. It is outside of the London Plan open space designation and therefore the redevelopment for residential purposes accords with London Plan policies. The area shown for Barham Park within the policies map associated with the Sudbury Town Neighbourhood Plan includes the two houses, and policies LGS1 (Local Green Space), LGS2 (Barham Park) and BP1 (Barham Park) are therefore relevant. These policies set out that development which is not ancillary to the use of the land for recreational purposes will be resisted, and that any proposals for the re-use or redevelopment of park buildings for residential use will not be supported. However, the development relates to the development of existing houses and their gardens that are already within Use Class C3 and therefore does not result in the loss of any land that falls within the park use. Furthermore, the buildings are houses and not "park buildings". The demolition of the existing dwellings is considered acceptable as the buildings are not listed (although they do sit within the wider grounds of Barham Park which is locally listed) or located within a conservation area. The proposal to re-provide new family sized homes within the curtilage of the existing residential properties is be considered to acceptable on the site given that the established use of the land is currently residential in nature and does not form part of the park or open space.

Highway impacts: The proposed homes would be within an area with a high Public Transport Accessibility Level (PTAL) of 5 for public transport. No parking spaces would be provided and the homes would be "parking permit restricted" and as such are not likely to result in overspill parking on the surrounding streets. The new homes would be provided with secure and covered cycle parking and refuse storage facilities.

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 as the site does not have any immediate adjoining residential neighbours.

Design and appearance: The proposal is considered to represent a good standard of design within the site and would not result in harmful impact on the character and appearance of the local area or openness or historical significance of the park.

Trees, landscaping and ecology: Landscaping and seven new trees has been provided with a practical layout along the frontage and a rear garden areas. The proposal would have a score of 0.65 exceeding the Urban Greening Factor target of 0.4 per London Plan and Local Plan policies. The proposal will not result in any tree loss and the Council's tree officer is satisfied with the proposals and recommended a condition in relation to Tree Protection Plans and Arboricultural report. An ecology impact assessment has been submitted as part of this application as well with recommendations that have been conditioned as part of this application.

Flood Risk: The site does lies within fluvial Flood Zone 1 (low risk of flooding), however the site is designated as a Flood zone 3a for local surface water. The applicant has provided a Flood Risk Assessment with number of measures to be included ensuring that the development would be resistant and resilient to flooding. Moreover, the surface water runoff into public water sewer would occur at a rate of 5 l/s by using hydro-brake (or similar approved) fitted towards the end of the drainage run. An attenuation storage is shown within the rear garden of the site as well. The submitted FRA also notes the provision of a 65% betterment on the existing runoff rate for the 1 in 100-year design event. This will contribute to a net reduction in surface water entering London's sewer systems when compared with existing conditions as well.

RELEVANT SITE HISTORY

14/2078 - Demolition of 2 semi-detached dwellinghouses and erection of 4 new dwellinghouses, 2 two storeys (2 x 3 bed) and 2 three storeys high (2 x 5bed) with converted loft space, provision for car parking, bin stores and hard and soft landscaping to the front and associated amenity space and fencing – **Refused** – **15/10/2021**

Reasons:

1. The proposed development, by reason of the design, scale and proximity with the boundaries of the site with Barham Park together with the proportion of hard landscaping with the frontage of the site, constitutes a development which has a poor and over-bearing relationship with the park and is therefore detrimental to the setting of the adjoining public open space. The development is therefore contrary to policies BE2, BE7, and BE9 of Brent's Unitary Development Plan, policy CP17 and CP18 of Brent's Core Strategy, 2010, and guidance contained within Brent's Supplementary Planning Guidance 17 on Design Guide for New Development.

2. The submission fails to demonstrate that the proposed development, including demolition of the existing building and the construction of the new building, will not have an impact on the root protection zone of mature trees located within the adjoining Barham Park and is likely to have impact on the trees that are close to the eastern and southern boundaries of the application site. As such, the proposal is likely to have a detrimental impact on the quality and quantity of trees within Barham Park and is contrary to Policy CP18 of Brent's Core Strategy 2010, and Supplementary Planning Guidance 17 "Design Guide for New Development".

3. The proposal would result in the provision of substandard forms of accommodation by reason of the poor light and outlook for habitable room windows within units 1 and 2 and the absence of useable private amenity space provision for proposed Unit 1, and the inadequate provision and poor quality of outdoor amenity space for proposed units 2, 3 and 4 which would be detrimental to the enjoyment and amenities of future occupiers. The proposal is therefore contrary to policies BE6, BE7 and H12, of Brent's Unitary Development Plan 2004 and the advice of Supplementary Planning Guidance 17: "Design Guide for New Development".

4. The submission fails to demonstrate that internal levels of noise and vibration for the proposed units will be acceptable (having regard go the standards described in BS8233:2014 and BS6472:2008) and as such, does not demonstrate that the proposal will result in a good standard of residential accommodation for future residents. The proposal is contrary with Policy EP2 of Brent's Unitary Development Plan 2004.

16/1209: Demolition of existing side extensions and erection of 2 storey side and rear extensions, 4 rear dormer windows, 4 rooflights and conversion of the existing 2 dwellinghouses into 3 x 3bed

dwellinghouses and 1 x 2bed dwellinghouse to also includes insertion of new windows and doors, car and cycle parking space, bin stores, landscaping and amenity space - Granted, 25/01/2017.

17/5067 - Demolition of semi-detached 3 bedroom houses and erection of three 3 bedroom and one 2 bedroom two storey dwelling houses including hard and soft landscaping, associated parking spaces, refuse and cycle storage (revised description) – **Granted, 06/03/2018.**

(based on the planning history it would appear that the above consents have not been implemented and have now expired).

19/0788 - Demolition of two semi-detached dwelling houses and construction of four 4-storey houses (3 x 4 bedroom and 1 x 5 bedroom) with associated car parking spaces, cycle/refuse storage and landscaping – **Refused**

Reasons:

1. The proposed development would incorporate an inappropriate height and associated bulk and massing that would appear prominent and have a negative impact on the open nature of the park setting. The overall layout of the development fails to provide an appropriate relationship onto Harrow Road frontage and would provide poor and unattractive environment for the residents of the proposed residential units. Overall the development would fail to comply with National Planning Policy Framework 2019, Policy 7.3 of the London Plan, DMP1 of the Development Management Policies 2016 and Supplementary Planning Document 1 – Brent Design Guide 2018.

2. The proposal by reason of the access pathway to the front doors of the new dwellinghouses in proximity to the ground floor habitable room windows with insufficient defensible space, would result in loss of privacy and noise and disturbance to the detriment of the amenities of the proposed occupiers of the new dwellinghouses. This is contrary to policy DMP1 of Brent's Development Management Policies 2019 and SPD1 "Brent's Design Guide" 2018.

20/1909 - Demolition of two semi-detached dwellinghouses and erection of 5 dwellinghouses with associated parking, landscaping and gardens – **Withdrawn, 30/09/2020.**

21/1106 - Demolition of dwellinghouses and erection of a four storey residential building comprising 9 self-contained flats with roof top terrace and associated access, parking and landscaping – **Withdrawn, 19/05/2021.**

CONSULTATIONS

73 properties within the vicinity of the site were notified by letter of this proposal for a 21 day period on 03/01/2023 together with the Sudbury Town Residents' Association. 126 properties were re-consulted on 18th of April 2023. A site notice was also erected on a lamp post in front of the site on 11/01/2023 and 24/04/2023 .

A petition was also submitted with 160 signatures on the grounds that the proposal is an over development in the local public park and the proposal should uphold the long standing Brent Council policy of protecting Parks and public places at all cost.

33 Objections were received raising the issues as discussed below:

Nature of Objection	Officer response
There is no reference to the adjoining mobile telephone operators being consulted (Virgin Media)	Consultation letters were not sent to Virgin Media, but it should be noted that all statutory consultation requirements have been met.
<p><u>Application form inaccuracy:</u></p> <ul style="list-style-type: none"> The Title deed number is incorrect within the application form which is the Barham Trust's freehold title number to the whole of the Park (excluding the applicant's land). As 	<ul style="list-style-type: none"> The application form confirms that notice has been served to Brent Council as the other party who has a legal interest in the land within the red edge site location plan submitted as part of this application where the development would take place.

<p>such notices should be given to all the tenants of the buildings at 660 Harrow Road, etc, tenants of the Trust, and certainly as far as the tenant of the Barham Community Library. Moreover, no notice was served on Trustees of the Barham Trust.</p> <ul style="list-style-type: none"> • The application form refers to 776 Harrow Road, yet the proposal is for 776 and 778 Harrow road. • 	<ul style="list-style-type: none"> • The application drawings including the red edge site plan show the extent of the application site and public consultation undertaken by the Council has referred to both 776 and 778 Harrow Road accordingly.
<p><u>Hardstanding:</u></p> <p>Hardstanding on site will be extended and inevitable parking will increase and the council doesn't have resources to monitor this. Referring to the "fire tender" area which will be a further area of hard standing attracting parking. The grassed area of the Park should remain intact, any extension/expansion of the access road and hardstanding would not be welcomed and would add to run off/potential flooding as well as Root Protection Areas. Moreover, reference to turning circle as part of fire tender is not indicated on the plans adding further to hardstanding area.</p>	<p>The hard standing of fire tender access (shown in blue line) has not been extended as part of this application. There are also no changes to the side gated access roads or landscaping within the park confirmed on the drawing number 1463-100 rev C. Moreover, turning circles facility would be required for situations, where without this provision a fire appliance would need to reverse more than 20m. This is not the case in this situation as the dwellings are within 45 metres from fire appliance location marked on the fire statement. It should be noted that the existing front soft landscaping on site is about 90 sqm and the proposal would improve to this to approx.154 sqm. The existing site as a whole has approx. 258 sqm of soft landscaping and the proposal would increase this to 311.3 sqm which is an improvement. The hardstanding proposed within the site would also be permeable paving to assist with the surface water discharge.</p>
<p>The boundary of the proposal needs to be scaled and drawn up to the exact area in both ownerships (Barham Trust/Zenastar). There are concerns with the red edge around the access road on whether this land is expected to be acquired as part of the application. The residents and beneficiaries of the Barham Trust are entitled to be made aware of any extra rights/land the applicant needs if planning is granted.</p>	<p>The site location plan includes the access road from Harrow Road owned by Brent Council which a notice has been served accordingly. The existing houses benefit from a right of way to Harrow Road and the proposed houses would look to use this access.</p>
<p>In view of the status of the development site as a public open space and part of a park, site of wildlife importance and nature conservation area of local importance, the Council fails to pay regard to extensively demonstrated opposition by local residents and actively promoting development in Barham Park.</p>	<p>The existing house are already in residential use (Use Class C3) and the proposal does not look to redevelop the park itself. Planning applications must be considered having regard to planning policy and guidance. All objections are considered, but the number of objections (whether high or low) does not dictate the outcome of a planning application.</p>
<p>The proposal is contrary to Para. 203 of NPPF. In this case, there are no public benefits from the proposed development. There would be four homes instead of two, but all of the new homes would be for private market rent. The only benefit would be to the developer, and the harm would be to the heritage asset, to the public who use Barham Park and other numerous aspects discussed within the objection summaries.</p>	<p>This is discussed within the report paragraph 5-16 The proposal would provide additional family homes within a priority area for housing and within "small site" supported by London plan policy H2 and contribute to Brent's Housing Supply. There is no requirement for the provision of affordable housing for proposals for fewer than 5 new homes, but the provision of private homes also meets an identified need in the borough.</p>
<p>The narrative of the development is being badged as a screen against the railway line. In any event, the park doesn't need screening of its surroundings. The railway line in fact forms part of the heritage setting of the Park and legacy of Titus Barham, and</p>	<p>The proposal is considered to represent good design and an improvement over the appearance of the existing homes and has an appropriate relationship with the park. The design of the proposed homes and their relationship with the park</p>

his father Sir George Barham before him. The railway line on the embankment forms part of the framing of Barham Park, and are not an intrusion.

Section 5.3 of D&A statement states '*... Present a more communal and appropriate face to the park than is achieved by the existing semi-detached houses and their immediate context.*' Apart from the fact that the existing boundary markers are unattractive and not entirely sympathetic to the park, and neglected which the applicant is responsible for their provision & maintenance, what possible evidence is there that the proposed building has a "communal and appropriate face to the park" at all - never mind that such a "face" is more "communal and appropriate" than the "face" of the low rise cottages and their "immediate context"?

are discussed below.

Tree impact:

- The Arboricultural assessment actually recommends felling a couple of these trees T2 and T8, despite their value as wildlife resources and that they are park trees and not the place of the applicant to mandate the fate of park trees. The fact that also their alleged poor state was not recognised in the 2020 survey by Brent officers.
- The existing rear gardens of the two cottages are used as commercial premises and storage, mainly by the siting of two storage containers. These containers and commercial movement have undoubtedly damaged the trees around the entrance to the site and this application would further damage them.
- To allow a construction next to these trees with their estimated capacity for growth might mean that in the future a claim for subsidence/heave is wilful irresponsibility. Council is already risk averse when it comes to insurance claims for tree damage, and fells trees on complaints by households in future. The trees along the northern border of the park are an extremely valuable wildlife resource, and along a valuable wildlife corridor formed by the railway line; to risk their loss would be the grossest of irresponsible actions.

Please refer to paragraphs 59 -63 within the report below. Should be noted that no trees would be removed as part of the proposal.

It should be noted that 7 trees are also proposed to be planted as part of the development.

Appropriateness of the development to the public open space/Barham Park and the history of the park keepers' cottage should be taken into account. The existing cottages are low rise and nestle in amongst the trees. The buildings are the subject of the very strict covenants preventing further development. The site owner has made efforts through the planning system, since acquisition to lift them, despite push back from local residents, users of the Park - the beneficiaries of the Barham Trust.

Restrictive Covenants of a land are not a planning matter and a granted planning permission does not override any restrictive covenants. They are not mutually exclusive and are entirely independent of one another and separate permission/agreement should still be obtained from the parties involved.

Inappropriate development in a heritage setting:

Please refer to paragraph 19-27 within the main report.

<ul style="list-style-type: none"> • It is not justified in law or planning practice to split “bits” of a heritage asset up into more and less heritage valuable areas. Para.2.4 of heritage statement is to detach 'the western part of the park' from the rest of Barham Park, in assessing its significance. Barham Park is a coherent whole, a setting, the subject of a charitable bequest and is used by residents for recreation without any recognition of better or worse areas from a “heritage “point of view. The statement is miss-leading on certain aspects such the argument that this section became part of the park in 20th century. • The Historic Environment Place-making Strategy is not even mentioned in the Heritage consultants' report, and it should be dealt with. This adds to the failure to comply with a minimum requirement to comply with NPPF 194. Why Statement of Significance and the Greater London Historic Environment Record was not requested from the applicant contrary to NPPF paragraph 194. The council's heritage officer comments are also very brief. • The design includes untreated timber cladding, it is nothing like the heritage buildings it intends to mimic and would actually be an ugly and intrusive "blot on the landscape", totally out of character with the park. The proposal is contrary to the London Plan heritage policy HC1 (part C) and Para. 197 of NPPF as it would detract from the significance of the Barham Park heritage asset and would not make a positive contribution to local character. It fails those two tests and should be refused. 	
<p>The site has been deliberately neglected with changes to allow for vehicular entrance and parking since 2012 contrary to NPPF 196 and containers stored within the rear garden which the council should have taken action and against the land covenant.</p>	<p>The council must assess the application, site context and documents that have been submitted at this stage only related to planning terms.</p>
<p>The orientation of the building shows three levels with windows overlooking the park which would be an invasion of privacy for park users and unacceptable.</p>	<p>Please refer to paragraph 35. The park is a public space which is already overlooked by a number of windows (albeit from the opposite side of Harrow Road). The inclusion of windows overlooking public spaces is considered to improve natural surveillance, security and safety.</p>
<p><u>Design:</u></p> <ul style="list-style-type: none"> • The overall design and gabling to “reflect” some of the original Barham Park buildings is too far distant from this development site for any credible linking in the minds of either residents passing along Harrow Road at this point, or of users of the Park. The 	<p>Please refer to paragraphs 28-34. The proposal was reviewed by Council’s Urban Designer and heritage officer and found the proposal acceptable. There is a condition attached to the application for the materials as well ensure their good quality.</p>

buildings will just look odd and out of context and a new urban block intruding into the park. The graphic representations look like a very dark block frontage, with large, dark framed windows. Very modern, doubtless progressive for a new Mock Tudor housing estate and “incongruous” in Barham Park.

- The view may be impaired from the bulk of the development. The proposal would have high largely blank faces towards the park.
- The 7/8 and/or 6 storey buildings across the Harrow Road, divided by the busy major thoroughfare are part of an urban landscape but the urban landscape must not come into the bounds of the park and are not linked for justification of the proposed mass and height.
- The proposal 19 metres x 9.5 metres x 11.85 metres of brick and timber clad building with prominent design gables on an increased footprint is certainly of greater “mass” than the tree groups to its east, and North.

Noise, light and vibration:

- Nuisance issues which may arise from recreation issues in the Park /funfairs and trees nearby . Not only by overlooking but also the very real risk that residents of the blocks will complain of noise and other nuisance from the park. The windows will be lit up after dark creating an unwelcoming and very visible reminder that there are houses in the park compared to the existing cottages that blend into their park background.
- Noise and vibration levels incident on the future development have been predicted based on extensive environmental noise and vibration monitoring conducted at a comparable proxy site as well as DEFRA published noise maps - contrast this with the strictures from NR and Chiltern. Why isn't the report specific to the site? The properties are also by a very noisy road, with a bus stop including at night time to add to the issues. The acoustic report does not seem to pay full regard to the environmental facts.
- The applicant proposes a timber frame building with wooden upper stories despite the advice accompanying reports that it is recognised as ‘allowing noise egress’ instead relying on windows with limited openings.
- Light and noise emanating from the houses. The housing may well generate its own noise, including at night, a disturbance to wildlife in this area of local nature conservation. Light intrusion to both the park frontages but most importantly the

There is no evidence to suggest that the reasonable use of the new homes would cause undue nuisance or complaints users of the park users or vice versa. It is also noted that the site already contains two houses.

Please also refer to paragraph 47-50 within the main report. Moreover, conditions are secured to ensure that mitigation measures in terms of noise and vibrations are in place as part of the development.

In terms of lighting please refer to paragraph 80 of the main report. There is also a condition attached to the application for lighting schemes that are bat friendly adhering to best practice.

<p>wildlife corridor along the tree belt below the railway embankment</p>	
<p>This building will block the view of the Cedar of Lebanon and the other specimen trees at the north-western corner of the Park from the south of the Park and east, and create a large artificial interruption to the views of this important area of local green space flowing naturally, as it always has, with uninterrupted aspect towards the railway line.</p>	<p>The site is in residential use and contains two houses. The development is larger than the existing houses and would continue to be visible from the park (as are the existing houses), but is not considered to result in a detrimental impact to the setting of the park or unduly affect views to nature.</p>
<p>Proposed private green space and bushes surrounding the buildings but the exact nature of this space is not clear and it is not clear if the species proposed and the way they are situated would enhance biodiversity and improve green space in Barham.</p>	<p>This is discussed within remarks section below under paragraphs 41-46. A landscaping condition is attached to this application for further details on the vegetation and native planting to be proposed taking into account the recommendations within the Ecology report.</p>
<p>This large intrusive building will slice a corner away from the park, blocking the use of the tree line at the northern end, breaking the tree margin along the boundaries and completely changing the character and extending the Sudbury "town centre" south beyond the railway line and into the park – moving the built environment into an important and historic piece of local green space, interfering with the aesthetics and original design of the piece of parkland. This would be contrary to LGS1 and LGS2 and BP1 of Sudbury Town Neighbourhood Plan (2015) of</p>	<p>Please refer to paragraphs 10-14 within the remarks below.</p>
<p><u>Flood and surface water:</u></p> <ul style="list-style-type: none"> • There is flooding risk on site and recent works have been carried out by Thames Water as well as other works funded by the Barham Trust and managed by the Council. The proposal includes attenuation tanks for run off from the building – but not dealing with the increased flooding risk from this large building and additional hard surfacing in the area of the application site (displaced surface water run-off). • The Trustees had plans in 2021 to carry out drainage works to the field and obtained consent of the Charity Commission to carry out works and expend up to £90,000. This was at a similar time to the actual carrying out of works by Thames Water to their surface water sewer along the northern boundary of the park. The TW work was done; the Trustees have not yet carried their works out. The foul water sewers shown on the plan run straight underneath the two existing houses. • The drainage tank is said to be privately owned and who will own the system and be responsible for the inspections and maintenance and pay associated costs? • Insurance/mortgages for properties: Whilst this may not be a planning matter in the strictest sense it does suggest that the intensity of development proposed whilst normally acceptable on such sites is not here because of the high to moderate risk 	<p>The Flood Risk Report confirms that there would be a betterment on site in terms of flooding and displace surface water discharge concerns on site with improvements. Thames Water was also consulted as part of this application which raised not objection subject to piling conditions. Please refer to paragraph 66-72 for further remarks.</p> <p>The FRA notes the provision of a 65% betterment on the existing runoff rate for the 1 in 100-year design event. This will contribute to a net reduction in surface water entering London's sewer systems when compared with existing conditions as well.</p> <p>The local planning authority must consider the development that is proposed, and the general maintenance of the tank cannot be considered when determining this planning application.</p>

<p>of flooding not just to the site but to the surrounding degraded parkland.</p>	
<p><u>Ecological consideration:</u></p> <ul style="list-style-type: none"> • Ecological assessment took place in the daytime in October and previously February. As must be known to the ecologist, surveys in neither of these months will provide any bat activity, even if any part of the inspection took place as a monitoring at dusk or dawn. • Pipistrelle bats fly in Barham Park. The authors of the survey recommended a larger survey including night-time observation for bats be undertaken unless that happens it cannot be known for certain this important legally protected species being protected by Barham Park and the risk to them of such a development. • From a practical perspective, the development clearly shows light from the side and rear of the new development but demolition will, of course eradicate the potential roost. • Ecological assessments being undertaken, commented on since at least 2013 – 10 years, has never monitored these cottages for bat activity at all. Most importantly, there must be proper dusk and dawn emergence surveys undertaken during the period April to September to ascertain the true position, and ensure that the presence of bats in the existing buildings is checked. The Council must not countenance the potential to disturb bats in a manner prohibited by legislation, and potentially involving the developer in criminal liability. The houses are buildings of a type, and era and within a wooded environment along a railway verge corridor with a strong potential for bat roosts and bat foraging corridors. 	<p>Please refer to paragraphs 74-781.</p>
<p>The comments by Network Rail as to flooding are not insignificant and in particular the important safety aspect of not undermining the embankment. The reports indicate the slope of the site towards the railway line. The applicant's design raise the floor around 12 inches and ramps the entrance.</p>	<p>Please refer to paragraph 82-84 within the main report. Conditions are attached as per Network Rail consultation with this application.</p>
<p><u>Highway safety and parking:</u></p> <ul style="list-style-type: none"> • From the drawings there seems to be an intention to extend the bell mouth but with no detail and – as above – this land is not owned by the applicants, and the land itself is subject to the trust which, if it is going to dispose, will need the consent of the Charity Commission. The land is part of the Trust's permanent endowment, and sales have to be in pursuance of objects of the charity. 	<p>The front access road to the site has not been changed or extended as part of this application.</p> <p>Please refer to paragraph 51-55 within the remarks below.</p>

<ul style="list-style-type: none"> • The existing cottages have a much more modest refuse collection requirement. So there will be an increase in vehicular access to the site including collection of waste requiring HGV access to the site, and reversing in or out of the site across a bus lane and heavily used road. • It is a largely blind corner coming from Sudbury Town. Delivery vehicles or cars (as we must envisage that cars will attempt access and parking and the area created for the fire tender will “invite” this) trying to get in and out of the proposed development have to access Harrow Road at a very unusual angle, turning more than 90 degrees in order to get onto the road. This causes issues with traffic flow for cars and cyclists, in an area of Harrow Road which is already heavily congested and with poor sight lines and with several heavily used junctions to the immediate south of the site. • The footway near this bus stop is currently far too narrow for these purposes, forcing users to sit around the green space near it .Pedestrians passing through those waiting at the stop face a challenge in trying to get through and fight for space. • The current low usage of the site means these problems are currently very modest but they will not remain so with 4 3 bedroomed houses. • Just because there are no car parking spaces in the development does not mean that 4 3 bedroomed properties will not add to parking problems in the area. 	
<p>According to Network Rail’s comments on this planning application of April 2023, the land could be contaminated.</p>	<p>Please refer to paragraphs 57 of the remarks below.</p>
<p>The sustainability report within the design and access statement is poor. Carbon cost & whole carbon cost are not mentioned in the sustainability section. Biodiversity is not mentioned in the applicant’s design and access statement. What is the back up if the air source heat pump fails? Should these pumps be situated on the roof in terms of health & safety for potential owners. Also costs of scaffolding needed on the 3 storey house to access the equipment.</p>	<p>London Plan policy SI2 requires the consideration of whole life cycle carbon for applications referable to the Mayor of London (150+ new homes, 30+ m tall etc). This is not required for a scheme which looks to provide 4 new homes.</p> <p>Air source heat pumps are promoted by planning policy and through wider low carbon initiatives. They are not considered to be inherently unreliable.</p> <p>The sustainability measures are discussed in the sustainability section below para 85.</p> <p>The biodiversity is assessed within the Ecology report and recommendations have been conditioned with the application.</p>

Internal consultation

Local Lead Flood Officer - no objections raised subject to smart water butts details

Environmental Health - no objections subject to conditions being secured in relation to contaminated land,

demolition/construction method statement and internal noise levels as well as any plants to be installed
Transport Team - no objections raised. subject to car free development
Principle Heritage officer and Design officer - no objections raised.
Tree Officer: no objections raised subject to Tree Protection Plan (TPP, at para. 5.5 BS 5837) and an
Arboricultural Method Statement (AMS, at para. 6.1 BS 5837)

External Consultation:

Chiltern Railways: no objection raised subject to suitable noise proofing and glazing to be in place per internal noise condition attached.

Network Rail : no objection subject to conditions attached such as risk assessment, scaffolds, piling, crane details, excavations, details of surface water and foul water drainage directed away from the railway be submitted. Informative have also been added per Network Rail comments such as Network Rail's Asset Protection requirements.

Thames Water: no objection raised subject to piling method statement to prevent damage to sewerage infrastructure

Natural England: no comments received

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 comprises of the

London Plan 2021

Brent Local Plan 2019-2041

Sudbury Neighbourhood Plan 2015

Key policies include:

London Plan 2021

GG2: Making the best use of land

GG4: Delivering the homes Londoners need

D3 Optimising site capacity through the design-led approach

D4 Delivering good design

D6 Housing quality and standards

D7 Accessible housing

D12 – Fire Safety

H1 - Increasing housing supply

H2 – Small sites

HC1 Heritage conservation and growth

G5 Urban greening

G6 – Biodiversity and access to nature

G7 Trees and woodlands

SI 1 Improving air quality

SI5: Water infrastructure

SI 13 Sustainable drainage

T1: Strategic approach to transport

T4 Assessing and mitigating transport impacts

T5 Cycling

T6 Car parking

T6.1 Residential parking

T7 Deliveries, servicing and construction

Local Plan 2019-2041

DMP1 – Development Management General Policy

BD1 – Leading the way in good design

BH1 – Increasing Housing Supply in Brent

BH2 – Priority Areas for Additional Housing Provision within Brent

BH4 – Small Sites and Small Housing Developments in Brent

BH5 - Affordable Housing

BH6 - Housing Size Mix

BH13 – Residential Amenity Space

BHC1 – Brent's Heritage Assets

BGI1 – Green and Blue Infrastructure in Brent

BGI2 – Trees and Woodland

BSUI2 – Air Quality

BSUI3 – Managing Flood Risk

BSUI4 - On-Site Water Management and surface water Attenuation

BT1 – Sustainable Travel Choice

BT2 – Parking and Car Free Development

BT3 – Freight and Servicing

BT4 Forming an Access on to a Road

Sudbury Neighbourhood Plan 2015

LGS1: Local Green Space (LGS2 Barham Park)

BP1: Barham Park

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

Draft Residential Amenity Space & Place Quality – SPD – 2023

DETAILED CONSIDERATIONS

Proposal in Detail

1. The application is seeking planning permission to demolish the existing two x 3-bedroom houses and to construct 4 x 3-bedroom houses with studies. The development would result in a row of terraced properties with the front elevation facing Harrow Road and rear gardens located along the western portion of the site. The new dwellings would have the appearance of 2.5 stories with a series gabled roof features included to each elevation. Private gardens would include a green buffer with cycle and bin storage located along the front portions of the dwellings. A green buffer would be introduced surrounding the site and areas adjacent to the park.
2. Amendments were provided during the course of the application to re-arrange the landscaping to the front of the properties and updated roof plan was provided demonstrating the PV panels. Such amendments were not considered to result in material changes to the scheme and therefore re-consultation was not carried out.

Planning History Background

3. Application 17/5067 granted permission for the demolition of the existing dwellings and reconstruction of 4 terraces properties. This consent has now expired and is no longer a material consideration. It should be noted that since this application was determined, the development plan has been replaced. The London Plan 2011 has been revoked and is now replaced with London Plan 2021, and at a local level both Brent's Core Strategy 2010 and Brent's Development Management Policies 2016 have been revoked and replaced with Brent's Local Plan 2019-2041. The Sudbury Town Neighbourhood Plan was adopted in July 2015 and still forms part of the development plan.
4. Application 19/0788 was seeking permission to redevelop the site by introducing four terrace properties that would be four stories in height primarily located along the southern portion of site. The application was refused based on the height, bulk and mass of the scheme and the negative impact this would have on the open nature of the park setting. The overall layout failed to provide an appropriate relationship onto Harrow Road frontage resulting in an unattractive relationship. The relationship between the access pathway and the proposed units was considered a poor relationship resulting in a poor standard of accommodation occupiers.

Principle

General Principle of Use

5. Brent's Housing targets have significantly increased through the adoption of the London Plan 2021, with the target increasing to 2,325 dwellings per annum for the period 2019/20-2028/29 with Policy H1 of the London Plan recognising the increasing demand for delivery of new homes across London. Local Plan policy BH1 reflects this target.
6. 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.
7. 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.
8. 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.

9. The site contains a PTAL rating of 5 and therefore a priority area for new homes. The site is located within a sustainable location in close proximity to Sudbury Town Centre and local transport links.
10. Barham Park is designated as an open space under policy G4 of the London Plan. However, the Policies Map shows that the houses and their gardens do not fall within the area designated as public open space aside from a small element along the southern and western boundary and part of the existing access between Harrow Road and the houses. Policy G4 of the London Plan highlights that development proposals should not result in the loss of protected open space. DMP1 of the Local Plan 2019-2041 highlights the importance of retaining open space.
11. The Sudbury Town Neighbourhood Plan designated Barham Park including the land within the application site as a Local Green Space under Policy LGS1, with LGS2 relating to Barham Park. This policy highlights that the Local Green Spaces will be given long term protection and proposals for development which is not ancillary to the use of the land for recreational purposes will be resisted. The Local Green Space designation for Barham Park includes the houses and the majority of their curtilages as being within the designated space. It is set out within Neighbourhood Plan policy BP1 (Barham Park) that any proposals for the re-use or redevelopment of park buildings for residential use (Use Class C3) will not be supported.
12. The site contains an established Use Class C3 residential use and therefore does not include a change of use of any land. As such, while Policy G4 is relevant to small elements of the site (along the southern and western edge and part of the site access as discussed above), the proposal is not considered to result in the loss of any open space. The proposal is considered to accord with policy G4.
13. Neighbourhood Plan Policies LGS1, LGS2 and BP1 are relevant to the proposal as the site is within the area defined as Local Green Space by the plan. However, the proposal does not result in the loss of any Local Green Space. The site contains a house for which the authorised use is as dwellings within Use Class C3 and as such, the proposal is not considered to result in the redevelopment of park buildings. The proposal is considered to accord with policies LGS1, LGS2 and BP1. Nevertheless, if one contended that Policy BP1 relates to all buildings within the area designated Local Green Space as opposed to all buildings within the park itself, it is noted that the fall-back position for the applicant would be the continued use of the houses and their curtilages for their current lawful use, for purposes within Use Class C3. In this instance the proposed redevelopment of the site would continue to be acceptable having regard to the existing use of the site.
14. The location of the land owned by the applicant has been queried by some objectors, particularly around the entrance / access to the site. Concern has been raised with these objections about parts of the park potentially being acquired to serve the proposed development. The applicant has confirmed that the houses and their gardens fall within their ownership. The access is an existing right-of-way which serves the development. No changes are shown to this access, with the changes that are proposed being within the curtilage of the existing houses.
15. The demolition of the existing dwellings is considered acceptable as the buildings are not listed (although they do sit within the wider grounds of Barham Park which is locally listed) or located within a conservation area, and the loss of the existing family sized houses would be mitigated by the provision of new family sized homes.
16. Overall, it is considered that the principle of development is acceptable, with the residential use of the site (within Use Class C3) being existing and established, and the proposed development would provide a greater number of family sized homes within the Borough within a priority location for housing.

Housing Mix

17. Policy BH6 of the Local Plan highlights the need for 3 bedroom accommodation within the Borough, setting out a target per individual sites of 1 in new 4 new homes to be family sized. The proposal would also result in the demolition of two family sized homes and the provision of at least 2 family sized homes would therefore be required to ensure that there is no net loss of family sized housing. This proposal

would result in the provision of 4 x three-bedroom homes which complies with Policy BH6 and BH10.

18. Policy BH5 requires developments of between 5-9 dwellings to make a financial contribution for the provision of affordable housing off-site. In this case, as only four homes are proposed, an off site contribution is not required by this policy.

Relationship with Barham Park - Locally Listed Non - Designated Asset

19. Barham Park is designated as a Locally Listed heritage asset (non-designated). Other heritage assets include the statutory listed garden features and locally listed cottages within the wider Barham Park grounds. The Old Court complex of buildings at Barham Park comprises the original Crab's House, and additions, which were made to it up to the early 20th century. The group of buildings facing Harrow Road are mainly Victorian, constructed in a mixture of London Stock brick with red brick dressings. The central block (set back) was original main entrance to Crab's House. The group of cottages known as Old Court has origins from the 18th century and was the home of the Crab family. The estate was acquired by George Barham the founder of the Express Dairies (that had a Royal Warrant to supply milk to Queen Victoria) in 1895.
20. Paragraph 189 of the NPPF recognises that heritage assets are an irreplaceable resource and seeks to conserve them in a manner appropriate to their significance. It is appropriate to consider the desirability of new development making a positive contribution to the local character and distinctiveness. 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.
21. Policy HC1 of the London Plan development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. Policy BHC1 states that proposals affecting heritage assets should consider the wider historic context and provide a detailed analysis and justification of the potential impact (including incremental and cumulative) of the development on the heritage asset and its context. Policy BP7 'South West' requires proposals to positively deliver the place vision through character, heritage and design by conserving and enhancing heritage assets including the gardens of Barham Park.
22. The application was accompanied by a Heritage Statement concluded that the existing houses have no heritage value, as shown by a previous permission for their demolition and replacement. Further to this the report outlined that the proposed design has been developed following a careful assessment of the heritage significance and character of the area, in particular drawing design cues from historic buildings within the park area. The materials and orientation are intended to allow the building to form an association with the park rather than be seen as bland urban development encroaching into the park. The findings also concluded that the scale of the proposed building is not considered to be too large in the context of this site where it will be seen in association with buildings of seven to eight storeys, tall mature trees, and will have a backdrop of the railway embankment.
23. The Heritage Officer was satisfied with the Heritage Statement submitted with the application as the document describes the significance of the heritage asset(s) while understanding the potential impact of the proposal in line with the NPPF 194. The Officer is satisfied with the overall design approach based on the half-timbering present in the existing locally listed buildings and also concluded that the new build would not harm the significance or setting of the park given the location.
24. The western part of the park was outside the original 'Sudbury Lodge' grounds and only became part of the park in the 20th century and is not the most significant part of the park. The proposed development, although more visible in relation to this area, will not harm the importance of the public open space nor impact upon the ability to experience the area of the original historic landscape park.
25. Additional views were requested during the course of the application as requested by the Heritage Officer. Views from within the heart of the park show that the development will be mainly masked by trees and in any case, its overall scale and design would not be seen as out of keeping. In terms of the setting of the locally and listed buildings, they are set within a very secluded area where they are screened from view from the wider area of the park.
26. Heritage Officer highlighted that the document submitted should have included a Statement of

Significance and the Greater London Historic Environment Record consulted however after further discussions the officer agreed that's these requirements are not needed.

27. The Council can be content that the proposal would preserve the character and setting of the park of local special architectural or historic interest.

Design, Character and Impact on Street Scene

28. 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 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.
29. The proposal would see the introduction of a row of terraced properties that would have the appearance of 3 storeys with gabled roof additions on each elevation. The design team have taken some design cues from buildings within Barham Park and its built heritage highlights the cluster of buildings around the Community Library, formerly Crab's House, as defining the parks architectural character. These buildings are distinguished by their half-timbered facades and varied gable ends.
30. The site is positioned north west of the park and the Barham Park estate re-development is situated further to the west. The areas further north west and south west comprise of a mixture of commercial and residential properties along Harrow Road. A railway line is positioned directly to the north of the site which serves national rail links.
31. The proposal would see the introduction of a row of terraced properties that would have the appearance of 3 storeys with gabled roof additions on each elevation. The design team have obtained design initiatives from buildings within Barham Park and its built heritage highlights the cluster of buildings around the Community Library, formerly Crab's House, as defining the parks architectural character. These buildings are distinguished by their half-timbered facades and varied gable ends.
32. The proposed height of the development is considered suitable at site and would not appear prominent or out of context. The application has been accompanied by a number of views while considering the surrounding context. The roof profile here is acceptable and suitably reinterprets the prevailing language of the surrounding area. The facades are well-composed with a simple design approach that would not appear out of context when viewed from the nearby streets. SPD1 highlights the importance for development to ensure animated facades towards public routes and spaces while avoiding blank walls. The proposed orientation and layout would ensure the main frontages facing Harrow Road providing good activity and value when perceived from Harrow Road at street level. The proposal would incorporate a significant amount of planting along the edges and the front of the dwellings further enhancing the appearance of the development and this would be betterment when considering the existing situation on site, further adding great value to the street scene and setting of the park.
33. SPD1 highlights the importance of the use of durable and attractive materials is essential in order to create development that is appealing, robust and sustainable and fits in with local character. The Design and Access Statement outlines that the materials proposed would comprise of brown multi stock brickwork with untreated timber cladding. The doors would include timber matchboard while the windows would comprise of ppc aluminium framed windows. The principle of the materials is considered acceptable, however given the relationship with the neighbouring non-heritage asset i.e. the park, details of the materials have been conditioned.
34. The Urban Design Officer was satisfied with the materials and general design approach. The officer requested detailed bay studies and these were provided during the course of the application. The proposed materials are considered acceptable in principle and draws on the surrounding context. Overall, the buildings would be of a high-quality design and contain a traditional and elements of 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

35. The site does not have any immediate adjoining residential neighbours. The nearest residential properties are located on the opposite side of Harrow Road (the flats within Williams Way) and are a

significant distance from the proposed dwellings. The properties to the north on Elton Avenue are separated by the railway line and are also a significant distance away. As such, there is no requirement to apply 30/45 degree lines as set out within SPD1 or 18m separation distance as these constraints would not be applicable in this instance. Overall the development would not be harmful from a residential amenity perspective given the surrounding context of the site.

Standard of Accommodation

36. 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.
37. 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.
38. The drawings show the provision of 4 x 3-bedroom 5 person homes situated over three floors with a study also situated on the second floor. As the homes are situated over three floors, the minimum floorspace required in accordance with London Plan policy would be 99 sqm. The proposed end-of-terrace properties would have a floorspace of approximately 143 sqm and the two mid-terrace dwellings would have a floorspace of approximately 151 sqm, both exceeding the London Plan minimum standards. It is noted that the top floor of each dwelling contains a study which could be used as an additional bedroom, resulting in the provision of 4 x 4-bedroom 6-person homes. These would still meet the London Plan floorspace standard of 112sqm. The internal configuration of each unit would allow for good levels of outlook and access to light, with all homes being dual aspect. The elevations show that the new homes would achieve an internal floor height of at least 2.5m for 75% of the internal floorspace. Sufficient storage is also provided in line with London Plan requirements.

Accessible homes

39. 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'.
40. Each of the proposed homes would have level access from street level. They would all be designed in line with M4(2) as set out within policy D7 of London Plan.

Amenity Space

41. Policy BH13 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 50sqm for family housing (homes with 3 or more bedrooms) located at ground floor level and 20sqm in all other cases.
42. The BH13 requirement for external private amenity space is for it to be of a "sufficient size and type".
43. This may be achieved even when the "normal expectation" of 20sqm or 50sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
44. 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.
45. London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5sqm of

private amenity space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The minimum depth and 1.5 m is reconfirmed in the policy. Whilst Brent's local standard is more stringent, as discussed above, there is also an expectation that the core requirements of D6 would be met alongside achievement of Brent's BH13 policy.

46. Each end dwelling would have access to a rear garden that measures 50sqm however the middle units would fall marginally below 50sqm with a rear garden of 45sqm each. However each unit would have access to a front garden and the site is within very close proximity to the entrance of Barham Park. Therefore the external amenity space for the homes would be of a sufficient size and type, in accordance with policy BH13.

Noise and Vibration

47. Given the relationship with the railway directly north of the site an Acoustics Assessment Report was submitted with the application. The report has provided findings of an assessment of the likely significant effects of noise and vibration as a result of the proposed development. The assessment considers both the impact of the existing noise and vibration climate on the future development to determine the suitability of the site for the proposed usage, and the potential noise impact of the new development on the existing environment.
48. The report highlights that the proposal will have external walls with timber infills has the potential to allow noise ingress through the wall construction to be greater than through the windows, especially at low frequencies. The external wall build-up above ground floor level should be required to achieve a minimum R_w of 50 dB in order to mitigate noise break-in. This will necessitate the inclusion of some mass layers within the construction, for example cement particle board and double-layered internal linings. This will need to be developed at the design stage.
49. The report concluded that design of the building will need to incorporate good acoustic design measures in the form of robust external building fabric specifications and an appropriate ventilation strategy in order to minimise the adverse effects of noise on future occupants. -Areas of the façades affected by the highest noise levels will required R_w 40 dB glazing and $D_{n,e,w}$ 40 dB trickle vents in order to achieve suitable internal conditions. Other areas will require lower specifications. Vibration levels are predicted to be within acceptable standards both in terms of tactile vibration and re-radiated noise as a result of ground-borne vibration from road and rail sources.
50. The Environmental Health Noise Team have reviewed the report and confirmed that the mitigation measures would be acceptable and that a condition is secured to ensure that the mitigation measures are in place.

Transport Considerations

51. The site lies within Controlled Parking Zone "SA", operational between 10am-3pm on weekdays. A bus stop and clearway are located immediately north of the site, with a bus lane in operation between 7am-7pm Mondays to Saturdays along the site frontage. Otherwise, on-street parking and loading along Harrow Road are prohibited between 8am-6.30pm Mondays to Saturdays. The site contains a PTAL rating of 5 (Very Good).
52. The proposals include the provision of 4 cycle lockers, each of which would be of a sufficient size for them to each accommodate 2 cycles. This complies with the minimum number of cycle parking spaces required. The Design and Access Statement also confirms that the spaces will be in secure undercover lockable compounds, thus meeting security requirements.
53. Bin stores have been proposed along the site frontage and within 20m of the collection point from Harrow Road, which is acceptable.
54. With regard to pedestrian access, separate footpaths are proposed to each pair of houses. Servicing will take place from the carriageway of Harrow Road, as per the existing houses. Any increase in servicing activity would not be significant enough to cause concern compared to the existing homes.
55. The Transport Officer raised no objections to the proposed development and requested a car free condition to be included to any consent.

Environmental Health Considerations

56. The Environmental Health Officer requested an Air Quality Neutral Assessment, however given the scale and nature of the development which is “car free” and includes the use of Air Source Heat Pumps, this is not considered to be necessary. A condition has been included requesting a Construction Method Statement given that the development is within an Air Quality Management Area. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours.
57. The proposed site for redevelopment has been identified as previously contaminated and therefore a full assessment of land contamination should be undertaken. These reports are to be secured through condition.

Asbestos

58. Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant has been reminded through the use of an informative 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.

Tree Considerations

59. 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.
60. A Tree Report has been provided with the application revealing that there 10 trees recorded within or adjacent to the site - 6 individual category ‘B’ grade trees, 2 individual trees which have been identified as category ‘C’ grade trees, 2 individual ‘U’ grade trees. The report confirms that no trees are proposed to be removed to facilitate the development although two category U trees (T2 and T8) should be removed irrespective of development due to their decline. Both of these trees lie outside of the application site.
61. The proposal is accompanied by a Tree Protection Plan that includes a Construction Exclusion Zone (CEZ) both within the south eastern corner of the site in relation to trees T5/T6 that sit within the park and within the northern western end of the site in relation to trees T1 to T4. The Council's tree officer has confirmed that they have no concerns with the protective fencing proposed to ensure the RPA's of T5 and T6 to the rear are protected. Whilst trees T1 to T4 also sit outside the application site, the Council's tree officer has advised that the trees to the front of the site are those most likely to be negatively impacted by the proposed development. The removal of the existing hardstanding and installation of new hardstanding, cycle storage and bin stores would be proposed within the Root Protection Area (RPA) of these trees. In response the applicant arboricultural consultant has pointed out that the proposed site plan confirms that there is no vehicle access proposed within the RPA of the T4. The part tarmac/part concrete surface to the existing vehicle access that currently passes over the RPA to T4 would be removed and the surface mostly landscaped a lawn as part of the front garden to no.4, or would otherwise be paved to provide pedestrian access to nos. 3 and 4. Such paving would be laid on sand blinding and would require no digging at all other than that required to remove the existing tarmac and concrete finishes. The paths so formed will have grassed edges and would not therefore require footings for kerbs or any other form of edging. The consultant also points out that these works would enhance the environment of T4 as a far greater area of the RPA will have access to natural precipitation and air.
62. The Council's tree officer has also confirmed that they do not have any concerns with the raising of the canopies for T1 and T4 to a height of 5m.
63. The Council's tree officer has confirmed that they are happy with these principles as set out above but requested a condition be secured in relation to a Tree Protection Plan and Arboricultural Method Statement.

Fire Safety Considerations

64. Policy D12a of the London Plan highlights the importance for all development proposal achieving the highest standards of fire safety. The application has been accompanied by a Fire Safety Strategy Statement which reveals the proposal has been designed as a series of four stand-alone dwellings with all fire safety measures to comply with Building Regulations Approved Document B1, 2019 incorporated.

The report provides detailed discussions regarding evacuation assembly points, fire safety measures, minimising fire spread, means of escape, evacuation strategy and fire-fighting access. The addition of wood externally was questioned with the agent who confirmed that the construction details that the team have confirm the use of cavity barriers and non-combustible insulation within the external envelope at 1st and 2nd floor levels and the overall construction will comply with the relevant building regulations.

65. Overall, it is considered that the submitted information is sufficient to cover the considerations set out within policy D12a of London Plan 2021. It should also be noted that the development would also be subject to consideration under the building regulations where fire safety would be evaluated in further detail.

Flooding and Drainage Considerations

66. 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. Policy BSUI4 highlights that substantial weight will be afforded to the target for mains water consumption of 105 litres or less per person per day and to the achievement of greenfield runoff rates for surface water. Where greenfield run-off rates cannot be achieved this should be clearly justified by the applicant.
67. The site is within a Flood Zone 1 however the site is designated as a Floodzone 3a for local surface water. A Flood Risk Assessment was submitted with the application highlighting that the site currently benefits from an existing drainage network. The existing dwellings have a number of down water pipes, which accommodate rainfall generated from the roof surfaces. It is understood by the consultant that the site surface water drainage network discharges into this public surface water sewer system. The document reveals that a public drainage network is present to the west of the site, which may under certain conditions pose a flood risk through surcharge of the sewers. The West London SFRA does not identify there to be any historic sewer flood incidents in the proximity of the site. The Flood risk assessment has demonstrated that a number of measures would be included to ensure that the development would be resistant and resilient to flooding through raised finished floor level by 300mm, evacuation plan in the event of a flood and flood resilient materials used
68. The surface water from the existing site is disposed to this public surface water sewer. It is therefore proposed that this connectivity will be retained and runoff from the site will be discharged to this public surface water sewer. The surface water runoff from the site into the public surface water sewer will occur at a rate of 5 l/s. This restriction will be achieved using a hydro-brake (or similar approved) fitted towards the end of the drainage run.
69. The report recommends that an appropriately located and sized areas of attenuation storage would be required to restrict the post-development runoff rates to these rates. This would be achieved using a gravel sub-base located beneath an area of permeable block paving and an attenuation tank. The permeable block paving would allow rainfall that falls onto the surface to infiltrate into the underlying gravel sub-base. Roof areas from proposed cycle stores will also be directed into the sub-base. The surface water drainage strategy would ensure that the exceedance flows are directed into the drainage system (permeable paving) and thus shall not encroach onto third party land.
70. More detailed design works, would be necessary once planning permission has been granted and these details have been requested via a condition. The Principal Engineer raised no objections to the proposed development and requested a condition for smart water butts to be included.
71. Thames Water were consulted during the course of the application raising no objection. A Piling Method Statement was requested via a planning condition.
72. A condition would be secured to target mains water consumption of 105 litres or less per person per day in line with policy BSUI4.

Urban Greening Factor

73. Policy G5 of The London Plan and Policy BH4 of the Local Plan require developments to contribute to Urban Greening and a target Urban Greening Factor (UGF) of 0.4 is recommended. The application has provided calculations demonstrating that a score of 0.65 would be achieved on site. Further details of the UGF are recommended to be conditioned to any forthcoming consent.

Ecological Considerations

74. The proposal lies within SNIC Grade 2 Barham Park with the railway line to the north being a designated SNIC Grade 1 Chiltern Line and a wildlife corridor, which all have ecological value. Policy G6 of London Plan highlights that where harm to a SINC is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts:
- 1) avoid damaging the significant ecological features of the site
 - 2) minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site
 - 3) deliver off-site compensation of better biodiversity value.
75. It goes onto to state that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.
76. The above position is reinforced within policy BG11 of Brent's Local Plan which highlights that all developments should achieve a net gain in biodiversity and avoid any detrimental impact on the geodiversity of an area;
77. An Ecological Impact Assessment has been submitted with the application to demonstrate that the proposal would not have a material impact on ecology and nature, including an assessment of impact on protected species and any mitigation measures that are required and proposed.
78. An Ecology Assessment was submitted with the application which highlights that the two properties have some external bat roosting potential as suitable features are present such as scattered crevices behind roof tiles and ridge tiles as well as lead flashing, although the potential would still be classified as low. It highlighted that no bird nests were found within the development footprint at this site during the survey visit. Although there was the potential for the occasional hidden bird nest to be present in the vegetation present. Likewise, the trees outside the application site provide nesting bird structure. Hedgehogs are known to be present in the wider area. Therefore, the report recommends that hedgehogs are not impacted during the proposed development related works. This should include no uncovered hole during the works and the restoration of any valuable habitat lost by new habitat creation. The report also concluded that the habitat value within the site was low with hedging and grass.
79. The report did not highlight any evidence of badgers, reptiles or great crested newt potential within the application site.
80. As part of the recommendations, the report concluded that a standard follow-up bat emergence survey is undertaken at the application site. The future lighting scheme must be bat friendly and adhere to best practice on this aspect. There must be no UV elements to the new lighting and no metal halide or fluorescent sources used. The proposal should install 3-4 bat boxes at the site boundaries. New bird nesting boxes should be installed as widely spaced apart as possible. The exact number of boxes would need to be appropriate for the size of the application site as nest boxes should not be located close together. But between 1-2 boxes would be suitable. Invertebrate nesting boxes will also be provided in the new landscape scheme. Native and wildlife friendly planting is also recommended together with the protection of the trees outside of the application site.
81. It is recommended that the above recommendations are secured through a condition attached to the consent.

Relationship with Railway

82. Chiltern Rails were consulted during the course of the application raising no objection to the proposed development and was satisfied with the contents of the acoustic assessment report to help mitigate potential impacts.
83. Network Rail were consulted during the course of the application raising no objections to the proposed development, subject to a number of measures being conditioned to any forthcoming consent as the proposal would include works within 10m of the railway boundary and an interface with the railway

boundary therefore undertaking the with the agreement and supervision of Network Rail is required. This is to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the existing operational railway.

84. As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The BAPA will be in addition to any planning consent which is within the informative notes of this application that no works are to commence until agreed with Network Rail on the BAPA.

Sustainability

85. Local Plan Policy BSUI4 applies substantial weight to the target for mains water consumption of 105 litres or less per person per day, and a condition has been recommended to require this to be achieved. Proposals for sustainability and energy have been set out within the Design and Access statement, including proposed fabric targets for thermal performance which go beyond building regulation requirements together with the use of Air Source Heat Pumps (ASHP) and the provision of photovoltaic (PV) panels. These measures are strongly supported. It is noted that the ASHP units are located on the roof of one of the houses, with a hatch indicated from one home but not all of the homes. Is it possible that this may prove impractical in terms of any future maintenance and further details of the ASHP and PV panels is recommended to be secured through condition. ASHPs also generate noise and a condition has also been recommended to ensure that this does not significantly impact the amenity of sensitive receptors.

Equality

86. 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

87. The proposal is considered to accord with the development plan, and having regard to all material planning considerations. The proposal would deliver the provision of four family sized homes, contributing towards the Council's housing targets.
88. Planning permission is therefore recommended to be granted subject to conditions.



Application No: 22/4128

To: Mr Gilbertson
Mackenzie Wheeler Architects
Mackenzie Wheeler
11 - 13 Batemans Row
London
EC2A 3HH

I refer to your application dated **08/12/2022** proposing the following:

Demolition of 2 existing dwellings and construction of 4x new three storey dwellinghouses, associated cycle and refuse storage, amenity space and boundary treatment

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

at **776 & 778, Harrow Road, Wembley, HA0 2HE**

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: 02/06/2023

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in material accordance with the:-

National Planning Policy Framework 2021

London Plan 2021

Local Plan 2019-2041

Sudbury Town Neighbourhood Plan 2015

- 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):

Drawing Numbers:

1463-001 Rev. B

1463-002 Rev. A

1463-100 Rev. E

1463-101 Rev. G

1463-102 Rev. G

1463-103 Rev. E

1463-104 Rev. B

1463-120 Rev. E

1463-121 Rev. E

1463-122 Rev. D

1463-123 Rev. D

1463/130

BP/2/3

BP/5

Supporting Documents

Preliminary Ecological Assessment prepared by ASW Ecology Ltd - ASW/ZPL/111/26/2022

Fire Statement

Arboricultural Impact Assessment prepared by Connick Tree Care - 194974

Flood Risk Assessment conducted by Zenastar Properties Limited - 184351A Rev D

Acoustics Assessment Report Planning Stage prepared by RBA Acoustics - 10764.RP01.AAR.1

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

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

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

- 4 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.

- 5 The works shall be carried out in accordance with the approved Flood Risk Assessment Drainage Strategy (Flood Risk Assessment conducted by Zenastar Properties Limited - 184351A Rev D) prior to occupation of the development unless an alternative strategy is submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full. The SuDS measures shall thereafter be maintained in accordance with the tasks and frequencies set out within the Maintenance section of the Drainage Strategy unless an alternative maintenance regime is submitted to and approved in writing by the local planning authority and the maintenance thereafter implemented in accordance with that strategy.

Reason: To ensure that risks from flooding are effectively mitigated.

- 6 The measures and recommendations set out in the Preliminary Ecological Assessment prepared by ASW Ecology Ltd - ASW/ZPL/111/26/2022 shall be implemented in full throughout the construction of the development.

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

- 7 Occupiers of the development hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the existing or any future Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. On, or after, practical completion but prior to any occupation of the development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the development.

Reason: In order to ensure that the development does not result in an increased demand for parking.

- 8 The development hereby approved shall not be occupied unless the cycle storage and refuse stores have been completed in full accordance with the approved drawings and the facilities shall thereafter be made available to residents of the development and shall not be used other than for purposes ancillary to the dwellinghouses hereby approved.

Reason: To ensure a satisfactory standard of accommodation.

- 9 The development hereby approved shall not be occupied unless the external amenity spaces have been completed in full accordance with the approved drawings and those spaces shall thereafter be made available to residents of the development and shall not be used other than for purposes ancillary to the dwellinghouses hereby approved.

Reason: To ensure a satisfactory standard of accommodation.

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

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

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

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

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

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

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

Specific issues to be dealt with in the TPP and AMS

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

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

Reason: To protect and enhance the appearance and character of site and locality, in

accordance with DMP1 and BGI 2.

Pre-commencement reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction.

- 13 Prior to the commencement of the development a method statement and risk assessment must be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, and thereafter implemented in accordance with the approved details throughout the lifetime of the development.

Reason:: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

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

- 14 Prior to the commencement of the development details of any scaffolding works within 10m of the railway boundary shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, and thereafter implemented in accordance with the approved details throughout the construction of the development.

Reason:: In the interests of protecting the railway and its boundary from over-sailing scaffolding.

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

- 15 Prior to the commencement of the development a crane lift methodology shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, and thereafter implemented in accordance with the approved details throughout the construction of the development.

Reason:: To ensure that the crane works can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

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

- 16 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 sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 17 No vibro-impact works shall take place on site until a risk assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, and thereafter implemented in accordance with the approved details throughout the construction of the development.

Reason:: To prevent any piling works and vibration from de-stabilising or impacting the railway.

- 18 Prior to the commencement of the development (excluding demolition works) full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, and thereafter implemented in accordance with the approved details throughout the construction of the development.

Reason:: To protect the adjacent railway and its boundary.

- 19 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 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. The written report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works (excluding demolition).

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

- 20 Prior to the commencement of the development (but excluding demolition, site preparation and the laying of foundations), details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, and thereafter implemented in accordance with the approved details.

Reason::To protect the adjacent railway from the risk of flooding, soil slippage and pollution.

- 21 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 demolition, site preparation and the laying of foundations), including samples of key materials to be made available on-site or in an agreed location. 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.

- 22 Prior to commencement of development hereby approved (but excluding demolition, site preparation and the laying of foundations), details of smart water butts providing attenuation in a flash rainfall event preventing any surcharge in the system shall be submitted to and approved in writing to the Local Planning Authority. The development shall be built in accordance with the approved details and therefore retained throughout the lifetime of the development.

Reason: To ensure a surface water run off is managed appropriately.

- 23 Details of the hard and soft landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding any demolition, site clearance and the laying of foundations), Such details shall include:

- I. A scaled plan showing vegetation to be retained and trees and plants to be planted
- II. A schedule detailing sizes and numbers of all proposed trees and use of native and/or wildlife attracting species as per the recommendations made within the Ecological Impact Assessment
- III. Sufficient specification to ensure successful establishment and survival of new planting
- IV. Details of all proposed hardstanding
- V. Details of garden wall, fences or other form of boundary treatment to be

- provided within the site (including details of external materials and heights)
- VI. Details of a suitable trespass proof fence adjacent to the boundary with the railway line (including details of external materials and heights) in consultation with Network Rail
- VII. Details of appropriate vehicle safety protection measures along the boundary with the railway in consultation with Network Rail
- VIII. Details of wildlife enhancements within the site as per the recommendation sets out within Ecological Impact Assessment, including the use of insect nest boxes/ dead wood piles, nest boxes for bird species and bat boxes in areas of minimal light spill
- IX. Details to maximise the urban green factor (UGF) for the site in line with policy BH4 of Brent's Local Plan 2019-2041, including the requirement to submit a UGF Masterplan and score in line with the London Plan Open Space Categorisation
- X. Details of cycle storage through the provision of secure, weatherproof cycle storage facility, which shall include capacity for a minimum of 2- long-stay spaces per storage facility
- XI. Details of any external lighting and overspill diagram in relation to the park and railway line in terms of wildlife and pedestrian
- XII. Details of refuse store facilities
- XIII. A schedule of landscape maintenance for a period of 5 years. which shall include details of the arrangements for its implementation and sufficient specification to ensure successful establishment and survival of new planting.

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

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

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

- 24 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)
	Bedrooms	30 dB LAeq (8hr) 45 dB L _{Amax}
Night time noise 23:00 – 07:00		

A test shall be carried out prior to the first occupation of the development 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 obtain required sound insulation and prevent noise nuisance.

- 25 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

- 26 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.

Prior to first occupation or use of the development, 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, in accordance with Brent Policy DMP1.

- 27 The energy and sustainability measures set out with the Design and Access Statement shall be implemented in full. Further details of the Air Source Heat Pumps and PV panels shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works (excluding demolition, site clearance and any below ground works), including the location of the units and access arrangements for future maintenance. The Air Source Heat Pumps and PV panels shall thereafter be implemented in accordance with the approved details.

Reason: To ensure a suitably sustainable development.

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.
- 5 The submission/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.

- 6 Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried only between the hours of:

Monday to Fridays 08:00 to 18:00

Saturday 08:00 to 13:00

At no time on Sundays or Bank Holidays

- 7 The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any works commence on site. Network Rail recommends that the applicant ensures that the BAPA is in place and that Network Rail has reviewed and agreed the documents as part of the discharge of any conditions.

The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent. The Early engagement with Network Rail is strongly recommended.

All new enquiries will need to be submitted via the Asset Protection and Optimisation - Customer Portal

Link to ASPRO ACE Portal (

<https://erjy-odcsvbcs-11211655-1568-cacctnetworkrail.builder.ocp.oraclecloud.com/ic/builder/r/t/CustomerPortal/live/webApps/dcs/>)

Any person wishing to inspect the above papers should contact Mahya Fatemi, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2292

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

12 June, 2023
05
22/4180

SITE INFORMATION

RECEIVED	13 December, 2022
WARD	Northwick Park
PLANNING AREA	Brent Connects Wembley
LOCATION	University of Westminster, Watford Road, Harrow, HA1 3TP
PROPOSAL	Proposed erection of temporary sports hall (Use Class: E(d)) for period of 9 years on existing concrete slab east of main University Building
PLAN NO'S	Refer to condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_162986</p> <p><u>When viewing this as an Hard Copy</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "22/4180" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to the following conditions and informatives being imposed:

Conditions

1. Nine year temporary consent
2. Approved drawings and documents
3. Sports Hall Use
4. Tree Protection Plan
5. Sustainability measures
6. Materials
7. Hard and Soft Landscaping
8. Community Access Plan


Informatives

1. Hours of noisy works
2. Fire statements

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, if by the "expiry date" of this application (subject to any amendments/extensions to the expiry date agreed by both parties) the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

SITE MAP

	Planning Committee Map Site address: University of Westminster, Watford Road, Harrow, HA1 3TP © Crown copyright and database rights 2011 Ordnance Survey 100025260
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This map is indicative only.



PROPOSAL IN DETAIL

The proposal is for the installation of a temporary sports hall at Westminster University's Northwick Park campus. The proposal is to occupy existing hardstanding which has access to services, and as such, no further groundworks will be required.

It is intended that the temporary structure would be in use for approximately 9 years, after which it can be dismantled to enable the completion of the consented Northwick Park masterplan, and replacement with a full-time facility elsewhere within the masterplan area.

EXISTING

The application site comprises an area of hardstanding and soft landscaping within the University of Westminster's Harrow Campus.

The site is located to the east of the main academic facilities for the University and to the south of the existing sports hall and halls of residence. The site is adjacent to the existing one way ring road for Northwick Park Hospital, which is in the process of being re-constructed as a two way spine road with a roundabout providing direct access to the University campus.

The site is not situated within a conservation area and there are no listed buildings within the sites curtilage. The site is situated close to an area of open space.

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.

- 1. Principle of Development:** The facility would ensure adequate provision for the students and the wider community for a period of 9 years. The use of the sports facility is welcomed and Sport England support the use in principle subject to a community use condition. The 9 year temporary consent would not impact upon the delivery of the Northwick Park Masterplan.
- 2. Highways and Transportation:** There are no changes to vehicle or cycle parking proposed as part of this application and the existing provisions continues to adhere to the requirements of the London Plan.
- 3. Trees and Ecology:** 13 out of 18 trees are proposed to be removed on site. However, it should be noted that all 18 trees were agreed to be removed as part of the wider Northwick Plan Masterplan outline application (20/0700) and this application would allow 5 of the trees to be retained on site for a longer period until construction works commence on phase 4 of the outline application.
- 4. Environmental Health:** Environmental Health have reviewed the proposal and advised that there are no concerns in relation to noise or light pollution. A condition is recommended on restriction on the hours of use.

RELEVANT SITE HISTORY

The application site does not have any relevant planning history in this location. However, to the immediate south of the application site and the wider University campus and hospital site forms part of the Northwick Park Masterplan area. These applications are made on behalf of Network Homes, the University of Westminster, Brent Council and the NHS Trust. The four landowners are working together under the One Public Estate programme to redevelop the masterplan site.

As part of the wider masterplan the following applications are relevant to the application site:

20/0677 - Full planning permission for junction improvement works to the A404 (Watford Road), and the widening of the existing Northwick Park Hospital spine road to allow two-way traffic; pedestrian and cycle improvements and associated landscaping and public realm works, and associated changes to access – Granted, 04/12/2020.

20/0700 - Outline planning permission (with all matters reserved apart from the means of access) for the demolition of existing buildings and structures on the site, all site preparation works and redevelopment to provide a residential led mixed-use development to provide up to 1,600 residential homes (C3); up to 50,150m² floor space of new student facilities including student accommodation, teaching facilities, sports facilities, and ancillary retail and commercial; a replacement nursery (D1), new retail space (A1, A2, A3), energy centre, hard and soft landscaping, open space and associated highways improvements and infrastructure works – resolution to grant planning permission by Planning Committee on 29/03/2021 subject to completion of Section 106 Agreement and stage 2 referral to GLA.

21/2714: Full planning permission for junction improvement works to the A404 (Watford Road), and the widening of the existing Northwick Park Hospital spine road to allow two-way traffic; pedestrian and cycle improvements and associated landscaping and public realm works, and associated changes to access, and subject to a Deed of Agreement dated 4 December 2020 under Section 106 of the Town and Country Planning Act 1990, as amended – under consideration.

In addition to the above full planning permission has been granted for the redevelopment of part of the hospital site (also known as phase 1 and 2a of the outline application) as detailed below:

20/0701: Full planning permission for demolition of existing buildings and structures on the site, all site preparation works for a residential led mixed-use development comprising new homes, associated car and cycle spaces, a replacement nursery, commercial space, associated highways improvements, open space, hard and soft landscaping and public realm works subject to a deed of agreement under Section 106 of the Town and Country Planning Act dated the 16th of March 2023- Granted, 16/03/2023.

CONSULTATIONS

Public Consultation

17 neighbouring properties were consulted for a 21 day period on 20/12/2022.

A press notice was issued on 27/04/2023 and a site notice was attached at the site on 06/04/2023.

No representations were received.

External Consultation

Sport England – confirmed that they do not wish to object to the application as it would broadly align with its objective to provide new opportunities to meet the needs of current and future generations as set out within the NPPF. A condition is recommended to ensure that the facility remains available for sport during the temporary period.

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

Policy D4: Delivering good design

Policy D5: Inclusive Design
Policy D12b: Fire Safety
Policy G5 Urban greening
Policy G6 Biodiversity and access to nature
Policy G7: Trees and Woodland
Policy S3 Education and childcare facilities
Policy S5 Sports and recreation facilities
Policy SI 1 Improving air quality
Policy SI2: Minimising green house gas emissions
Policy SI3: Energy Infrastructure
Policy SI4: Managing heat risk
Policy SI 5 Water infrastructure
Policy SI 13 Sustainable drainage
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car parking
Policy T6.1 Residential parking

Local Plan 2019-2041

DMP1 – Development Management General Policy
BP4 – North West
BNWGA1 – Northwick Park Growth Area
BD1 – Leading the way in good design
BSI1 – Social Infrastructure and Community Facilities
BGI1 – Green and Blue Infrastructure in Brent
BGI2 – 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, Provision and Protection of Freight Facilities
BT4 – Forming an Access on to a Road

Other material considerations include:

National Planning Policy Framework 2021
Council's Supplementary Planning Document 1 "Brent's Design Guide" 2018
Council's Draft Sustainable Environment and Development SPD (2023)

DETAILED CONSIDERATIONS

Principle of Development

1. London Plan Policies S3 and S5 seek the intensification of providing additional sporting capacity. Policy BSI1 of Brent's Local Plan requires all new facilities to be accessible through sustainable transport modes, be located through the community they intend to serve, provide flexible and adaptable buildings, be located near other social infrastructure and aim to maximise wider community benefit. The submission has demonstrated that the application site is within the Northwick Park Growth Area, which is preferable as set out within BSI1. In addition to having a PTAL level of 4/5 with close access to Northwick Park Station and connected bus routes with links to Kingsbury, Wembley and Harrow.
2. The facility and its location within the existing Westminster University Campus ensures that the proposal would be adequate provision for the community its intended for (students). The building while not necessarily flexible for a wider use, is only temporary and the proposed use on this area of hardstanding is considered to be an acceptable proposal in accordance with policy BSI1.
3. The proposal and its location within the University of Westminster and its close distance to Northwick Park and St Mark's Hospitals results in the proposal being situated near other social infrastructure.

4. It is important that the new sports hall would maximise the wider community benefit, subject of any consent a condition securing a Community Access Plan (CAP) would be attached to understand and ensure that the wider community were able to access competitively priced sports facilities, within designated time allocations.
5. While the facility is classed as temporary, the 9 years use proposed is still a significant portion of time and it is required that subject of the above condition the following would be confirmed within the CAP:
 - wider engagement with the local community, businesses and social enterprises;
 - demonstrate maximum utilisation of the proposed facility by the above local community across the day, week and year;
 - a community use agreement which also identifies specific groups that might identify a need for the use of the facility.
6. Sport England have confirmed that whilst they unlikely to be a statutory consultee for the proposal (as it does not affect a playing field), the proposal would meet the "Provide" objection as set out the NPPF as the proposal would provide new opportunities to meet the needs of current and future generations. They have also suggested that a condition is secured in relation to a community access plan with a recommendation that the CAP includes the peak period for community use of sports facilities.
7. In conclusion, the proposal for the temporary replacement sports hall would be considered to be acceptable subject to a condition being secured in relation to a community use agreement to maximise the use of the facility being used by the local community when not in use by students being secured by condition. The proposal would comply with policy BS11 of Brent's Local Plan 2019-2041 and the objectives of the NPPF.

Relationship to the wider Northwick Park Masterplan

8. The application site is included as part of Phase 4 of the Northwick Park Outline application (LPA:20/0700). The outline application includes the provision of an additional 50,150sqm of university floorspace in Phase 4 of the development. In addition to student accommodation (approx.. 800 bed spaces), this would include new academic facilities to support the expansion of the University, and new sports facilities which would allow existing University sports provision to be rationalised on one site. The sports facilities are intended to include a gym, fitness studios, sports hall, indoor courts and pitches, changing facilities and an external court / MUGA.
9. The application has demonstrated how Phase 4 would be delivered, ensuring this area of the site is the last part of the Masterplan to be developed minimising any disruption to the 'Village Hub' building situated close to the tube station or sites located further eastwards. The proposal would then fit in with the aim to keep the temporary sports hall until permanent sports facilities are brought forward towards the eastern end of the masterplan area. Once these are complete the temporary sports hall can be removed.
10. Confirmation has also been provided by the applicant that the location of the sports hall includes new buildings within this area as part of the wider masterplan with no pedestrian east-west links in this location.

Scale, Layout, Design

11. The sports hall is proposed to stand atop the existing 1,900sqm concrete slab on site, with no additional foundations or engineering works required. The building's width would be 28m with a length of 58m. The building as proposed would have a higher pitched roof over the sports hall (fronting the Spine Road) with an eaves height of 9.3m and a ridge height of 10.7m, ensuring the required 7.6m clearance which meets Sport England's requirements for basketball courts. The lower height of the building (sited away from the road frontage), which accommodates for the changing room areas has an eaves height of 4.4m and a ridge height of 5.8m. The building would not considered to be of a height that is excessive in its scale when considered against the surrounding sites building heights which vary from 12m, 10m and at its lowest 4m. Brent's Urban Design Officer has welcomed the windows which are situated on the elevations of the building allowing the structure to appear at a scale that would be appropriate for this area, allowing an element of natural light within the unit to the benefit of the users of the facility.
12. The building would also accommodate for a gym, lobby, changing rooms and WCs, office, reception and storage space. The layout of the unit is considered to be acceptable.

13. The building would visually appear as a sports hall and would be located close to the entrance of Westminster Universities 'Forum' building, which is the main hub of the campus. The building given its sports hall presence would be very legible and its entrances would be conveniently placed and would allow for a scaled approach to the building, which would visually reflect the massing of the Forum building adjacent, and the Northwick Park and St Mark's Hospitals situated to the rear of the site. Further details of external materials would be conditioned to any forthcoming consent.

Impact on Residential Amenities of Adjoining Occupiers

14. It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. Local Plan Policy DMP1 seeks to ensure new development does not unacceptably increase neighbours' exposure to noise, light and general disturbance. Given the nature and scale of the proposal and the distance from any nearby sensitive receptors including the existing student accommodation, it is not considered to result in a harm to the residential amenity of adjoining or nearby properties.
15. Overall, it is considered that in this instance the proposed sports hall and its siting within the campus facility, it would not cause any substantial harm on the amenity of the nearby students accommodation blocks, or the neighbouring residential properties which are situated some distance from the site and therefore the proposal is considered to be acceptable on amenity grounds.

Highways Considerations

Site context

16. The University and hospital is located on the eastern side of Watford Road (a London distributor road), just south of its roundabout junction with Kenton Road.
17. There are currently three main vehicular access points to the hospital and University campus from Watford Road. The site has good access to public transport services (PTAL 4), with close access to Northwick Park (Metropolitan line) and Kenton (Bakerloo and London Overground lines) stations, as well as bus services 114, 182, 183, 186, 223, H9/H10 and H14.

Car Parking

18. The existing car park has not been used for some time and so its formal loss would be welcomed, being consistent with current policies to restrain car parking.
19. The temporary hall will be set clear of any access roads, footways or visibility splays, so is fine in highway terms.

Cycle parking

20. The temporary sports hall would require 2 long stay and 17 short stay spaces. The application initially sought to re-provide an enlarge cycle store within the existing area of hard standing between the sports hall building and spine road. Officers in Transportation raised concerns with this location as it would be approx. 65m from the entrance at the northern end of the building and would not provide easy access to the sports hall and would also be inconvenient for existing users of the university such as The Forum. In response, the applicant has sought to retain the existing cycle store within the northern end of the site close to the entrance of the sports hall. This cycle store has capacity for 20 spaces (10 Sheffield stands). Whilst the arrangement of the spaces does not accord with London Cycling Design Standards as the stands are spaces 0.8m apart rather than 1m apart, the applicant has highlighted that the existing cycle store is significantly under utilised and therefore there would be capacity to accommodate the 2 long term parking spaces for the temporary sports halls. They have also highlighted that to the west of the temporary sports hall (on the opposite side of the access way) there are 17 Sheffield stands (34 spaces) which are also underutilised. This existing provision could therefore be used to facilitate any shorter term parking for the temporary sports hall.
21. Whilst the proposal does not fully comply with London Plan in terms of the cycle parking facilities, the use of existing under utilised facilities in this instance would be acceptable, given the temporary nature of the proposal. The wider redevelopment of the university site would include provision of enhanced cycle

parking facilities.

Sustainability

22. For major developments, a Sustainability Statement is required in accordance with Policy BSUI1, demonstrating at the design stage how sustainable design and construction measures will mitigate and adapt to climate change over the lifetime of the development, including limiting water use to 105 litres per person per day as required by London Plan Policy SI5. Major commercial floorspace is required to achieve a BREEAM Excellent rating and this would also need to be appropriately evidenced.
23. All major developments are expected to achieve zero carbon standards including a minimum 35% reduction on the Building Regulations Target Emission Rates achieved on-site, in accordance with London Plan Policy SI2. Predicted emissions should be appropriately evidenced through the submission of an energy strategy. Any shortfall in achieving the target emissions standards is to be compensated for by a financial contribution to the Council's Carbon Offsetting Fund, based on the notional price per tonne of carbon of £95, or through off-site measures to be agreed with the Council. The policy also requires a commitment to monitoring of, and reporting on, energy performance, and this would be secured through a s106 agreement, together with revised energy strategies to be submitted at detailed design and post-completion stages and a two-stage financial contribution.
24. The applicant has submitted an Energy Statement. This seeks to accord with the London plan policy SI2 be lean, clean, green, and seen requirements. This strategy covers be lean and be clean measures. However, no be green measures are proposed such as PV panels due to them not being practical to be provided on the roof of the temporary structure. The overall carbon reduction would be less than 35% and therefore not in accordance with the London Plan. However, given the temporary nature of the proposal (limited to 9 year only) this would be accepted in this instance. A section 106 agreement is recommended to secure an off site financial contribution to compensate for the shortfall in achieve net zero carbon emission as per the London Plan.
25. Local Plan policy BSUI1 also requires that non-residential developments should achieve a BREEAM score of Excellent. In this case given the temporary nature of the proposal, it is not considered necessary to require the scheme to achieve BREEAM excellent. Nevertheless, the wider masterplan application did set out a requirement to achieve BREEAM Excellent rating would for the non-residential floorspace, and further details to evidence this would be secured through the s106 agreement .

Urban Greening & Biodiversity

26. Policy G5 of The London Plan require developments to contribute to Urban Greening and a target Urban Greening Factor (UGF) of 0.3 is recommended. The application has not provided specific calculations on this matter, however, the sports hall lies within an existing area of hardstanding, and the outline application would secure an urban greening factor across the wider site in line with London Plan requirements.

Tree Considerations

27. The erection of a temporary sports hall is proposed on an existing hardstanding area. The area is surrounded by trees and these should where possible be protected as part of these proposals.
28. The application seeks to remove a number of trees, which while these are proposed to be removed as part of the Northwick Park Masterplan (20/0700), Brent's tree officer was of the view that these should be retained until the phasing of the Masterplan for this area comes forward. It was considered that the applicant should review how to retain these trees for the period of 9 years of which the consent seeks, particularly as the trees are of a category B value.
29. The submission proposals secured the retention of T603-T606 offsite trees to the north together with T629 Sycamore an offsite tree to the south, however, the proposal sought the removal of all category B trees within the site (18 in number). Further clarification was issued to the applicant in order to address these concerns and a site visit was undertaken on 2nd March at which Oisin Kelly (Arb consultant) was present: the trees on site were individually assessed to see which if any could be retained as part of the proposals and a subsequent Arboricultural Impact Assessment was submitted dated 7th March 2023 by Arbterra Ltd.
30. While it was agreed that 12 category B trees and 1 category C tree still needed to be felled, it was agreed

that 5 trees (T609 Ash, T621 Willow and three Aspen T622-24) could be retained subject to proposed pruning as detailed in the revised AIA.

31. Following the visit and further consideration, Brent's Tree Officer is satisfied that the applicant has considered the retention of the trees where possible and the revised proposals would allow for the retained trees to be beneficial and contribute positively to the visual amenity of the area. The Officer has suggested two conditions to be attached to any subsequent consent which would require the development for the nine years to adhere to the Arboricultural Impact Assessment (dated 7th March 2023), in addition to the submission of further boundary and ground level treatments.
32. The proposals are considered to safeguard and enhance the character and amenity of the area, while maximising the biodiversity benefits and allowing for a useable space. The proposal is considered to have an acceptable level of impact upon trees in advance of the wider Masterplan redevelopment coming forward.
33. The wider masterplan redevelopment application sought details of replacement tree planting, including exact numbers, locations and species, to be required under reserved matters as part of the landscaping proposals for each Phase of the development. Following the submission of reserved matters for Phase 4, or within an alternative period to be agreed should Phase 4 not come forward within a specified timeframe, a financial contribution to compensate for any net loss of trees across the site as a whole would then be required through the s106 agreement.

Flood Risk and Drainage

34. London Plan Policy SI13 and Brent's Policy DMP9b require development proposals to utilise sustainable urban drainage systems (SUDs), with the overall aim of achieving greenfield run-off rates and ensuring surface water run-off is managed as close to its source as possible.
35. The site is at very low risk of flooding from rivers and the sea, artificial sources and groundwater, or surface water flooding.
36. Whilst the proposal is not accompanied by a drainage strategy to demonstrate how the proposal would be design to reduce surface water run off in accordance with the above policies, it is noted that the site lies within an existing area of hardstanding, and therefore the proposal would be unlikely to result in a material increase in surface water run off compared to the existing situation.
37. The wider masterplan application proposed a significant reduction in overall discharge rates, from brownfield rates to greenfield rates, and would have a significantly positive impact on the overall flood risk to the local area including the site itself.

Fire Safety

38. The application has been accompanied with a Fire Strategy report which sets out the following information in order to accord with policy D12 of London Plan (2021):
39. The active and passive fire safety systems for the building detailed in this report are designed to provide early warning of a fire event and to maintain tenable conditions during the evacuation stage. If implemented, the health and safety of people in and about the building can be readily assured.
40. The fire measures proposed can be summarised as:
 - a) The provision of Building materials with suitable flammability, and smoke / toxicity emissions
 - b) The provision of 30 minutes fire compartment around stores, changing rooms and switchrooms.
 - c) The provision of fire escape doors in line with the existing concept drawings plus an additional escape door in the Gym
 - d) The provision of fire detection and warning system to BS5839 type M
 - e) The provision of emergency lighting and emergency signage.
 - f) Ensuring at least 15% of the building perimeter can be accessed by a fire-fighting vehicle
 - g) Ensuring that there is a fire hydrant within 90m of the entry point to the building.

41. Formal approval under the Building Regulations would be required if the scheme goes ahead and therefore given the submitted fire strategy would be considered to be acceptable and accords with Policy D12 of the London Plan.

Equalities

42. 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

43. Whilst the proposal does not fully comply with a number of policies within the development plan, including the requirement to achieve a 35% reduction in carbon emissions, compliance with 0.3 urban greening factor and lack of drainage strategy, given the temporary nature of the proposal and its location within an existing area of hardstanding, the lack of compliance in this instance would be acceptable as the benefits of the proposal to re-provide sporting facilities within the university campus during the construction of the wider masterplan would outweigh any identified harm. As noted above, the site would be subject to a wider masterplan redevelopment that would secure a significant betterment to the overall site in terms of carbon reduction, surface water run off rates, urban greening factor and ecology.

Approval is recommended subject to conditions.



Application No: 22/4180

To: Mr Turner
Sphere25
5 Rayleigh Road
Hutton
Brentwood
CM13 1AB

I refer to your application dated **13/12/2022** proposing the following:

Proposed erection of temporary sports hall (Use Class: E(d)) for period of 9 years on existing concrete slab east of main University Building

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

at **University of Westminster, Watford Road, Harrow, HA1 3TP**

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: 02/06/2023

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-
National Planning Policy Framework (2019)
London Plan 2021
Brent Local Plan 2019-2041

- 1 This permission shall be for a limited period of nine years only from the date of this consent when (unless otherwise agreed in writing by the Local Planning Authority) the use hereby approved shall be discontinued and the fixtures and fittings related to the change of use shall be removed from the site and the site left in a safe and satisfactory condition in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

Reason: The land is situated within an area to be redeveloped and is acceptable on a temporary basis in the interests of the regeneration plans for Northwick Park Masterplan.

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

BA10038-1005 RevP0, BA10038-1006 Rev P0, BA10038-1004 Rev P0, BA10038-1003 Rev P0, University of Westminster Temporary Sports Hall (December 2022), UoW Fire Strategy, UoW Energy and Overheating Statement, 23527306-STR-HGN-100-SK-D-00401 Rev P0, 900-201, Arboricultural Impact Assessment (Dated 7th March 2023), Transport Statement, Planning Cover Letter University of Westminster.

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

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended, or any order amending, revoking or re-enacting those orders), the sports hall and ancillary facilities hereby permitted shall not be used other than for sports.

Reason: To ensure that the nature of the use is appropriate for its location and to ensure the provision of sporting facilities.

- 4 The development shall be implemented in strict accordance with the Tree Protection Plan and Arboricultural Method Statement (Arboricultural Impact Assessment by Arbterra Ltd dated 7 th March 2023 incorporating Scheme of Tree Protection and Tree Protection Plan ref: 900-301B) or subsequent approved revisions.

REASON: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with DMP1 and BGI 2.

- 5 The energy and sustainability measures proposed within the Energy & Overheating Statement Rev 07 dated 21/11/2022 shall be implemented prior to first use of the development hereby approved and shall thereafter be maintained for the duration of the use of the development.

Reason: To ensure that the development achieves the appropriate standards for sustainability.

- 6 Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority before any above ground work is commenced. 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.

- 7 Details of the hard and soft landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use of the building hereby approved. Such details shall include:
- a. A scaled plan showing vegetation/trees to be retained and any proposed planting
 - b. Sufficient specification to ensure successful establishment and survival of any new planting
 - c. Details of all existing/proposed hardstanding
 - d. Details of any boundary treatment to be provided within the site (including details of external materials and heights)
 - e. Details of the existing cycle storage within the site to be retained
 - f. Details of any external lighting including for the pedestrian routes and overspill diagram
 - g. Details of a wayfinding signage strategy to be employed on site

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

The hard and soft landscape works shall be carried out in full accordance with the approved details prior to the use of the building 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 new trees(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning authority gives its written consent to any variation).

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

- 8 Prior to commencement of use of the sports hall hereby approved, a Community Access Plan detailing community access arrangements, prepared in consultation with Sport England, shall be submitted to and approved in writing by the Local Planning Authority.

The Community Access Plan shall allow for a minimum of 15 hours of community use in the sports hall each week and shall include details of rates of hire (based upon those charged at other public facilities), terms of access, hours of use, access by non-university users/non-members and management responsibilities.

The approved Community Access Plan shall be brought into operation within 3 months of first use of the sports hall and it shall remain in operation for the duration of the use of the development.

Reason: To secure well-managed, safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Local Plan.

INFORMATIVES

- 1 Under the Control of Pollution Act 1974, noisy construction works are regulated as follows:
Monday to Fridays - permitted between 08:00 to 18:00
Saturday - permitted between 08:00 to 13:00
At no time on Sundays or Bank Holidays
Contractors may apply for prior approval for works undertaken outside of normal working hours. They should email the noise team at ens.noiseteam@brent.gov.uk to obtain a section 61 application form. Please note that the council has 28 days to process such applications.

- 2 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.

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