



## Planning Committee

**Wednesday 18 October 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 Patel

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

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**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 9 August 2023 as a correct record.		1 - 16
<b>APPLICATIONS FOR DECISION</b>		
4. 23/0989 - 5-6 Park Parade, London, NW10 4JH	Harlesden Kensal Green	& 21 – 42
5. 22/3260 - 231 Watford Road, Harrow, HA1 3TU	Northwick Park	43 – 100
6. 22/3669 - Kilburn Square Estate, Kilburn, London	Kilburn	101 - 162
7. 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: Tuesday 24 October 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 9 August  
2023 at 6.00 pm

PRESENT: Councillor Kelcher (Chair), Councillor S Butt (Vice Chair) and Councillors Ahmed, Akram, Dixon, Kabir, Maurice and Rajan-Seelan.

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

Apologies for absence were received from Councillor Begum, with Councillor Kabir present as an alternate and Councillor Mahmood, with Councillor Ahmed present as an alternate.

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

Committee members advised that they had received approaches from local residents and applicants in relation to all items to be considered on the agenda. Members confirmed that they had not engaged in discussion on any of the respective applications.

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

**RESOLVED** that the minutes of the previous meeting held on Wednesday 12 July 2023 be approved as an accurate record of the meeting.

#### 4. **22/3260 – 231 Watford Road, Harrow, HA1 3TU**

##### PROPOSAL

Demolition of the existing building and the erection of building of up to five storeys to provide residential dwellings (Use Class C3); car and cycle parking; landscaping, amenity space and play area; and refuse storage and other associated works.

##### RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to:

- (1) The completion of a legal agreement to secure the planning obligations as detailed within the Committee report and the Head of Planning is delegated authority to negotiate the legal agreement.
- (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

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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.

James Mascall, Senior 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 sought the development of a 3 to 5 storey building to provide a total of 42 new homes with the following mix; 15 x 1 bedrooms, 16 x 2 bedrooms and 11 x 3 bedrooms, 5 homes would also be wheelchair accessible. The proposal included 24 car parking spaces with vehicular access into the site to remain from the service road alongside Sudbury Court Drive and Watford Road. A communal amenity area to include a children’s play area would be situated towards the south western part of the site.

The Committee’s attention was drawn to the supplementary agenda that provided information in relation to three additional representations received since the Committee report had been published. The representations raised concerns in relation to the loss of the existing building, impact on neighbouring properties due to the development being overbearing and disturbance during construction works, impact on the nearby Sudbury Court Conservation Area, flooding, lack of on-site parking and impact on street trees, all of which it was reported had been addressed within the committee report. The Committee was advised that none of these were representations were from a new objector or a new address and as such the number of objections remained the same.

The Chair thanked James Mascall for introducing the report, as there were no Committee questions raised at this point, the Chair invited the first speaker Wilhelmina Mitchell Murray (objector) to address the Committee (in person) in relation to the application. The following key points were highlighted:

- Concerns were raised in relation to the absence of affordable housing.
- It was felt that Brent residents would not benefit from the scheme.
- The scheme had been highly contested by local residents.
- The height and massing were felt to be out of character in relation to the local area.
- Queries were raised in relation to the accuracy of the parking survey undertaken as it was felt the results were not reflective of the true demand for parking in the area.
- It was felt that if planning permission was approved, parking should be limited, with restrictions on future residents of the scheme being able to apply for permits in the event that a CPZ was required.
- Clarity was sought in relation to the section of the report that stated the scheme was complaint with affordability despite not providing any affordable housing.
- In summarising the points raised, Ms Mitchell – Murray urged the Committee to reject the application.

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The Chair thanked Ms Mitchell-Murray for addressing the Committee and clarified that the point raised in relation to the scheme's lack of affordable housing would be discussed in detail with officers later in the meeting. As the next public representative registered to speak had not been able to join the meeting at this stage in proceedings the Chair advised he would vary the order of speakers to consider the representations from local ward councillors and other councillors who had requested to speak at this stage in the meeting.

The Chair then invited the next speaker, Councillor Bajwa (local ward councillor) to address the Committee with his objections (in person) supported by Councillor Collymore (as fellow local ward councillor). The following key points were highlighted:

- Although the need for new homes was acknowledged, it was felt that the development was not in an appropriate location, this had been echoed by the 500 objections made by residents.
- It was felt that the proposed development was too tall and out of character due to the use of different materials.
- The scheme was felt not to be policy compliant with the London Plan which required 35% affordable units on new schemes, the scheme provided no affordable units.
- It was felt that if planning permission was approved, the applicant should offer a financial contribution to support investments in local parks to support the provision of amenity space for existing local residents and future residents of the development.
- Concerns were raised in relation to the additional traffic the development would create and wider implications as the primary road outside the development was the main route to Northwick Park Hospital. Additionally, it was felt that the increased number of vehicles to the area would exacerbate existing parking issues.
- As Councillor Bajwa closed his comments he highlighted that the current use on the site was a valued public asset which would be a huge loss for the local community, on the basis of the collective concerns shared Councillor Bajwa urged the Committee to refuse the application.

The Chair thanked Councillor Bajwa for his representation and asked the Committee if they had any questions or points of clarification on the information heard. The Committee required clarity on Councillor Bajwa's comments in relation to the proposed development's impact on existing local amenity spaces. In response Councillor Bajwa supported by Councillor Collymore (who also highlighted her strong opposition to the basis of the application) advised that the amenity space included as part of the development was very small and not adequate for the number of residents, particularly children that would require amenity space. The Committee heard that the closest parks had no children's play equipment or benches, therefore Councillor Bajwa felt strongly that a contribution should be made by the applicant to support improvements in local amenity space.

As there were no further Committee questions at this point the Chair then invited Councillor Kennelly (as a local councillor) speaking in objection to address the Committee (in person) in relation to the application. The following key points were shared:

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- Concerns were raised that approval of the application would set a precedent in the closure of hospitality businesses.
- It was felt that the absence of affordable housing was unacceptable, and that the applicant was exploiting the current market conditions to avoid the inclusion of affordable units within the scheme.
- The Community Infrastructure Levy contributions were negligible and had little benefit in the current market.
- It was felt that the applicant had shown no intention in following the guidance outlined in Brent's Local Plan and the Mayor's London Plan in terms of meeting a reasonable proportion of the affordable housing need.
- The hospitality venue was a valued community asset and a part of Brent's local heritage. It was felt that traditional settings should be protected by local authorities from development.
- In summarising, Councillor Kennelly urged the Committee to reject the application on the basis that the development offered no affordable housing and resulted in the loss of a community asset.

The Chair thanked Councillor Kennelly for sharing his concerns with the Committee and advised that in relation to the concerns raised regarding the viability of scheme in providing a contribution to affordable housing, there was a need to recognise the inclusion of a late-stage review mechanism in terms of any final assessment on the provision of affordable housing units. Councillor Kennelly accepted the potential benefit of the late-stage review mechanism, however highlighted that there was no guarantee that his would provide a betterment to the current situation, therefore felt that it was appropriate to insist upon affordable housing at this point in the planning stages so that if the scheme was approved, it offered a genuine benefit to Brent residents.

As there were no further questions, the Chair invited Councillor Lorber (local councillor) speaking in objection to address the Committee (in person) in relation to the application. The following key points were highlighted:

- It was queried why a site visit inclusive of local residents had not been undertaken by the Committee to gain a greater understanding of the concerns and objections raised and to highlight the impact of the proposed 5 storey building on the surrounding conservation area.
- Concerns were raised in relation to the pre application process that the applicant undertook, ahead of the application being considered at the Planning Committee.
- Queries were raised in relation to the area of the report that indicated that the site would have had specific planning protections if it was a still a public house. It was noted that in 2018 the use of the premises was changed to restaurant use, it was questioned whether the classification in change of use was a precursor to strengthen the application for redevelopment of the site in the future.
- The report stated that the premises were not a community facility. It was felt that this statement was incorrect as the premises had originally been a Public House, since then it had been used as a pub/restaurant and had separate rooms available for functions, that were regularly used by local community groups.
- The proposed development did not offer any affordable housing to assist with housing pressures facing Brent.



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- It was felt there would be harm as a result of the development, given its prominent location in the middle of a residential area of predominantly 2 storey housing dating from the 1930s and nearby designated Conservation area.
- The proposed development was extremely unpopular with local residents, many of whom had objected to the application on the basis of the harm it would cause.
- Based on the information shared Councillor Lorber urged the Committee to defer the application and arrange a further site visit so that the Committee could hear the concerns of residents to support them in making a fully informed decision.

The Chair thanked Councillor Lorber for making his representation and in response to the concerns highlighted regarding the pre application process, confirmed that it was recommended good practice that was widely used across other Councils. In response to the point raised regarding residents being able to express their concerns in objection to the application, it was clarified that throughout the consultation process residents were able to contribute their views and had done so via the 500 objections received, additionally residents were also able to register to speak and attend the Committee meeting.

The Chair advised the Committee that the final member of the public registered to speak in objection to the application, Mr Haydar, had not been able to join the meeting as an online participant and the statement in had submitted in advance of the meeting was therefore read out for the Committee, with the following points shared:

- Mr Haydar felt that the proposed development would have a severe impact on the area, particularly in terms of exacerbating the existing traffic issues in the area.
- Questions were raised in relation to the wider impact traffic congestions would have on Watford Road serving as the main access road to Northwick Park Hospital where emergency vehicles frequently needed to travel.
- Concerns were raised in relation the impact on local service and utilities being able to accommodate the development and its future residents.
- It was felt that there had been a high number of residential developments that had recently been constructed in Wembley, therefore it was questioned why it was felt appropriate to construct another multi storey residential development in an already congested area.

The Chair then moved on to invite the final speaker on the item Davey Pareth (site owner) to address the Committee (in person) supported by Kieran Rushe (agent) and Sydne Langbridge (architect). The following key points were highlighted:

- The current venue was a family owned business that had operated locally for approximately 15 years.
- The family had come to the decision to use the site as a development opportunity due to personal circumstances.
- As the family lived locally and enjoyed living in Brent, they felt a sense of pride in being able to provide a sustainable development for residents and their families to enjoy in the future.

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The Committee had a number of questions for Mr Pareth in relation to car parking, the current status of the business at the venue, amenity space, the financial contribution to support local amenity space and the wider benefits for existing local residents. The following responses were provided:

- Following a Committee query in relation to whether consideration had been given to the development being car free, the Committee was advised that due to the low PTAL 2 rating of the site, the development could not be considered to be a car free development.
- The Committee was advised that the current user of the venue was no longer viable as a business due to a combination of factors including post covid recovery, the current economic climate and personal family circumstances.
- Following a Committee query in relation to the shortage of private amenity space, the Committee required clarity as to whether the applicant would be willing to mitigate this by making a financial contribution to local parks to support the benefits to Brent as part of the application. The agent advised that the applicant would be making a CIL payment as required, it was the decision of the Council how the payment would be used, however no additional financial contribution had been identified specifically for the improvement of local amenity space.

The Chair thanked Mr Pareth and his team for answering the Committee's questions and invited the Committee to ask officers any questions or points of clarity they had in relation to the application. The Committee raised questions in relation to affordable housing and the potential impact of the scheme on flooding and drainage, car parking, road safety and the volume of traffic.

- Following the concerns raised by objectors and the Committee in relation to the proposed development's absence of affordable housing, the Committee were advised that officers recognised that the scheme fell short of the London Plan threshold approach which required a Financial Viability Appraisal to be submitted if the proposal doesn't provide at least 35% of affordable housing. As such the application had been subject to viability testing that required detailed supporting evidence to be submitted as part of the application. The Financial Viability Appraisal (FVA) submitted by the applicant concluded that a wholly private scheme would deliver a deficit, therefore it would not be viable to provide any affordable units. The FVA was also reviewed by the Council's consultants who concluded that there would be a reduced deficit against the applicants' calculations on delivering a wholly private scheme, however as there was still found to be a deficit officers concluded that the scheme could not reasonably deliver any affordable housing. In line with policy, however, a late stage review mechanism would be secured within the Section 106 agreement to capture any off-site contributions towards affordable housing in the event that viability improved. The proposal was therefore considered to be policy compliant.
- The Committee queried if it was possible to support the inclusion of affordable housing by amending the design of the development to provide a higher building with additional units to improve the viability of the scheme. Officers advised that it was felt the site had been optimised to provide a new home development as well as fitting in with the local character, therefore it was not felt to be appropriate to build higher than the proposed design. Additionally, the Committee was advised that it may not enhance viability options as

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construction and other associated costs could increase if the building was taller.

- In response to a Committee query in relation to the impact the development could have on flooding and drainage in the local area, officers advised that in line with policy BSUI3 a Flood Risk Assessment (FRA) had been submitted with the application. The FRA confirmed the site was categorised within Flood Zone 1, meaning that there was a low risk of flooding from fluvial, tidal, sewer, infrastructure (reservoir) and ground water sources. The assessment noted there was some risk from surface water flooding, however this would be mitigated by improving the run off rate from the site using a range of sustainable drainage measures including a green roof, rain garden, permeable paving and the installation of an attenuation tank. The planned mitigations would see a 90% betterment in surface water run off rates.
- The Committee questioned if consideration had been given to making the development car free, given the potential impact that overspill parking could have on existing local residents. Officers advised that the site was not well served by public transport as identified by its low PTAL rating therefore a car free development would not be possible. A parking survey was undertaken over two nights to assess the capacity to accommodate any surplus parking demand, results demonstrated that there was sufficient capacity on the service road to accommodate any overspill parking demand. Overall, it was felt that the 24 on site spaces provided and the service roads capacity to absorb any overspill would ensure that the proposed development would not unacceptably impact upon existing local residents or highway safety, particularly as there was a trend for decreasing car ownership across the borough. If residents felt that there were issues with overspill parking in the future, they could make a request to the Council for the introduction of a Controlled Parking Zone.
- The Committee queried the accuracy of the data used to inform the Travel Plan, specifically in relation to the PTAL rating being categorised differently by TfL to the Travel Plan and why census data from 2011 was used in relation to parking need instead of the most recent 2021 census data. This led the Committee to query the basis on which the Travel Plan had been developed. Officers advised that the report details had been provided in line with relevant policies and were felt to be an accurate representation of the situation. It was also noted that the minor discrepancy between the Travel Plan PTAL stating the site had a PTAL of 2 against TfL 's rating of 1b was negligible in terms of how the site would be served by public transport. PTAL 3 was noted as the threshold that would warrant significantly less parking need.
- The Committee noted that the Travel Plan included targets to reduce car travel, this could include residents' free membership for a period of time to a local Car Club.
- Following a Committee question in relation to the impact of the development on road safety and increased traffic, officers advised that data received from TfL suggested that the John Lyon Roundabout was not a concerning area of risk with 9 collisions over the last 3 years, with 8 of these resulting in minor injuries. It was not felt that the development would significantly increase trip generation, analysis from the TRICS survey provided indicated that the development would generate an extra 5 arrivals and 19 departures during the AM peak hours 8-9am compared with existing use, and an additional 3 vehicle movements in the evening peaks hour 5-6pm. To support further safety enhancements for pedestrians, plans were in place to convert the existing informal pedestrian crossing across Watford Road, directly outside the site, into a Zebra Crossing and the inclusion of a speed table on the adopted service

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road to support walking and safety, secured through a financial contribution via a Section 106 agreement.

As there were no further questions from members and having established that all members had followed the discussions, the Chair asked members how they were minded to vote on the recommendations. The majority of Members on the Committee had indicated they were minded to refuse the application. However, officers considered that some of the cited reasons did not reflect departures from policy, whilst other reasons were unclearly set out. Members then voted to **DEFER** the consideration of the application to a future Committee meeting in order to enable a further report to be provided addressing the indicative reasons outlined as the basis for refusal, relating to affordable housing and viability, the height and design of the scheme in relation to the surrounding area and whether the development of the site had been optimised as well as clarity on the balance of the schemes harm against its benefits.

### 5. **232/3965 – 1,2,3, & 9 Watkin Road, Wembley, HA9 0NL**

#### PROPOSAL

Demolition of existing buildings and construction of two new buildings to provide commercial floorspace (Use Class: E) and student accommodation bedspaces (Use Class: Sui Generis), associated access and highways works, amenity space, cycle parking spaces, disabled car parking spaces and refuse/recycling stores.

#### RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to:

- (1) The referral of the application to the Mayor of London (stage 2 referral) and the prior completion of a legal agreement to secure the planning obligations as detailed in the Committee report and that the Head of Planning is delegated authority to negotiate the legal agreement.
- (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.

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- (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

Nicola Blake, Principal 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 sought to construct two new blocks of purpose-built student accommodation. The Southern site would contain a building with a maximum of 27 storeys in heights, dropping to 18 and 6 storeys in parts and a basement to deliver 419 students accommodation units. The northern site would contain a building that extended to 21 storeys in height, providing 200 student accommodation units. The site was located within the Wembley Growth Area within Brent's Local Plan.

The Committee's attention was drawn to the supplementary agenda that provided information in relation to the applicant's submission of a revised drawing pack detailing amendments to the cycle parking, additional objections received, minor alterations to the Committee report and the correction of an error made in relation to the financial contribution to Transport for London (TfL).

The Chair thanked Nicola Blake for introducing the report, as there were no Committee questions raised at this point, the Chair invited the first speaker Alvaro Santos Alonso (objector) to address the Committee (online) in relation to the application. Mr Santos introduced himself to the Committee as a local resident who would be living in the neighbouring block of accommodation to the proposed development before raising the following key points:

- Local residents in purchasing their homes in the neighbouring block were advised at the time that there was an already consented scheme but for a smaller development containing residential units of accommodation. The current application for a larger development of student accommodation was therefore of concern.
- Existing concerns remained in relation to anti-social behaviour in the area emanating from the current blocks of student accommodation. It was felt the addition of a further scheme exclusively for students would exacerbate the existing issues.
- Concerns were raised in relation to the close distance between the proposed scheme and existing residential buildings. At only 10 metres between the buildings, the Committee heard there was no such precedent for this in Wembley Park.
- The previous consented scheme heights were felt to have offered a healthier interaction between buildings. However, the new building heights were considered too overbearing by residents.
- Mr Santos queried the level of engagement that had taken place during the consultation period, as many residents felt this had been inadequate.
- In summarising his concerns on behalf of himself and residents, Mr Santos urged the Committee to reject the application for the reasons given and the precedent this would set.

The Chair thanked Mr Santos for making his representation and requested clarity as to why it was felt that students would exacerbate existing concerns regarding anti-social behaviour. Mr Santos advised that this had been based on current experience of anti-social behaviour witnessed by many local residents linked to the existing student population in the area.

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The Chair went on to invite the next speaker on the item, Nick Lawrence, Tribe (applicant) to address the Committee (in person) supported by his online team of Paul Joslin and Robert Joyce (architects – Stantec), Duncan Palmer (Director of Student Accommodation – Tribe) and Alun Evans (Planning Consultant, ROK Planning). Mr Lawrence highlighted the following key points:

- The proposed development would see the construction of two slender buildings, a 21 storey building on the northern side of Watkin Rd and a part 27, stepping down to a part 6, and then up to a part 18 storey building on the southern side that officers agreed provided a sensible transition.
- The development would add to the mix of land uses in the area to deliver 619 student rooms with 35% of the rooms being offered as affordable student rooms at rents set by the Mayor of London. The lower levels of the building would be used to create 1,490sqm of light industrial floorspace, which exceeded the existing provision on site and also the 65% plot ratio in the London Plan that would create an uplift of a minimum of 32 full-time jobs.
- The scheme would see significant public realm improvements around the site including improvements to both Watkin Road and Fulton Road with the creation of 16 new trees.
- As a car-free development, the scheme would ease pressure on the surrounding roads.
- The student housing will be governed by a student management plan to ensure that existing residents would not be disturbed by student housing.
- The scheme would release 247 dwellings currently occupied by students back into the private rented sector as well as contributing the equivalent of 247 homes towards Brent Council's housing targets as well as creating employment opportunities both during construction and across the longer-term operational life of the building.
- Further benefits of the scheme included a net gain in biodiversity in a net Zero carbon development, an uplift in jobs in the industrial space on the lower levels; a contribution of £200,500 towards off-site affordable workspace and a comprehensive transport solution that included the provision of 516 total cycle parking spaces.
- In summarising his comments Mr Lawrence urged the Committee to consider the wide ranging benefits of the scheme and on this basis approve the application.

The Chair thanked Mr Lawrence for making his representation to the Committee and invited Committee Members to ask any further questions or points of clarity they had in relation to the information heard. The Committee queried the demand for student accommodation, the use of commercial space, concerns in relation to anti-social behaviour (ASB), the close proximity of the proposed development to the existing accommodation and how this would impact upon overlooking and the quality of accommodation. The following responses were provided:

- The Committee was advised that Wembley's prime location was desirable for student accommodation. With a recognised shortfall of student accommodation across London many universities were in need of additional allocated units and as such the applicant was confident that the development would be fully utilised.

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- Following a Committee query in relation to how the commercial space in the proposed scheme would be utilised, the Committee was informed that the commercial space provided was an additional benefit to the scheme as there was no policy that specifically required this. Mr Lawrence advised that care would be taken in the commercial floor space as it would be let and managed by Tribe as the applicants. Although there were no confirmed plans as yet for the anticipated use of the commercial space, other units managed by Tribe had included fashion hubs, workshop studios and photography studios.
- In response to concerns raised regarding increased ASB behaviour from an increased student population, Mr Lawrence assured the Committee that there was a 24-hour concierge and management team in place, along with a carefully considered student management plan to manage any ASB and also support the wellbeing of students with a view to integrating them into the community.
- Following concerns in relation to possible overlooking from the proposed scheme, Mr Lawrence advised that the scheme had a 14m separation distance from the neighbouring properties minimising any concerns regarding overlooking and the majority of the windows were north and south facing, any windows on the west elevation would be obscured glazed.
- In response to a Committee query in relation to the quality of the accommodation, specifically in relation to whether any risk of rooms overheating could be mitigated by using a different quality of material, the Committee was advised that the rooms required passive ventilation which could be achieved by opening a window, there was no mechanical cooling required. The design of the building also prevented overheating, therefore this issue was not considered to be a concern.

As there were no further questions for Mr Lawrence and his team, the Chair thanked them for answering the Committee's questions and offered Committee Members the opportunity to ask officers any remaining questions they had in relation to the application. The Committee had queries in relation to the need for student accommodation against the recognised urgent need for residential homes in Brent, the daylight/sunlight assessments and overshadowing, student affordable units, the design of the building to maximise student safety and the proximity of the development to the existing residential blocks. The following responses were provided:

- Following a Committee request for clarification in relation to the policy basis for student accommodation, particularly when weighed against the need for residential homes in Brent, the Committee was advised that the London Plan identified the need for 3500 bed spaces for students across London annually. Policy H15 promoted the use of purpose-built student accommodation in well-connected areas for mixed use development regeneration schemes. As the site also fell within the Wembley Growth Area, it was felt the relocation was appropriate and in line with policy to meet the needs of an increasing student population across London.
- Student accommodation also contributed towards overall housing targets, with student accommodation counting towards 2.5 equivalent of a conventional house, therefore the scheme's provision of 619 student units equated to 247.6 new homes.
- The accommodation would be secured by condition for occupation by full time students for 39 weeks a year (term time) outside of term time the units would

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be available for short term lets, for example to assist with tourism in the Summer, supporting the wider culture and economy in Brent.

- The Committee queried the impact the proposed development would have on the daylight/sunlight and overlooking of neighbouring residential buildings. Officers acknowledged that there were some minor shortfalls to some neighbouring buildings, however given the high density urban context, it was felt the limited harm was outweighed by the schemes wider benefits. It was also noted that the overall effect to daylight and sunlight was considered to be consistent with the previously consented scheme.
- Officers clarified that the scheme was tenure blind, therefore students letting an affordable student unit would enjoy the same high quality accommodation as other students.
- Following a Committee query in relation to the consideration given to the design of the building to ensure access for students was safe during the day and night, officers confirmed that a student management plan would be conditioned to look at how communal spaces would be managed and monitored to ensure safety.
- The Committee queried how close the proposed scheme was to the existing neighbouring building, particularly as objectors raised concerns that they felt the proposed scheme would be too close. Officers advised that the building measured a distance of 14m from window to window. Although SPD1 guidance recommended 18 metres between direct facing habitable room windows, it was felt that given the context of the high density urban nature of the development and the use of obscured windows where necessary the distance was acceptable and would not cause harm.

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

DECISION: Granted planning permission subject to the referral of the application to the Mayor of London (stage 2 referral) and the prior completion of a legal agreement to secure the planning obligations as detailed in the Committee report; and the conditions and informatives as set out in the Committee report and supplementary report.

(Voting on the item was unanimous)

### **6. 22/1145 – Prospect House, North Circular Road, Stonebridge, London, NW10 7GH**

#### PROPOSAL

Demolition of existing building and erection of a 23 storey building to provide 139 units (Use Class C3) and 801sqm of creative light industrial floor space (Use Class E(g)(iii)) together with associated wheelchair accessible vehicle parking, cycle parking, landscaping, play areas, public realm improvements and associated works (Departure from Policy E4 of the London Plan and BE2 of Brent's Local Plan).

#### RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to:



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- (1) The prior completion of a legal agreement to secure the planning obligations as detailed in the Committee report and that the Head of Planning is delegated authority to negotiate the legal agreement.
- (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.

Sean Newton, Principal 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 sought the demolition of the existing building to construct a 23 storey building to provide 139 self-contained residential units and 801 square metres of creative light industrial floorspace, together with wheelchairs accessible parking, cycle parking landscaping, play areas and public realm improvements. The development would be car free with the exception of the blue badge /wheelchair accessible parking. The site fell within the Alperton growth Area and the Alperton Tall Building Zone. The site was not located within a Conservation Area.

The Committee's attention was drawn to the supplementary agenda that provided some minor alterations to the Committee report in relation to the age group the onsite play space catered for and the floor to ceiling height of the commercial units.

It was also clarified that there had been an error made in the Committee report in relation the applicant's financial contribution to a CPZ, the Committee was advised that the correct figure was £35k.

The Chair thanked Sean Newton for introducing the report, as there were no Committee questions raised at this point, the Chair invited the first speaker, Councillor Georgiou (as local ward councillor) to address the Committee (in person) in objection to the application. The following key points were highlighted:

- Residents were concerned with what they felt was overdevelopment of the Alperton area.
- Residents had reported that they had seen limited public benefits from the new schemes and had been negatively impacted by the increasing number of high density developments which they felt caused issues with increased traffic congestion, pressures parking and underfunded support for local infrastructure improvements.
- Councillor Georgiou acknowledged the need for local housing, however felt that it had to be the right housing to benefit existing and future residents.
- It was felt that the scheme failed to provide genuinely affordable housing, although there was an element of shared ownership units, it had previously been recognised that the shared ownership model was not genuinely affordable.

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- The site location was felt to be inappropriate due to its close proximity to the highly polluted North Circular Road and its distance from local amenities, including open green space. The lack of amenities would particularly be an issue for any residents with additional mobility requirements.
- The site's close proximity to both the River Brent and the Grand Union Canal as well as sitting within a Flood Zone was a cause for concern.
- In summarising the concerns Councillor Georgiou urged the Committee to listen to residents and reject the application on the basis of the objections raised.

The Chair thanked Councillor Georgiou for making his representation on behalf of Alperton residents and proceeded to invite Jaghan Vihra (applicant) and Mia Scaggiante (planning consultant) both in person to address the Committee in relation to the application. Mr Vihra and Ms Scaggiante had agreed to share their allocated time to speak and were also joined by their architect, Mr Nick Francis (online). Mr Vihra shared the following key points:

- It was his vision to improve the use of site to support regeneration in Brent to deliver benefits to the local community.
- The re-development of Prospect House would complement the forthcoming Northfield Masterplan to provide more than 3000 new homes.
- Despite the sites close proximity to the North Circular Road, Mr Vihra felt there were many positive local attributes to the site that included the Grand Union Canal, the nature reserve and the River Brent.
- Extensive work had been undertaken to revise the original plans to ensure the development would be the best fit for the local area.

Ms Scaggiante then addressed the Committee to share the following points:

- The applicants planning team had worked closely with officers to develop the proposals to create a mutually agreeable policy compliant application.
- The design team had positively responded to the impacts of the North Circular to mitigate any negative impacts by orientating all windows, living spaces and external amenity spaces away from the road and towards the canal or to long-distance views.
- The high quality landscaped buffer between the building and the road, together with other greening and biodiversity throughout the site resulted in an Urban Greening Factor of 0.73, beyond the 0.4 requirement and a Biodiversity Net Gain of 100%.
- The scheme would provide sheltered amenity and play areas at the rear, facing the River Brent and high performance glazing and building fabric to mitigate noise.
- Further benefits of the scheme included 139 new homes, with 35% of these recognised as affordable and 72% at London Affordable Rent, including 15 family sized homes.
- Affordable creative workspace would be included with an estimated 10 new jobs, further jobs would be created through the construction phase.
- A permissive route (open to the public) would be created through the site, enabling future connections to the canal and Northfields.
- The energy efficient building would complement the Northfields Masterplan and improve flood capacity and river enhancements.

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- In closing her comments Ms Scaggiante encouraged the Committee to consider how the scheme aimed to optimise the site area by transforming the site to a vibrant and active place to live and work and on this basis felt the application should be approved.

The Chair thanked Mr Vihra and Ms Scaggiante for addressing the Committee and offered members the opportunity to ask any clarifying questions they had. The Committee raised questions in relation to the Police response to the application and flooding. The following responses were provided:

- Mr Vihra and Ms Scaggiante confirmed that the Police recommendation that the development should be secured by designed was accepted as an additional condition that would be enacted.
- In response to the Committee request for clarification on the impact of the proposed development on flood risk, the Committee was advised that as the site fell with Flood Zone 3a, the applicant had followed due process and submitted a Flood Risk Assessment (FRA). The Environment Agency supported the application subject to various conditions and mitigations being put in place that included the design of the building, residential units starting from the 3<sup>rd</sup> floor upwards, and the building being set back from the River Brent.

As there were no further questions, the Chair proceeded to invite the Committee to ask officers any remaining questions or points of clarity they had. Members had further queries in relation to air quality, the noise impact assessment, amenity space, and flood risk. The following responses were provided:

- The Committee was advised that the site was located within an Air Quality Management Area and given the sites close proximity to the North Circular Road, air quality had been addressed as a key issue. The Committee noted that the concentration of emissions would be at its highest at the ground floor level, therefore, to mitigate this residential units would be built from the 3<sup>rd</sup> floor up and balconies and designated communal play space areas would not face the North Circular. The design measures in place were felt to adequately mitigate the risks of unduly exposing residents to pollutants. The scheme was considered to be air quality neutral and therefore acceptable.
- Following a Committee query in relation to the impact of noise on residents, officers recognised that the most likely source of noise nuisance would be from vehicular traffic from the North Circular, however various mitigations would be in place to limit excessive noise including the stepped footprint of the building, double glazing and mechanical ventilation. It was also recognised that noise would reduce as you moved through the levels of the building. It was considered acceptable that through the mitigation measures proposed the development would not result in unacceptable noise levels to future occupiers.
- In response to the Committee's comments in relation to amenity space, specifically for older children for whom designated play space had not been included within the proposed development, the Committee was advised that the forthcoming redevelopment of the neighbouring Northfield Site would provide additional amenity space, the applicant would be making a financial contribution to support the construction of a permissive path that would provide a safe access route between the Prospect House site and the Northfields Site. Additionally, in line with policy BH13 the scheme provided amenity space through private balconies and communal areas.

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- The Committee required clarity in relation to the site's flood risk, in response officers advised that given the sites close proximity to the River Brent and the Grand Union Canal, protection of and access to the River Brent as well as flood mitigations were key considerations of the proposed development. Mitigations included reducing the footprint of the building, raising floor levels, locating the residential elements of the building to the 3<sup>rd</sup> floor and above and the creation of a Flood Warning & Evacuation Plan.
- To further support flood mitigation and in line with London Plan policy S113 and Local Plan Policy BSUI4 that required developments to utilise Sustainable Urban Drainage Systems (SUDS), the proposed scheme included a SUDS strategy to retain and re-use as much rainfall prior to discharge in to the public sewer, as well as the addition of blue and green roofing to slow discharge rates. The planned mitigations would provide a betterment to the current situation by reducing impermeable surfacing by 26%.

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

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

(Voting on the recommendation was unanimous)

### 7. Any Other Business

None.

The meeting closed at 9:37pm

COUNCILLOR KELCHER  
Chair

## 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

18 October, 2023  
04  
23/0989

## SITE INFORMATION

RECEIVED	28 March, 2023
WARD	Harlesden & Kensal Green
PLANNING AREA	Harlesden Neighbourhood Forum
LOCATION	5-6 Park Parade, London, NW10 4JH
PROPOSAL	Change of use from betting office to amusement centre (adult gaming centre) and alterations to shopfront at 5 Park Parade. Retention of (reduced size) betting office and alterations to the rear elevation comprising removal of louvre vent and installation of new door at 6 Park Parade
PLAN NO'S	See Condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_164275">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_164275</a></p> <p><b><u>When viewing this as a Hard Copy</u></b> .</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "23/0989" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

A. That the Committee resolve to GRANT planning permission.

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


Conditions:

1. 3 Year time period
2. Approved plans / drawings
3. Materials
4. Window Display
5. Opening Hours
6. Details of slope to entrance 5 Park Parade
7. Noise

Informatives:

Any informative(s) considered necessary by the Head of Planning

## SITE MAP

	<b>Planning Committee Map</b> Site address: 5-6 Park Parade, London, NW10 4JH © Crown copyright and database rights 2011 Ordnance Survey 100025260
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This map is indicative only.

## PROPOSAL IN DETAIL

Change of use from betting office to amusement centre (adult gaming centre) and alterations to shopfront at 5 Park Parade. Retention of (reduced size) betting office and alterations to the rear elevation comprising removal of louvre vent and installation of new door at 6 Park Parade.

## EXISTING

This application relates to a double fronted ground floor commercial unit currently comprising a vacant betting shop. It sits within a three-storey Victorian terrace with residential properties above. The site is located within secondary shopping frontage within Harlesden Town Centre. The site is within the Harlesden Creative Cluster.

The site is located in an Archaeological Priority Area and to the rear boundary of the site is a site of Archaeological Importance. The site is within an air quality management area and the Harlesden and Willesden Junction Air Quality Focus Area. The site is not listed nor located within a conservation area.

## SUMMARY OF KEY ISSUES

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

- 1. Representations received:** 60 objections have been received. Officers have considered the comments and these are discussed in the report below. When taking into account the planning policies that are relevant to the proposal, it has been found that the proposal is in general accordance with the development plan.
- 2. Change of Use/Principle of Development:** The existing site was previously in use as a double fronted betting shop. The proposal includes the sub-division to two separate units, one to be retained as a smaller betting shop and the other as an adult gaming centre. The proposal has been assessed to comply with Policy BE5 of the Brent Local Plan and is not considered to lead to an over-concentration adult gaming centres and pawnbrokers in the vicinity. The proposal would result in a reduced frontage of betting shop use.
- 3. Character and Appearance:** The external alterations are minor in nature and would not detract from the appearance of the subject property or wider streetscene or Harlesden Town Centre. A condition is recommended to secure an appropriate level of active frontage.
- 4. Neighbouring Amenity/Noise:** The development has been assessed having regard to the proposed development and proximity of residential sensitive receptors with regard to the proposed operating hours, use and regard paid to the appeal decision and planning history. A restriction to opening times is proposed which is considered to be reasonable for the proposed use and size of the premises along with the submission and approval of a sound insulation condition.

## RELEVANT SITE HISTORY

### History

#### **22/1619 – Refused (06/07/2022)**

Change of use from betting office to amusement centre (adult gaming centre) and alterations to shopfront at 5 Park Parade. Retention of (reduced size) betting office and alterations to the rear elevation comprising removal of louvre vent and installation of new door at 6 Park Parade

#### Reason for refusal:

*'The proposed change of use would result in an unacceptable over-concentration of Adult Gaming Centres, it would harm the vitality and viability of Harlesden Town Centre. The proposed development is contrary to*

**20/3169 – Appeal Dismissed (14/10/2021)**

Change of use from betting office (Use Class Sui Generis) to amusement centre (adult gaming centre) (Use Class Sui Generis).

**00/1706 – Granted (19/09/2000)**

Change of use from retail (Use Class A1) to licensed betting office (Use Class A2)

Condition 2: \_

*‘The premises shall not be used except between the hours of 0800 hours and 2230 hours Sundays to Thursdays and between 0800 hours and 2300 hours Friday and Saturdays without the written consent of the Local Planning Authority.*

*Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.’*

## CONSULTATIONS

A total of 89 consultation letters were sent on 23rd May 2023, this is inclusive of Harlesden Neighbourhood Forum and Local Ward Councillors.

60 objections were received in total inclusive of objections from Councillors, Harlesden Neighbourhood Forum and Harlesden Area Action Group, the Police Safer Neighbourhood Team and the Salvation Army. The following Councillors objected:

Cllr Mili Patel –Harlesden and Kensal Green Ward  
Cllr Jumbo Chan – Harlesden and Kensal Green Ward  
Cllr Jake Rubin – Roundwood Ward  
Cllr Elliot Chappell – Roundwood Ward  
Cllr Fleur Donnelly – Jackson – Roundwood Ward

The table below summarises concerns raised and provides officer comments or direct readers to the main body of the report:

Objections Raised	Officer comment
<p><u>Impact to vitality and viability of town centre and overconcentration of adult gaming centres</u></p> <p>Over concentration of adult gaming centres, pawn brokers or loan shops. Does not accord with Brent policy. Lack of diversity in shops.</p> <p>Other adult gaming centre nearby.</p> <p>Reference made to OPDC Polices, they state betting shops, pawnbrokers and payday loans should not be located within 400m of one another.</p> <p>Creation of separate does not meet the requirement for having at least 4 units of intervening uses in between such uses.</p> <p>Reference made to NPPF sustainable principles and states this contravenes such principles.</p> <p>Concern proposal would have negative impacts for the vitality and viability of town centres. Contravenes Harlesden Neighbourhood Forum</p> <p>States that footfall would be less than a betting shop. Refers to other</p>	<p>See main body of this report which addresses impact to vitality and viability of the town centre as well as the impacts of an overconcentration of such uses.</p> <p>The Council’s planning polices seek to ensure the viability and vitality of our town centres is maintained. The impact of non-retail uses is assessed against the relevant policies in the Principle of Development</p>

documents such as the OPDC Town Centre Study.

Crime and anti –social behaviour will drive customers away from Park Parade, impacting on nearby shops and an empty shop is better than an adult gaming centre.

Could be used by an actual shop front or alternative use that provides positive benefit for the community.

States an alternative use would employ more people and though the applicant states an advantage would be investment to the premises objectors note any investment would be an improvement.

Use drains money from residents to use in shopping centre.

The stretch of the road is littered with shops and cafes that are used mainly by males.

Less attractive to employees in local businesses

Obligation to regenerate high streets, states that it is not in line with the 'borough of culture'

Park Parade improved dramatically since closure of betting shop.

Park Parade is a side street different to a high street, caters for the residents who live on and around Park Parade.

Splitting the premises into an adult gaming centre and betting shop goes against the spirit of the plan, still advocating gambling.

Reference to the Harlesden Neighbourhood Plan and intent to manage clusters of such uses to prevent overconcentration.

Applicant not shown due diligence, no evidence of impact of proposal.

States criteria D required 4 alternative uses in between and this proposal would fail on this ground.

In close proximity to other Adult Gaming Centres.

Undermines regeneration plans of OPDC and Crossrail HS2 and improvements to Town Centre.

Despite being under threshold, concerns still raised.

Footfall for retailers adjacent to betting shops, payday lenders and adult gaming centres is significantly lower (reference made to Brent Surveys)

Harlesden not listed in London Plan for night time economy, yet applicant refers to contributing to night-time economy.

Not an inclusive use.

Requests number of machines should be limited to 4 in the adult gaming premises.

A full assessment should be undertaken to ensure figures are accurate.

Section.

It is not considered reasonable to impose such a condition given that the threshold of adult gaming centres has not been breached.

A survey of the Town Centre has been

Shop Vacancy .

Notes the shop has been vacant, but that there is no evidence of marketing.

Applicant has left shop to deteriorate to be used as an argument that the AGC will improve the area.

Although vacant an AGC would not improve Harlesden's Vitality and viability.

Vacancy rate concern and any active retail is welcomed subject to constraint, including active frontage.

Short term commercial gain.

Number of businesses used as fronts for money laundering.

Increase in anti- social behaviour, crime and disorder, littering, noise and disturbance .

Already a problem in area with crime and anti-social behaviour. Concern proposal would worsen crime and anti-social behaviour.

Use will encourage loitering, crime, noise and disorder.

Police objected to previous applications.

undertaken and, planning history of the properties within the Town Centre has also been reviewed in consultation with the Planning Policy Team . Following the evaluation of this information, it has been concluded that the proposal would not result in the 3% threshold being breached. Please see the Principle of Development' section for more details about the policy wording.

As a result of the proposed development the threshold of 3% outlined in Policy BE5 of the Brent Local Plan would not be breached. There is no requirement to undertake marketing in this instance.

Marketing information is not required by the planning policy and officers cannot speculate on the reasons for the unit remaining vacant. Nevertheless, only modest weight is given to the benefits associated with bringing a vacant unit back into use in the absence of such information.

Please see 'Principle of Development section of this report.

A Planning Condition is recommended to address level of active frontage.

The previous application and appeal decision are material planning considerations. The Planning Inspector did not support the Local

Concern about gangs loitering.

Use would attract ASB (anti-social behaviour) /opens up late and has in turn led to many years of complaints from residents and businesses alike.

Late night licence encourages drinking and anti-social behaviour on Park Parade

Objection refers to a Witness Statement referring to customer becoming intoxicated, abusive and threatening.

When money lost people can be aggressive and attack shopfront. Not all incidents are reported.

Flats above will be affected by noise.

Male dominated area and concern about intimidation from loitering and street drinking. The site is in the path of the main route from the station to the Town Centre.

Many objections refer to Park Parade being residential in character and increasingly so with new residential developments.

Resource intensive to police.

Open Space Closure Orders in addition to Brent Council's PSPO's implemented.

Harm outweighs benefits.

Requests a licence is not granted.

CCTV is not adequate mitigation.

Public Order applied to William Hill on Craven Park.

Lack of space to rear will mean smokers stand on pavement.

Police previously opposed licence.

Concerns about licensing and alcohol.

Planning Authorities view in terms of impact of the proposal on crime, anti-social behaviour and disorder. Please see the Planning Background section as well as a further assessment with the 'Impact to Residential Amenity' section of this report.

Given the size of the premises, it is not considered to give rise to significant numbers of people as to cause an obstruction of the pavement outside.

Planning is a separate legislative regime to Licencing.

An alcohol licence would be required to consume alcohol on the premises and would be considered under Licencing Legislation.

#### Operational Hours

Concern about opening hours which is not clear. Could be open later than existing.

Increase in opening hours would increase net amount of gambling,

Please see Impact to Residential Amenity section of the report



exacerbating crime, ASB and disorder as well as disturbance. Requested earlier closing times be conditioned.

Close to residential use.

### Social impacts

High levels of debt and deprivation and vulnerable people. Already huge inequality in area. Reference made to Brent Poverty Commission Report, case studies include those addicted to gambling.

Results in addiction.

Concerns about impact to crime, poverty, addiction and well-being. Raises concerns regarding the negative impacts to health and wellbeing. Reference made to studies about the impacts of gambling.

Makes reference to Labour Councillors statement to improve things including unmanageable debts.

Drains money from most vulnerable and targets these people specifically.

Does not social cohesion. Should encourage businesses for jobs and community spirit. Does not serve community.

Schools/places of education nearby and near key transport, main thoroughfare. Reference made to the Governments launch of 'School Super zones' concept. Concerns for harm to young and/or vulnerable people. Studies referred to.

Harm to vulnerable people such as homeless. In addition located close to homeless accommodation shelter.

Refers to existing problems including 'male only' cafes with drug dealing and street drinking. Refers to gender asserting male orientated use

Impacts to social and mental health. Use is negative for health and does not contribute to a healthier place to live.

Rebranding to gaming centre may make it more attractive to young people.

References made to the 2019 Statement of Principles for Gambling, particularly that gambling is a source of crime or disorder.

References made to the 2019 Statement of Principles for Gambling noting that *the cost to the borough of gambling-related harm is, per the 2012 Health Survey for England in excess of £2 million. At a time when services are hard hit by the impact of COVID -19 it seems illogical to increase the burden on services by expanding the impact of a recognised co-morbidity. In 2019 there were 94 licensed gambling premises in Brent. These have a dire impact in a deprived borough. Allowing an adult gaming centre to operate from 9am-midnight in an area with a late night economy of late-opening cafes and a pub cannot rationally accord with Objective 1 of the Statement of Principles for Gambling.*

Many residents in Harlesden have mental health problems, are on low income or have various physical or learning disabilities. Gambling is known addiction, that appeals to poor judgement, ruins lives of whole families and takes away the future financial security from children. It is a great temptation to those residents who lack greater vision and motivation in their life.

Doesn't make Harlesden a nice place to live and work

Impact to well-being.

The Council can only consider planning policies and material planning considerations, and the policies relating to are discussed in this report. Nevertheless, the Council must also consider potential equalities impacts associated with a proposal.

With regard to the impact on children, there is a statutory requirement to exclude under 18s from AGCs.

The Gambling Commission sets out the Licence Conditions and Codes of Practice (LCCP), which are applicable to operators of AGCs. Monitoring and enforcement is undertaken by local authority licensing officers and the Gambling Commission's licensing officers. It is that regulatory, licensing and enforcement framework which is intended to enable safe gambling as a leisure activity whilst protecting children and vulnerable persons and ensuring that there is no association with anti-social behaviour and criminal activity.

Gender imbalance.  
 Wouldn't be accepted in other boroughs.  
 Concern would result in 'Dompaming' refers to neuro diversity.  
 Vulnerable people with mental health issues are at risk.  
 Advertising encouraging gambling, references to advert impact studies.  
 Obscuring view of machines not effective mitigation.  
 Cost of living and impacts from Covid, plus cost of living crises results in more vulnerability.  
 States that it may offer employment but raises concerns that it leaves a legacy of social problems.

Visual appearance

Impact to active frontage. Addition of advertising on windows. Looks tacky.  
 Reference made to Harlesden Heritage Action Zone work. States proposal would undermine this work, including bringing community together for cultural creative activities, yet an AGC may put people off.

Please see 'Impact to Character and Appearance section of this report'.

The site is not located within the Conservation Area. There is no evidence to suggest that resident's would not use the Town Centre due to the AGC in this instance.

Previous cases/appeals

Reference made to previous refusal in 2021 and the dismissed appeal in this site. Planning was refused and states nothing has changed since. Multiple applications, wasting time.  
 Questions why another application has been accepted by Brent Council.

Each application is determined on its own merits.

The detailed consideration section of this report provides an analysis of the site planning history and differences between the previous case and this proposal. This is summarised in the 'Planning Background' section of this report.

Other

Term amusement too vague, could mean a number of uses.  
 Pavement narrow and next to a bus stop.

The proposed use is understood, Paragraphs 4.7 – 4.9 provide more information about the use and refer to the premises containing gaming

machines.

It is not considered that the scale and type of use would result in significant numbers of people 'spilling' out onto the pavement. Brent's Transport Team did not raise any objection in this regard.

### **Internal Consultations**

Brent Transport Team – No objection

Brent Environmental Health – No objection

## **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**

### **Harlesden Neighbourhood Plan 2019**

Relevant policies include:

### **London Plan 2021**

- D4: Delivering Good Design
- D12: Fire Safety
- E9: Retail, markets and hot food takeaways
- T4: Assessing and Mitigating Transport Impacts
- T5: Cycling
- T6: Car Parking

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

- DMP1: Development Management General Policy
- BD1: Leading the Way in Good Urban Design
- BE5: Protecting Retail in Town Centres
- BE7: Shop Front Design and Forecourt Trading
- BT1: Sustainable Travel Choice
- BT2: Parking & Car Free Development

### **Harlesden Neighbourhood Forum**

#### Other material considerations

The following are also relevant material considerations:

- National Planning Policy Framework
- National Planning Practice Guidance

Supplementary Planning Guidance / Documents:

- SPD1 – Brent Design Guide 2018
- SPD3 – Shopfront Design Guide

### Public Sector Equality Duty

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.

## DETAILED CONSIDERATIONS

### Planning Background

1. This application relates to a double fronted ground floor commercial unit currently comprising a vacant betting shop. It sits within a three-storey Victorian terrace with residential properties above. The site is located within secondary shopping frontage within Harlesden Town Centre.
2. The previous planning history is a material consideration when determining a planning application. An application (reference 20/31698) for the change of use from betting office (Use Class Sui Generis) to amusement centre (adult gaming centre) (Use Class Sui Generis) was refused for the following reasons:
  - *The proposed change of use and operational hours would result in an unacceptable over-concentration of Adult Gaming Centres, it would harm the vitality and viability of the Harlesden Town Centre and is likely to result in exacerbated negative impacts such as noise disturbance, crime and anti-social behaviour. The proposed development is contrary to DMP 1 and DMP 3 of the Brent Development Management Policies Plan (2016).*
  - *Insufficient details have been submitted in regard to the external alteration (staircase, access and changes to window) as such the Local Planning Authority is unable to fully consider the impacts of the external alterations, contrary to Policy DMP 1 of the Brent Development Management Policies (2016).*
3. The application was appealed and dismissed. The Inspector agreed that the proposed development would result in an exceedance of 3% of the frontages in use as adult gaming centres or pay day loan shops, resulting in an overconcentration of uses within the frontage. The Inspector concluded the proposal would have a harmful effect on the vitality and viability of Harlesden Town Centre.
4. The Inspector found that the proposal would result in harm to the living conditions of occupiers of neighbouring properties with regards to noise and disturbance. However, they did not support the Local Planning Authorities view in terms of crime, anti-social behaviour and disorder, at paragraph 16 of the Appeal Decision they stated:
 

*'From the evidence before me, I am not convinced that the proposal would have a harmful effect on crime, disorder and anti-social behaviour in the surrounding area.'*
5. Finally, the Inspector agreed that there was insufficient information provided to determine whether the proposed external alteration such as an external staircase would be acceptable.
6. A later planning application (reference: 22/1619) was submitted for the *'Change of use from betting office to amusement centre (adult gaming centre) and alterations to shopfront at 5 Park Parade. Retention of (reduced size) betting office and alterations to the rear elevation comprising removal of louvre vent and installation of new door at 6 Park Parade'*.
7. Key changes between the above case (ref 22/1619) and the dismissed case included:
  - The proposal sought to divide the unit into two units, resulting in the change of use of number 5 Park Parade; with the retention of 6 Park Parade as a reduced sized betting office.
  - Alterations to the frontage of number 5 including the addition of a door and recessed entrance

area

- To the rear the existing louvre vent to the plant room would be removed and a new door is proposed with the remaining area being bricked up
- The operating hours were previously proposed to be 24 hours in the dismissed appeal scheme, whereas the later refused scheme sought the following opening hours

Monday to Friday, Saturdays & Bank Holidays: 08:00-22:00

8. This later scheme (ref 22/1619) was refused on 06/07/2022 for the following reason:

*'The proposed change of use would result in an unacceptable over-concentration of Adult Gaming Centres, it would harm the vitality and viability of Harlesden Town Centre. The proposed development is contrary to DMP 1 and BE5 of the Brent Local Plan 2019-2041.'*

9. This application currently under review seeks planning permission for the exact same development. The applicant outlines within their Planning, Design and Access Statement that there has been a change to the proportion of frontage in pay day loan use and as such the proposed development would now comply with the overall 3% threshold for adult gaming centres, pawnshops and payday loan shops collectively, as outlined within Policy BE5 of the Brent Local Plan.

### **Principle of Development**

10. The proposal would result in the subdivision of numbers 5 & 6 which are currently amalgamated into one unit and the change of use of number 5 Park Parade to an adult gaming centre (sui generis use). The resulting unit at 6 Park Parade would be retained as a reduced sized betting office. Other external alterations are proposed and discussed in detail later sections of this report.
11. The site consists of a double fronted unit which is currently vacant, the last use was as a betting shop. The site is secondary frontage within Harlesden Town Centre. London Plan policy E9 C) 7 states development should manage clusters of uses having regard to their positive and negative impacts on town centre vitality, viability and diversity. An overconcentration of uses can reduce the diversity of offer of a town centre and can therefore impact on its ability to meet local needs as well as its vitality.
12. Policy BE5 relates to betting shops, adult gaming centres and pawnbrokers, it seeks to prevent an over-concentration of particular uses in close proximity to a unit in the same use. The diversity of uses can be impacted by over concentration of uses, it can impact the Town Centre's ability to meet local need as well as the vitality and viability.
13. Harlesden Neighbourhood Plan asserts that although many of the services taking over shop units attract people to town centres, some are less of an attraction and an over-concentration especially can lead to a centre being less attractive to shoppers and other visitors. It asserts that Harlesden has the second highest level of 'casino/betting floorspace, it then goes on to say that Harlesden has no casino and this must relate to betting and/or adult gaming centre floorspace.
14. Brent Local Plan Policy BE5 outlines criterion where Betting Shops, Adult Gaming Centres and Pawnbrokers may be considered acceptable in principle.
15. The relevant criterion is there for a), b) and d) as listed below:
  - a) *no more than 4% of the town centre frontage consisting of betting shops;*
  - b) *no more than 3% of the town centre frontage consisting of adult gaming centres or pawnbrokers/payday loan shops;*
  - c) *no more than 1 unit or 10% of the neighbourhood parade frontage, whichever is the greater, consisting of betting shops, adult gaming centres or pawnbrokers/payday loan shops;*

*d) a minimum of 4 units in an alternative use in-between each.*

16. The proposal would retain one of the units as a betting shop, although Criterion 'a)' is relevant, the proposal would result in the reduction of betting shop use. As such the proposal would not result in an overconcentration of betting shop uses.
17. The previous section of this report provides details of the planning history on site, to re-iterate the previous application (which was for exactly the same development) was refused on the basis that it would exceed the 3% threshold of frontage of the town centre in the following uses; adult gaming centres/pawnbrokers or payday loan use Thereby, failing to accord with Policy BE5 criterion b), resulting in an overconcentration of such uses, which was considered to harm the vitality and viability of Harlesden Town Centre. Updated town centre information, such as the occupancy / use information has been provided and further surveys have been undertaken by Council officers, including a review of recent planning permissions for premises within the centre.
18. It is noteworthy that, since the previous refusal (06/07/2022), number 89 High Street Harlesden, which was formerly in use as a pawnbroker has been occupied by a retail use. This has resulted in a reduction in the frontage of length in the town centre in pawnbroker use (captured under criteria b of policy BE5).
19. 5-6 Park Parade have been vacant since at least December 2020 and have been subject to continuous vandalism harming the impression of the town centre. As a double fronted vacant unit it currently offers no meaningful contribution to the vitality or viability of the Town Centre.
20. Objectors have commented that the applicant has left the unit vacant and then cited this as part of the justification for the proposal. Marketing information is not required in relation to proposals for adult gaming centres as the Council's policies examine the concentration of such uses rather than the evaluation of alternative uses. It is therefore not known (and not required to be shown by the applicant) whether this unit could have been let for alternative purposes instead of remaining vacant. As such, very modest weight is given to the benefits associated with bringing a vacant unit back into use.
21. Objections have been received in relation to the vitality and viability as well as the concentration of adult gaming centres and betting shops in the town centre. Policy BE5, Criterion b) addresses this matter and seeks to limit the proliferation of uses such as adult gaming centres. The proposal would result in the addition of one shop unit to an adult gaming centre use. When taking into account the updated surveys and recent planning consents, the proposed development would not result in more than 3% of the town centre frontage in adult gaming, centres/pawnbrokers/payday loan shops thereby complying with criteria b.
22. Therefore, the proposed development has overcome the previous reason for refusal and is compliant with Policy BE5. It is not considered that the proposed development would result in an overconcentration of adult gaming centres or pawnbrokers/payday loan shops, nor would harm be caused to the overall vitality and viability of the Harlesden Town Centre.
23. Objections have been received in regards to the proximity to other gambling premises, noting number 10 Bank Buildings and number 53 Harlesden High Street. These are located approximately 163m and 170m from site respectively. Nevertheless, the proposed development is not considered to result in an unacceptable concentration or clustering of such uses when taking into account the parameters set within the adopted policies.
24. Criterion C is not relevant as the site is not located with a neighbourhood parade frontage.
25. Criterion d) asserts that there should be a minimum of 4 units in alternative use in-between each. The proposal would result in the sub-division of the unit with one unit being a betting shop and the other proposed as an adult gaming centre.
26. It is acknowledged that the wording within criteria d) is arguably open to interpretation as the wording within the policy itself refers to a "minimum of 4 units in alternative use in-between each" without clarifying

whether that is between each separate use of each separate unit. For example, if it related to each separate use then a betting shop next to an adult gaming centre would comply with this policy (as they are different uses). If it related to each separate unit then it would not comply. However, the supporting text within the Local Plan (para 6.4. 39) clarifies that this policy looks to ensure that sufficient separation is present between each use (rather than unit). Given that the supporting text has been provided to explain the purpose of the policies within the plan, this is considered to be the correct interpretation. As such, the proposal complies with this part of the policy as there are a minimum of 4 units in alternative use between each use. For clarity, the following is specified within paragraph 6.4.39 within the Local Plan:

*'To ensure there is not an overconcentration of particular uses within any single length of frontage the policy seeks to prevent adult gaming centres, pawnbrokers, betting shops and takeaways locating in close proximity to a unit in the same use.'*

27. In summary, the proposed change of use would not result in an unacceptable over-concentration of Adult Gaming Centres, it would harm the vitality and viability of Harlesden Town Centre. The proposed development is considered to be in accordance with to DMP 1 and BE5 of the Brent Local Plan 2019-2041. The principle of development is in accordance with the Council's policies and the London Plan and therefore is considered acceptable.

### **Impact Residential Amenity**

28. The site is located within a town centre with commercial uses at ground floor and residential uses above. A number of objections were received in relation to impact to residential amenity.
29. It is considered that the proposed use, including the type and number of machines and commercial activity would result in the transmission of noise from commercial activity at the ground floor to the residential units above. Therefore, if the application was minded for approval a condition requiring the submission of a scheme of sound insulation measures to be submitted to the Local Planning Authority for approval would be recommended.
30. Brent's Environmental Health Team were consulted they raised no objection, they referred to the need to limit noise from plant, yet no plant is proposed as part of this application.
31. The application has applied for the following operational hours for both units:
- Monday to Friday, Saturdays & Bank Holidays: 08:00-22:00
32. Under reference 00/1706 which was a change of use to a betting shop, condition 2 restricted the use between 8am -10:30pm Sunday to Thursday and between 8am and 11pm Friday and Saturday, the reason attached was *'To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.'*
33. The appeal scheme was for 24 hour use and the Inspector at Paragraph 11 of the Decision Notice states:
- 'The proposal would be in close proximity to residential properties, mainly upper floor flats. It has been indicated that the proposal would operate 24 hours a day which would lead to comings and goings at times which are late at night or early in the morning. Customer movements during hours when noise levels are usually low would be prominent and much more noticeable which would result in occupiers of surrounding properties being unduly disturbed.'*
34. At Paragraph 12, the Inspector emphasised noise during the night and in the early morning. Given that the proposed development now proposed reduced opening hours as listed above, given the reduced hours and Town Centre location, it is not considered that the proposed comings and goings would result in adverse noise and disturbance if both premises are restricted to the hours proposed.
35. Comments were received raising concern that the use would result in crime, disorder and anti-social behaviour, noting the Police objected to the previous applications. Previous comments from the Police Safer Neighbourhoods Team suggested that adult gaming centres were driver for anti-social behaviour, maps were previously provided showing the location a concentration of anti-social behaviour, violence and drug offences. The comments noted a concentration around the Jubilee Clock and Silvertime gaming

centre. The Safer Neighbourhood Teams raised similar concerns with the Appeal Scheme, a list of offences were submitted and the Inspector was furnished with this. The Inspector did not support the Local Planning Authorities view in terms of crime, anti-social behaviour and disorder, at paragraph 16 of the Appeal Decision they stated:

*'The Council have detailed concerns relating to crime, disorder and anti-social behaviour including comments from local residents and bodies, the Police Safer Neighbourhoods Team and the Metropolitan Police. The Harlesden area is identified as an area of high deprivation with unemployment and homelessness levels generally high. There is no unequivocal link presented to me between these matters and the proposal which would result in a single AGC leading to a harmful effect on crime, disorder and anti-social behaviour in the area.'*

36. The appeal decision is material planning consideration. As such, having regard to the appeal decision, it is not considered that the proposed development would result in an unequivocal link between the addition of one adult gaming centre and the incidence of crime, disorder and anti-social behaviour.
37. A number of objections have been received in regard to the impact of betting shops and adult gaming centres (please see consultation section for more details). Planning and licensing are separate functions with different procedural and policy frameworks. The Gambling Commission sets out the Licence Conditions and Codes of Practice (LCCP), which are applicable to operators of AGCs. Monitoring and enforcement is undertaken by local authority licensing officers and the Gambling Commission's licensing officers. It is the regulatory, licensing and enforcement framework which is intended to enable safe gambling as a leisure activity whilst protecting children and vulnerable persons.

#### **Impact to Character and Appearance**

38. Policy DMP 1, BD1 and SPD 3 (Shopfronts) advocate good design and seek to ensure that proposed development does not result in harm to the character and appearance of the site and surroundings.
39. The proposal includes alterations to the frontage of number 5 including the addition of a door and recessed entrance area. The design and set back matches that of the existing entrance located at number 6. The plans show a slope up from the pavement into number 5, number 6 appears to have a minor slope up. In the interest of accessibility a condition is recommended to ensure an entrance ramp shall be provided for customers which is sufficient to allow wheelchair access in accordance with Part M of the Building Regulations and the ramp shall thereafter be retained and maintained.
40. To the rear the existing louvre vent to the plant room would be removed and a new door is proposed with the remaining area proposed to be bricked up. If the application was minded for approval a condition ensuring all materials match existing would be recommended.
41. Brent SPD 3 relating to shop fronts asserts shopfronts should provide or maintain an active frontage. While the proposal shows large divided glazed panels, betting shops and adult gaming centres often do not maintain an active frontage with obstructed or and as such a condition is recommended to ensure a reasonable level active frontage is maintained. Signage would be subject to Advertisement Consent.
42. A condition is recommended in regard to the window display to ensure an appropriately activated frontage is secured. It is also recommended that this condition seeks details to ensure an appropriate visual connection with views into and out from the unit.
43. The proposed development would not result in harm to the character and appearance of the host site or wider surrounding area.

#### **Transport Considerations**

44. Car parking and servicing standards would remain the same. The site currently does not offer off street parking or servicing and no changes are proposed either, so maximum standards will continue to be complied with. The site lies in a town centre and has excellent access to public transport services, so there are plenty of alternatives to driving to the site available. Whilst it is not ideal to service from the main street, the site will not have frequent servicing needs. The proposed new door to the frontage will be



similar to the existing, with a recessed inward opening door, which would be fine from a transport point of view.

**45.** Brent's Transport Team were consulted and raised no objection.

### **Fire Safety**

**46.** London Plan policy D12a indicates that the fire safety of developments should be considered from the outset. This includes measures to demonstrate space identified for the appropriate positioning of fire appliances, appropriate evacuation assembly points and floor layouts and cores planned around issues of fire safety for all building users.

**47.** A fire safety statement has not been submitted pursuant to Policy D12A which intended to ensure fire safety is considered early in the development process and accordingly deals with fire safety matters that could relate to land use planning. However, it is not intended to replace the detailed information required through Part B of the Building Regulations.

**48.** A fire statement has not been submitted. However, given the nature of the change of use, scale and type of minor external changes, the location it is considered reasonable to determine this case with an informative to the applicant regarding their obligations under Building Regulations.

### **Flooding and Sustainable Drainage**

**49.** Local Plan Policy BSUI4 sets out proposals for minor developments, householder development, and conversions should make use of sustainable drainage measures wherever feasible and must ensure separation of surface and foul water systems. Proposals that would fail to make adequate provision for the control and reduction of surface water run-off will be refused.

**50.** Local Plan Policy BSUI4 requires new developments to make use of sustainable drainage measures wherever feasible and ensure separation of surface and foul water systems. On site water management and surface water attenuation suggest that proposals should submit a Drainage Strategy in line with the hierarchy set out in policy SI13 of London Plan and must ensure separation of surface and foul water systems.

**51.** The site is in Flood Zone 1 at low risk of flooding. A small area to the frontage of unit 5 where a new door is proposed would include the addition of a slight slope, yet is already an area of hardstanding. In this circumstance, given the nature of the change of use, low risk of flooding and minor scale of external alterations it is considered that the proposal is acceptable in regard to flood risk and drainage and such reports are not necessary.

### **Equalities**

**52.** 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**

**53.** The principle of development is acceptable in principle. The proposed external alterations are considered to be acceptable in terms of impact to character and appearance of the subject property and the wider streetscene. The proposed development is not considered to have an adverse impact on the amenities of neighbouring properties. Subject to conditions the proposed use would be acceptable and not result in harm to the locality and neighbouring occupiers. The proposal is considered to be in general accordance with the development plan having regard to material considerations.

**Approval is accordingly recommended.**



Application No: 23/0989

To: Mr Etchells  
Roger Etchells & Co  
The Old Bank  
Kilwardby Street  
Ashby De La Zouch  
Leicestershire  
LE65 2FR

I refer to your application dated **28/03/2023** proposing the following:

Change of use from betting office to amusement centre (adult gaming centre) and alterations to shopfront at 5 Park Parade. Retention of (reduced size) betting office and alterations to the rear elevation comprising removal of louvre vent and installation of new door at 6 Park Parade

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

at **5-6 Park Parade, London, NW10 4JH**

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: 10/10/2023

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 the:-  
  
National Planning Policy Framework 2019  
The London Plan 2021  
Brent Local Plan 2019-2041  
Harlesden Neighbourhood Plan 2019 -2034
  
- 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 drawings:  
  
Location Plan  
A2855/P1 – Existing & Proposed Ground Floor Layout + Elevations  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
  
- 3 All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.  
  
Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.
  
- 4 The premises No.5-No.6 Park Parade shall not be open to customers other than between the hours of:  
  
08:00-22:00 (Monday to Friday, Saturdays, Sundays & Bank Holidays)  
  
Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.
  
- 5 A clear and unobstructed window display shall be maintained at all times with non-tinted/obscured glass in the entrance door and front windows. Additionally, signage and/or visual obstructions on the entrance door and any of the windows may be allowed to a maximum height of 1.2 metres from ground level with no promotional material shall be displayed on the windows or entrance door.  
  
Reason: In order to provide and maintain active frontage and to maintain a positive character of the shopping area.
  
- 6 Prior to the commencement of the use of number 5 Park Parade hereby approved, an entrance ramp shall be provided for customers which is sufficient to allow wheelchair access in accordance with Part M of the Building Regulations and the ramp shall thereafter be retained and maintained.  
  
Reason: In the interest of accessibility and equality.
  
- 7 Prior to the first use of number 5 Park Parade hereby approved, a scheme of sound insulation measures shall be submitted to the Local Planning Authority for approval. The insulation shall

be designed so that noise from the adult gaming centre use does not result in an exceedance of the indoor ambient noise levels specified within BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' in the flats above and adjacent to the uses. The approved insulation measures shall be implemented prior to the first use of number 5 Park Parade.

Reason: To protect acceptable local noise levels.

Any person wishing to inspect the above papers should contact Sarah Dilley, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2500

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

18 October, 2023  
05  
22/3260

## SITE INFORMATION

<b>RECEIVED</b>	<b>20 September, 2022</b>
<b>WARD</b>	<b>Northwick Park</b>
<b>PLANNING AREA</b>	<b>Brent Connects Wembley</b>
<b>LOCATION</b>	<b>231 Watford Road, Harrow, HA1 3TU</b>
<b>PROPOSAL</b>	Demolition of the existing building and the erection of building of up to five storeys to provide residential dwellings (Use Class C3); car and cycle parking; landscaping, amenity space and play area; and refuse storage and other associated works
<b>PLAN NO'S</b>	See condition 2
<b>LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION</b>	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_161947">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_161947</a></p> <p><b><u>When viewing this as an Hard Copy</u></b> .</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "22/3260" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## INTRODUCTION

This application was initially placed on the agenda for the July 2023 Planning Committee meeting, but was deferred to allow further time to respond to a complaint /objection that was received following the publication of the committee report. This complaint was not upheld by the Council. The complainant has the option of escalating the complaint to the Local Government and Social Care Ombudsman (LGSCO).

This application was then presented to Planning Committee on the 9th August 2023. The Committee were minded to refuse the application owing to concerns that related to the following aspects of the proposal:

- Affordable Housing provision
- Scale of development
- Site optimisation of the potential planning benefits

Following discussion of the item at the August committee, a decision was taken to defer the planning application to enable officers to provide a report setting out an analysis, assessment and testing of the potential reasons for refusal cited by members.

Additional information and clarification is provided in relation to the above points. These aspects are discussed in detail below.

In summary, officers continue to recommend that the application is granted planning permission, subject to the conditions and s106 heads of terms set out in the August committee report.

### **Affordable Housing Provision**

#### **National Policy**

The National Planning Policy Framework (NPPF, 2023) paragraph 63 sets out that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- a) Off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) The agreed approach contributes to the objective of creating mixed and balanced communities.

#### **Regional Policy**

London Plan Policy H4 sets out that the strategic target is for 50 per cent of all new homes delivered across London to be genuinely affordable. Paragraph 1) of this policy relates to the approach to this within individual planning applications, setting out that major developments (10 residential units or more) are required to provide affordable housing through the threshold approach. The threshold approach to affordable housing is set out in London Plan policy H5 which establishes that schemes where the gross residential development is a minimum of 35 per cent affordable housing may follow the "Fast Track Approach". In this case the amount of affordable housing falls below this and the applicant needs to viability test their proposals to demonstrate that they accord with the policy requirement to deliver the maximum level of affordable housing deliverable within the scheme.

#### **Local Policy**

Brent's Local Plan supports the above approach, and Policy BH5 sets a target of 70% of affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products.

#### **Affordable Housing within this Proposal**

The scheme presented to members in August did not include any affordable housing. However, as specified within the application's Committee Report, this approach is in accordance with these policies.

The absence of an affordable housing offer has been substantiated through the Viability Tested Route, in line with Policy H5 of the London Plan. An Addendum Viability Study was submitted by the applicant indicating that the scheme is unviable with a deficit of £1,603,575. This effectively means that the applicant is choosing



to bear significant risk if they were to proceed under current market conditions and is of the view based on this work that the incorporation of *any* affordable housing would not enable them to bring the scheme forward.

This assessment has been closely scrutinised by industry experts appointed by the Council, and it is agreed that even this wholly private scheme would result in a deficit of £868,873. The principal reason for this lack of viability is the high existing use value relative to the expected sales value of the proposed development.

Officers remain of the view that the scheme is compliant with the policies that have been set out. It has been clearly demonstrated that the proposed development would deliver the maximum reasonable amount of affordable housing (in this case no affordable housing). A late stage review mechanism would be secured within a Section 106 Agreement to capture any off site contributions towards affordable housing in the event that viability improves. Officers do not consider there to be any substantive grounds for refusal based upon the affordable housing provision as the scheme is in line with the relevant policies.

If members are minded to go against Officer advice a reason is suggested below:

*The proposal would fail to provide an appropriate level of Affordable Housing to meet an identified local need within the Borough. This would be contrary to Policy BH5 of the Brent Local Plan 2019-2041, and Policies H4, H5 and H6 of the London Plan (2021).*

### **Scale of Development**

#### **Local Policy Context**

Policy BH2 of the Local Plan sets out priority locations where the provision of additional homes would be supported. This includes town centres, edge of town centre sites, areas with higher levels of public transport accessibility levels and intensification corridors. This policy position is also supported within policy BH4 that specifically relates to small housing developments (below 0.25 hectares or 25 dwellings in size). In these priority locations, the policy recognises that the character of the existing area will be subject to change over the Local Plan period. Outside the priority locations greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easily accessible on foot when determining the intensity of development appropriate.

#### **The Scale of the Proposed Development**

Following discussion of the item at the August committee, it is acknowledged that Members had concerns with the proposed scale of development being out of context with the surrounding character of the area.

The development would not be located within a priority location for housing as defined within policy BH4. However, development is not precluded to these areas. Instead, Policy BH4 requires greater weight to be placed on the existing character of the area, access to public transport and a variety of social infrastructure easily accessible on foot when determining the intensity of development appropriate.

The surrounding area mainly comprises traditional two storey detached and semi-detached properties, with a row of three storey buildings situated further south of the site. At a maximum of 18.6m (5 storeys) in height, the proposed development would be larger in both height and massing than the existing buildings within the surrounding context. As such, the application represents a departure from Policy BH4, diverging to a degree from the general character of the area. However, following a comprehensive review of the townscape analysis submitted as part of the application, officers consider that despite this departure from policy BH4, the building would sit well within the street scene. The openness of the John Lyon Roundabout, at the convergence of four main roads, creates a suitable foreground for a development of this scale. Further, by nature of the application site's size, the development is able to incorporate a stepped appearance, creating an appropriate transition in height between the surrounding residential properties. The proposed materials have also been identified to pick up on several details from the surrounding context. Therefore, whilst not strictly in accordance with the surrounding character, officers consider the overall appearance to be acceptable.

In summary, the scale and massing of the proposed development is larger than the surrounding context and represents a departure from policy BH4 in this respect and one could reasonably consider that this departure warrants the refusal of planning permission. However, officers consider the overall appearance to be appropriate in light of the site's specific characteristics. Furthermore, the benefits of the scheme (including

the delivery of homes in the borough) are considered to outweigh the policy departure from Policy BH4.

Nevertheless, if, bearing in mind the discussion above, the Planning Committee are still minded to refuse the application, then the following reason for refusal could be considered:

*The proposed development by reason of its scale, design, bulk, massing and siting in relation to the suburban context of the site would appear as an excessively dominant building which would have a detrimental impact on the character of the surrounding area. This would be contrary to Policies DMP1, BD1 and BH4 of the Brent Local Plan 2019-2041, and Policy D4 of the London Plan (2021).*

## **Site Optimisation**

### **Policy Context**

Policy D3 of the London Plan states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. Other factors including form and layout, experience, and quality and character must also be considered.

### **The Optimisation of the Application Site**

Following discussion of the item at the August committee, one Member raised concern that proposed scale of development was insufficient to optimise the potential planning benefits on site. In particular, it was noted that an intensified scheme at a greater scale may viably allow for affordable housing provision on site.

London Plan Policy D3 addresses the need to optimise site capacity through the design-led approach, defining this as the need to ensure that development is of the most appropriate form and land use for the site.

As highlighted above, officers consider the scale of the proposed development to be acceptable on balance, despite its divergence from Policy BH4 in relation to its scale in relation to surrounding buildings. It is considered that a design-led approach has been adopted on this specific site which achieves an appropriate visual impact on the surrounding area, without having an unacceptable impact on its character.

Policy D3 also encourages higher density developments to be promoted in well-connected locations, particularly by way of public transport, walking and cycling. Within the previous Committee Meeting, concerns were raised that the Transport Assessment undertaken had been based off an incorrect PTAL score, with TfL mapping showing a score of 1b. Moreover, it has since been confirmed that the TfL mapping is out of date, with the Base Year being 2015. Since then, a new bus route (483) has been introduced past the site, which raises the PTAL rating to 2. As such, for the 43 units proposed, the site's PTAL score allows for a maximum parking provision of 35 spaces, as per Policy T6 of the London Plan. Questions were also raised by Members in the previous Committee Meeting as to why 2011 Census data had been used to predict car ownership figures. 2021 Census Data was not available at the time in which the applicant's Transport Assessment was undertaken. However, based upon 2021 Census Data, estimated parking demand would actually be reduced to 31 spaces.

The proposed development would incorporate 24 on site car parking spaces, with the remaining demand to be accommodated on the site's service road, which is identified to have capacity for 6-8 cars overnight. Convenient and safe on street parking is otherwise not considered to be within a suitable distance to the site to accommodate an intensified demand. It is therefore considered that the site has been optimised with regard to parking issues.

As above, Members are also reminded of the planning benefits associated with the scheme. The proposal would introduce 43 new homes to the borough, 25% of which would be family sized. Furthermore, localised highway improvements would be secured as part of a Section 106 Agreement, whilst the development would incorporate notable biodiversity and greening improvements to the existing site. Officers therefore consider the development to follow a design led approach, which maximises the capacity of the site, in compliance with Policy D3 of the London Plan.

It is legitimate for Members to ensure that the optimum site capacity is achieved within development proposals. However, officers consider that this has been achieved for the site. Notwithstanding the officer recommendation, if the Planning Committee are still minded to refuse the application for this reason, then the

following reason for refusal could be considered:

*The proposal would fail to optimise the capacity of the site and this would result in a deficit in relation to local needs, in particular affordable housing. This would be contrary to Policies DMP1 and BH5 of the Brent Local Plan 2019-2041, and Policies D3, H4, H5 and H6 of the London Plan (2021).*

### **Additional Representations**

An additional seven representations have been received since the previous Committee Meeting. None of these are from a new objector from a new address.

The objections have raised concerns which have already been raised and discussed within the main committee report, including the impact of the development on the surrounding area and Conservation Area, impact on neighbouring properties, flooding, lack of onsite parking, provision of affordable housing, telecommunications signals and impact on street trees.

The additional points of objection are provided below:

<b>Comment</b>	<b>Officer Response</b>
The refuse store gates open outward across the narrow pavement obstructing public right to pass and re-pass.	Please see the 'Transportation and Highway Considerations' section of the Committee Report. A condition would be included with any consent requiring these gates to open inwards.
The EMF report summary states that the chances of the EMF causing leukaemia are negligible; however, it does not rule it out completely.	The EMF report provided has been reviewed by the Council's Environmental Health team, who raised no objections to the methodology and findings of the report.
It would have been more appropriate to test the EMF during heavy load periods when people would be at home, with the addition of the extra load of the forty two flats which currently have not been modelled and taken into account.	The EMF report provided has been reviewed by the Council's Environmental Health team, who raised no objections to the methodology and findings of the report.
The Met Police were consulted and recommended not using on street parking because of the friction it could create with local users. The use of the service road for parking contradicts this.	Please see the 'Transportation and Highway Considerations' section of the Committee Report. The service road identified is considered to have suitable capacity to accommodate the overspill of parking demand.
No bat survey has been completed regarding foraging and commuting routes.	The Preliminary Roost Assessment Survey has been completed by a professional ecologist, and outlines that no impacts on bats are expected as a result of the development. A foraging/commuting survey is therefore not considered to be necessary.

<p>The distance from the front doors of flats 1.06, 1.07, 2.06, 2.07, 3.06 and 3.07 are in excess of 18mtrs from the protected stairwell and therefore the building does not comply with London Plan Policy D5(B5) (7), BS9991 (6), ADB 2019 (3).</p>	<p>The plans provided clearly demonstrate that these flats would be within 18m of the protected stairwell when using the scaling indicated.</p>
<p>As the proposed development site sits behind a narrow heavily parked service road and a large telecom site it has a very limited access for Fire Brigade vehicles and therefore does not comply with the GN29 guidance notes. Furthermore, as the frontage of the building (within its curtilage) has now been turned from an access/service road into a car park the Fire Brigade would have to access the building from the external service road which is, because of the afore mentioned problems, is an impossibility.</p>	<p>The application has been reviewed by the London Fire Brigade who raise no objections.</p>
<p>Nearly half the flats are only single aspect and at least three of the flats will have very little natural light to the living area windows as the windows are positioned in corners on the northwest side of the building and have very poor outlooks over the car park and garage next door.</p>	<p>Please see the 'Quality of Accommodation' section of the Committee Report.</p>

## Equalities

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

**Recommendation: Officers continue to recommend that permission is granted subject to the completion of a legal agreement and conditions set out above and within the original report (which is set out below).**

## RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to the completion of a legal agreement to secure the following planning obligations;

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.
2. Notification of material start 28 days prior to commencement.
3. Affordable housing – late stage review mechanism in the form of a financial contribution towards the provision of off-site affordable housing within the Borough in the event that a surplus is identified.
4. Sustainability and Energy;

- Detailed design stage energy assessment based on Part L 2021 of Building Regulations with a minimum 35% reduction on site. Initial carbon offset payment to be paid prior to material start if zero-carbon target not achieved on site.
- Post-construction energy assessment. Final carbon offset payment upon completion of development if zero-carbon target not achieved on site.
- Be seen' energy performance monitoring and reporting

5. Highways Works / Highway related;

- Submission and approval in writing of Residential Travel Plans prior to first occupation of development including promotion of local car clubs through the provision of three years' free membership of a Car Club for residents;
- Healthy Streets contribution (£50,000) towards highway improvements in the vicinity of the site

6. Indexation of contributions in line with inflation

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

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

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

Conditions \_

*Compliance*

1. 3 years consent
2. Approved Drawings
3. Number of Units
4. Accessible Homes
5. Water Consumption
6. Sustainable Drainage Measures
7. Flood measures.
8. Internal Noise Levels
9. NRMM
10. Parking, Refuse Storage and Cycle Storage
11. Communal amenity spaces

*Pre-commencement*

12. Construction Method Statement
13. Construction Logistics Plan
14. Tree Protection Details

*Post-commencement*

15. Land Contamination study, remediation works and verification report
16. Piling Method Statement

17. External Materials
18. Design specifications
19. Hard and Soft Landscaping
20. Balcony/roof terrace screens

*Pre-occupation or use*

21. Car Park Management Plan
22. Plant Noise
23. Historic Plaque


**Informatives**

1. Building Adjacent to Boundary
2. CIL Liability
3. Party Wall Act
4. London Living Wage
5. Fire Informative
6. Quality of Imported Soil
7. Thames Water Details
8. Groundwater Risk Management Permit

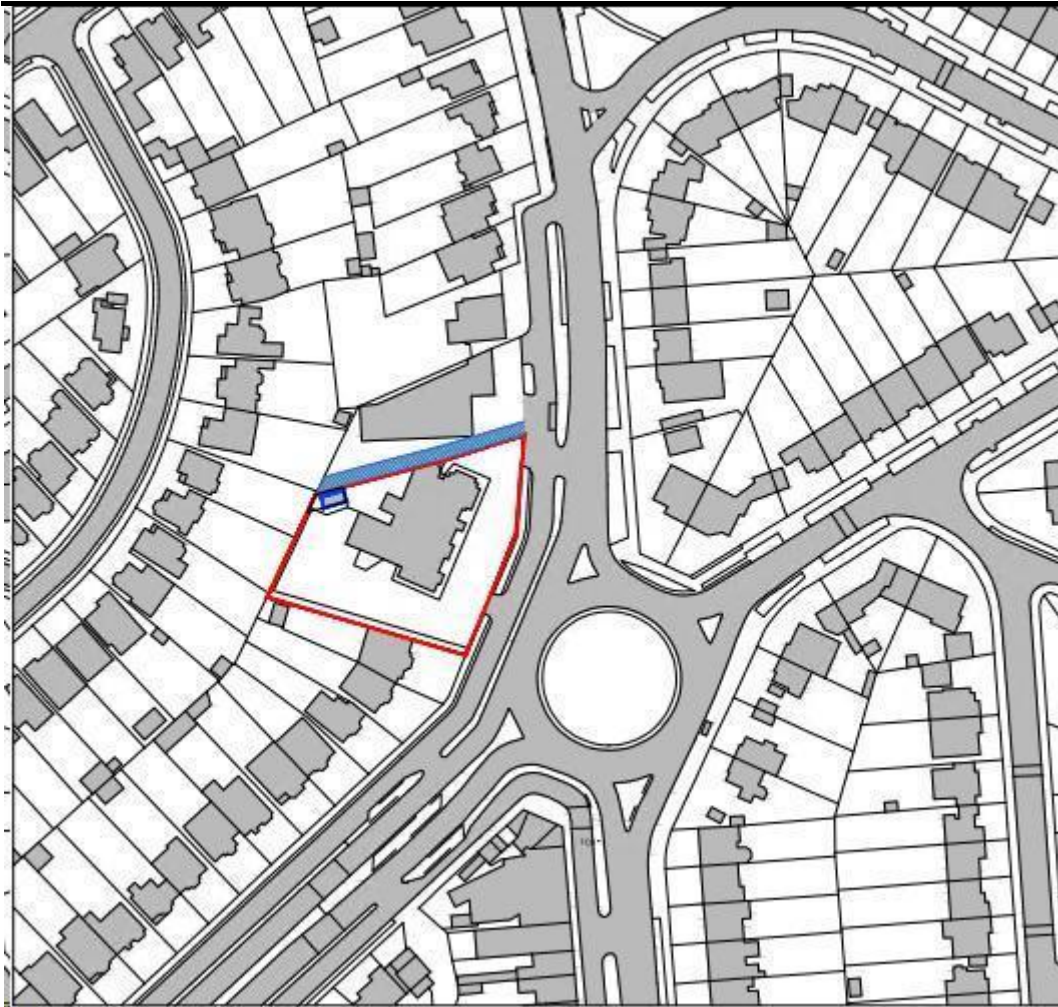
That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied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

	<b>Planning Committee Map</b>
<b>Brent</b>	Site address: 231 Watford Road, Harrow, HA1 3TU
	© Crown copyright and database rights 2011 Ordnance Survey 100025260

This map is indicative only.



## PROPOSAL IN DETAIL

The application is seeking permission to demolish the existing building on site and redevelop the site. The replacement building would comprise of a 3 to 5 storey building. The central element would feature 5 storeys dropping to 4 storeys to the north, south and west. A small element of the rear of the building is 3 storeys in height. The proposal includes a total of 42 new homes with the following mix; 15 x 1 bedrooms, 16 x 2 bedrooms and 11 x 3 bedrooms.

The proposal includes 24 car parking spaces within an undercroft parking area and parts of the eastern frontage. Vehicular access into the site would continue via the two existing vehicular access points from the service road which runs alongside Sudbury Court Drive and Watford Road. The refuse storage area would be sited to the property's frontage and the cycle storage to the rear parts of the ground floor. Six residential units would be situated on the ground floor, each having access to private amenity space. A communal amenity space area would be situated towards the south western part of the site and this would include a children's play area. The main entrance to the residential units would be positioned along the central part of the ground floor front elevation. The proposal would include 5 wheelchair accessible homes.

A communal roof terrace area would be provided at fourth floor level and would be situated towards northern elements of the new build. The existing substation would be maintained to the rear. A lift overrun would be included at roof level together with ancillary plant equipment and a total of 60 PV panels.

### Amendments to the Proposal

Amendments were provided during the course of the application to increase the level of parking provision on site.

The changes are summarised as follows:

- Increase in the number car parking spaces from 16 to 24
- Introduction of a gate to the site frontage allowing for refuse collection
- Relocation of hedge outside of G.02/G.03 to align with the unit division
- Rearrangement of Units G.04 and G.05 to allow for the larger unit to benefit from dual aspect provision, and access to a larger private amenity space
- Rearrangement of private amenity space for 1.05, 2.05 and 3.05 to be accessed via the main living area

The above amendments were considered to be non-material and therefore no further consultation was carried out.

## EXISTING

The site comprises of the Mumbai Junction Restaurant and the existing building is two storeys with a small basement area. It is located on the western side of Watford Road on the roundabout junction between Watford Road and Sudbury Court Drive. The front and rear portions of the site comprise of hardstanding areas serving a car park for the restaurant currently occupying the site. The application site also contained an existing substation along the north western boundary, which would be retained. The surrounding area predominantly comprises two storey suburban housing with taller buildings of up to three storeys in height with commercial units at ground level and flats on the upper levels located south and directly north of the application site.

The site does not contain any heritage assets, but the Sudbury Court Conservation Area is located on the opposite side of Watford Road. Within the Brent Local Plan, Nos. 199 to 223 Watford Road (located to the south of the application site) are designated as a neighbourhood parade.



## 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:** 392 properties were consulted on this proposal. Objections have been received from 459 individual people (some submitting multiple objections during the course of the application), raising a wide range of issues / grounds of objection. A support comment was also received. These are summarised in detail below in the 'Consultation' section. A number of consultees (internal and external) have provided comments, as set out within the 'Consultation' section also.

**Principle of residential redevelopment of the site:** The loss of the existing restaurant is considered to be acceptable. The site is outside of a designated centre or shopping parade, and planning policy does not prevent the loss of restaurant uses in such locations. The proposal does not constitute a community facility or pub and thereby Policies BS11 and BHC5 do not apply. The building although acknowledged as the former John Lyon public house does not make a significant contribution to the visual amenities of the area. The proposal would provide new homes that would meet an identified need within the borough on a "small site" in accordance with London Plan policies H1 and H2 and Brent policy BH1 and BH4. The residential use is supported in principle and considered to be in accordance with key strategic and local policies relating to housing provision.

**Affordable Housing and housing mix:** The Financial Viability Appraisal submitted demonstrates that the scheme would be unviable if affordable housing is provided on site. This has been reviewed and accepted by industry experts instructed by the Council. A section 106 agreement would be entered into to incorporate a late stage review mechanism which would secure a financial contribution towards the provision of off-site affordable housing within the Borough in the event that a surplus is identified. The application is therefore policy compliant. The proposal includes 11 three bedroom homes, which meets the requirements of policy BH6.

**Design, layout, height and impact on the Sudbury Court Conservation Area:** The site is not within a "priority area" for housing as defined within Brent Policy BH2 and as such, it is set out in small sites policy BH4 that "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". The building heights and massing proposed, with a maximum of 5 storeys, are taller and larger than the existing buildings in the surrounding area. The surrounding area is generally residential in character, largely comprising of 2 storey dwellings with pitched roofs. Having a proposed building of this size and presence is considered appropriate having regard to the open setting of the John Lyon roundabout and the convergence of four main roads. The tallest portions of the development would mainly occupy the front, central portions of the site, thereby being focused away from the residential properties to the south and west of the site. The building is considered to be of good design quality, relating well to its context and would enhance the character and appearance of the surrounding area. Whilst officers consider that this is an acceptable solution for the development of the site it could also be reasonably concluded that a development that conforms more with the prevailing building heights and massing would be better suited to this location. However, on balance the scheme as submitted is considered acceptable. The proposed development is not considered to be harmful when viewed from locations within the nearby Conservation Area. Furthermore, while the building is visible within views towards the Conservation Area, the proposal is not considered to result in harm.

**Quality of the resulting residential accommodation:** The flats would have good levels of outlook and natural light and the arrangement of the building within the site, achieve good levels of separation distances between the homes. The proposal accords with internal floor space standards while the amount of external amenity space meets the requirements of policy BH13. The proposed play area is also policy compliant, exceeding GLA playspace requirements.

**Neighbouring amenity:** The overall impact of the development is considered acceptable in relation to neighbouring properties having regard to daylight, sunlight, outlook and privacy.

**Highways and transportation:** The proposed development would provide 24 on site parking spaces. This falls below maximum allowances set out in Policy T6 of the London Plan. It has been demonstrated that overspill parking may be accommodated on the adjoining service road. Electric Vehicle Charging Points (EVCP) and blue badge parking spaces would be provided whilst the high number of cycle parking proposed

would encourage sustainable travel patterns in accordance with London Plan standards. All servicing arrangements are acceptable and safe. Some highway works and public realm improvements would be secured as summarised within the Section 106 Heads of Terms above and detailed within 'Transport' the remarks section below.

**Environmental impact, sustainability and energy:** The measures outlined by the applicant achieve the required improvement on carbon savings within London Plan policy. Subject to appropriate conditions, the scheme would not have any detrimental impacts in terms of air quality, land contamination, noise and dust from construction, and noise disturbance to existing/future residential occupiers. Further, the submitted Electro Magnetic Field (EMF) report demonstrates that the existing substation would not have a detrimental impact upon the health of residents of the proposed homes.

**Landscape, ecology, biodiversity and flooding/drainage:** It has been demonstrated there would be a net increase in trees on site, and no high value trees would be lost. The site is not close to any designated ecological assets and is not likely to form habitat for any protected species. This has been supplemented by a bat roost survey. A net gain in biodiversity is to be achieved as a result of development and the scheme will achieve an Urban Greening Factor of 0.451. Flood risk has been assessed and a range of SuDS measures are proposed to address surface water management with a 90 % betterment over existing runoff rates. No objection has been received from Thames Water.

**Fire safety:** It is considered that the submitted fire statement sufficiently addresses the matters set out within policy D5 and D12 of London Plan. The London Fire Brigade were also consulted and raised no objections. It should also be noted that the development would still be subject to building regulations where a detailed assessment of fire safety would be carried out.

**RELEVANT SITE HISTORY**

Relevant planning history

**21/3679** - Demolition of the existing building and the erection of a part three, part four and part five storey building to provide residential dwellings (Use Class C3); car and cycle parking; landscaping, amenity space and play area; and refuse storage and other associated works - **Refused, 29/12/2021.**

**18/4682** - Certificate of lawful use for the existing use of the premises as a restaurant (Use class A3) – **Lawful, 04/01/2019.**

**CONSULTATIONS**

A total of 392 letters were sent out to the neighbouring properties within the vicinity of the application site on the 29/09/2022.

A site notice was posted within the vicinity of the site on the 05/10/2022.

A press notice was printed on the 13/10/2022.

At the time that this report was finalised, a total of 459 objections had been received. This includes objections from Barry Gardiner MP, Sudbury Court Residents' Association, Councillor Narinder Bajwa and Councillor Diana Collymore (Ward Councillors for Northwick Park). One comment of support was also received which states that a new building for 200+ residents would be a better use of the land as the existing restaurant is poorly upkept.

Summary of Objections

Comment	Officer Response
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<p><b>Loss of Building and Existing Restaurant</b></p>	
<p>Mumbai Junction restaurant is a well-frequented restaurant which has adapted to cater for the local need.</p>	<p>Refer to Background and Current Use and Loss of Existing Building sections of the report. There are no relevant planning policy requirements to maintain a restaurant use on site.</p>
<p>It is one of only very few remaining Public Houses/Restaurants in the local area and fear that the demolition of it would have a detrimental local community impact.</p>	<p>Refer to Background and Current Use and Loss of Existing Building sections of the report. The site as established lawful use as a restaurant.</p>
<p>The demolition of one of the areas community assets will undoubtedly damage the sustainability of the area and will damage community cohesion.</p>	<p>The use is not considered to be a community use. It is not a designated community asset.</p>
<p>The John Lyon building is part of a 1950s development fitting in with the adjacent houses. The lack of suitable repair/works disguise its visual importance.</p>	<p>Refer to Design, Character and Impact on the Street Scene and Loss of Existing Building sections of the report.</p>
<p>The proposed loss of Mumbai Junction Restaurant fails to comply with Policy BHC5 for the protection of public houses and BS11 for community facilities.</p>	<p>Refer to Background and Current Use and Loss of Existing Building sections of the report.</p>
<p><b>Design, Character and Impact on the Street Scene + Conservation area</b></p>	
<p>Concerned the proposed development would not at all be in keeping with the character of surrounding buildings and have an impact on the Sudbury Court Conservation Area. It is located within the gateway to the Conservation Area and</p>	<p>Refer to Design, Character and Impact on the Street Scene and Relationship with Sudbury Court Conservation Area sections of the report.</p>

therefore of increased importance.	
This application includes a part five storey building, which would make it larger than other nearby residential buildings.	Refer to Design, Character and Impact on the Street Scene sections of the report.
Scale and design is not acceptable.	Refer to Design, Character and Impact on the Street Scene sections of the report.
All recent developments in the area have included certain characteristics, such as pitched roofs, which have made them more sympathetic to the surrounding area.	Refer to Design, Character and Impact on the Street Scene sections of the report.
The site is within an Area of Distinctive Residential Character.	<p>The areas of distinctive residential character as formerly referred to within the Unitary Development Plan (UDP) and have not been carried forward within the current Local Plan. Nevertheless, policy BH4 does discuss the need to place greater weight on the existing character of the area outside of priority locations.</p> <p>To this end, please refer to Design, Character and Impact on the Street Scene and Relationship with Sudbury Court Conservation Area sections of the report.</p>
It will without doubt damage the 1950s architectural consistency of Sudbury Court Drive and into Watford Road, it will also affect the Sudbury Court Conservation Area due to its close proximity.	Refer to Design, Character and Impact on the Street Scene sections of the report.
Heritage Report is not sufficient.	Refer to Relationship with Sudbury Court Conservation Area and Loss of Existing Building sections of the report.

<p>The proposed building does not respond positively in height or character to the surrounding area.</p>	<p>Refer to Design, Character and Impact on the Street Scene sections of the report</p>
<p>The proposed building massing will have a very negative visual impact; its roofscape is a complete opposite to its surrounding buildings.</p>	<p>Refer to Design, Character and Impact on the Street Scene sections of the report.</p>
<p>A brass plaque is located to beside the entrance commemorating John Lyon. To remove this would be a slight to his name.</p>	<p>The Conservation Office does not consider this feature to contain a heritage value however any development on site should seek to retain this feature.</p>
<p>The proposed development has not been designed upon the advice provided within Brent's Design Panel report (6<sup>th</sup> July 2021).</p>	<p>The proposed development is considered to have addressed the earlier reason for refusal in relation to design. The scheme has been reviewed by both the Council's Urban Design Officer and Heritage Officer. Refer to Design, Character and Impact on the Street Scene sections of the report.</p>
<p>The proposed development would fail to respect the pattern of development in the area as well as excessive hard standing within the frontage which would erode the suburban character of the area.</p>	<p>Refer to Design, Character and Impact on the Street Scene and Tree Consideration, Landscaping Provision and Urban Greening sections of the report. The areas to the front of the site already contains large areas of hardstanding and proposal would introduce new elements of soft landscaping to the front of the site which would benefit the site.</p>
<p>The proposal would result in the loss of open space and garden features surrounding the existing building.</p>	<p>The existing site mainly comprises of hardstanding. This proposal would include a significant betterment in terms of urban greening factor and new landscaping.</p>
<p>The proposed building footprint extends beyond the building line of the neighbouring houses.</p>	<p>Refer to Design, Character and Impact on the Street Scene sections of the report.</p>

Concerns that one lift would not be adequate for the proposed number of units. Some units are over 18m away from a means of fire escape.	Refer to the Standard of Accommodation section of the report. As per the plans provided, all units would be located within 18m of the proposed stair core. The application has also been accompanied by a Fire Statement that has considered means of escape under policy D5 and D12 of London Plan.
Recent developments in the area towards Northwick Park, East Lane, etc. are all sympathetic to their surroundings as they do not go above four storeys. Why is this development an exception?	Each application is assessed on a case by case basis as each site presents differing constraints and opportunities. Refer to Design, Character and Impact on the Street Scene sections of the report.
<b>Impact on nearby residents</b>	
It could also potentially overlook and be overbearing for neighbouring properties.	Refer to Impact on Neighbouring Occupiers sections of the report.
The proposal would appear overbearing to neighbouring properties.	Refer to Impact on Neighbouring Occupiers sections of the report.
Overdevelopment of the site and the detrimental effect it will have on the existing surrounding residents.	Refer to Impact on Neighbouring Occupiers sections of the report.
Loss of light to the nearby neighbours.	Refer to Impact on Neighbouring Occupiers sections of the report.
Casting shadows over the adjoining gardens of neighbouring properties in Sudbury Court Drive, Amery Road.	Refer to Impact on Neighbouring Occupiers sections of the report.

Noise disturbance to nearby neighbours.	The application site is located within a generally residential area. The proposed residential intensification is therefore considered to be acceptable from a noise perspective.
<b>Parking and Highways Considerations</b>	
The development will have an unacceptable impact on street parking, which the local hospital and education facilities rely on.	Refer to Transport and Highway Considerations section of the report. The trip generation data has revealed no further impact on the highway. Amendments were also received during the course of the application to increase the provision of on-site parking to 24 spaces.
Concerns that the surrounding roads do not have enough space to accommodate parking demands from the proposed development.	Refer to Transport and Highway Considerations section of the report. The trip generation data has revealed no further impact on the highway. Amendments were also received during the course of the application to increase the provision of on-site parking to 24 spaces.
Access to the site is considered to be dangerous from a number of approach routes. The impact of this would be worsened by the increased trip generations.	Officers in Transport have reviewed the proposal and do not consider the increased trip generation to be unsafe.
Delay in transportation to the hospital and relevant emergency vehicles.	Refer to Transport and Highway Considerations section of the report. The trip generation data has revealed no further impact on the highway.
Access to the site would require a dangerous U turn into the service road.	It is noted that there are banned U turns along Watford Road. However, this does not prevent vehicles accessing the service road.

<p>The proposed development would worsen pedestrian safety at the already busy John Lyon roundabout.</p>	<p>As part of any consent, the applicant would be required to enter into a S106 agreement which would require a suitable financial contribution towards pedestrian improvements within the vicinity of the site.</p>
<p>Due to the width of the Service Road and the local parking overload, access to the site is severely restricted for construction and general servicing other than by van and car.</p>	<p>Refer to Transport and Highway Considerations section of the report.</p>
<p>Insufficient parking spaces provided.</p>	<p>Refer to Transport and Highway Considerations section of the report. Amendments were received during the course of the application to increase the provision of on-site parking to 24 spaces.</p>
<p>Servicing to the site could damage street trees.</p>	<p>The application has been accompanied by a tree report that has considered the impact of the proposal upon trees within the site and within the vicinity of the site that could be affected by the proposal.</p>
<p>Access to the site is lacking and manoeuvring will be extremely difficult without the removal of several on street car parking spaces.</p>	<p>Refer to Transport and Highway Considerations section of the report.</p>
<p>Congestion caused by deliveries.</p>	<p>Refer to Transport and Highway Considerations section of the report.</p> <p>Deliveries to the site are not considered add a significant number of vehicular movements that would further add to traffic issues within the area.</p> <p>A Construction Logistics Plan would provide further details of construction vehicles to the</p>



	site.
Local residents have grave concerns for the safety of pedestrians and cyclists at this location.	Refer to Transport and Highway Considerations section of the report.
Not enough cycle ways in the area and unsafe for potential cyclists.	Refer to Transport and Highway Considerations section of the report.
Bus and train services are at full capacity within the area.	The proposal is not considered to have detrimental impact on public transport within the area given the low trip generation that is proposed.
If right turns were allowed from Watford Road, there would no doubt it would cause severe congestion and a resumption of accidents at this known black-spot.	<p>The Transport Statement has compared trips for the proposed development compared to its use as a restaurant. This indicates that the development will generate an extra 5 arrivals and 19 departures by car during the AM peak (8-9am) compared with the existing use, but reduce overall arrivals in the evening peak hour (5-6pm). The proposal is not therefore likely to have any significant impact on the local highway network.</p> <p>Right turns are not currently prevented, and given the anticipated increase in trip generation as noted above, this is not considered significant to require mitigation measures.</p>
Travel Plan targets are not providing realistic predictions. Car ownership predictions are underestimated and should be reviewed.	Refer to Transport and Highway Considerations section of the report
The service road that runs adjacent to the site cannot handle any parking of cars.	Parking would not be available on the service road. Refer to Transport and Highway Considerations section of the report
Local schools at capacity + this would require private transport to the area.	The proposal is not considered likely to have a significant impact on school places, which are monitored by another team in the

	<p>Council. School places are considered as part of the development of the Local Plan with evidence set out within the Infrastructure Delivery Plan.</p>
<p>A 7.5 Tonne weight limit is being imposed on the Service Road due to damage being inflicted on parked vehicles, grass verges and street trees.</p>	<p>Officers in transportation have advised that the weight restriction only applies to through traffic and exempts vehicles that need to reach premises in the area.</p>
<p>Due to the absence of continuous designated pedestrian routes to the site and within the site frontage, the application has failed to demonstrate that the site can be safely accessed by pedestrians.</p>	<p>Refer to Transport and Highway Considerations section of the report.</p>
<p>Residents of SCD are often blocked into or out of their driveways because of legal parking - vehicles park really close to the narrow drop kerbs, and because the service road is so narrow the residents can neither get in nor out. We also get a lot of vehicle storage on the service road.</p>	<p>Refer to Transport and Highway Considerations section of the report. The parking survey has identified appropriate on street parking.</p>
<p>There is parking in front of the site it is almost always full and the road very narrow making it very difficult for HGV to navigate safely.</p>	<p>Officers in Transportation have assessed the capacity of the service road for on street parking and analysed the tracking diagrams for larger vehicles entering and leaving the site.</p>
<p>The parking in front of 231 is used, when available, for shoppers at the John Lyon Shops. Loss of parking will damage the viability of the shops.</p>	<p>Refer to Transport and Highway Considerations section of the report. The proposed overspill of parking is not considered to have a negative impact on the local shops.</p>
<p>The data within both parking surveys</p>	<p>Officers in Transportation have advised that</p>

<p>undertaken is based upon inappropriate times (early morning hours which are not representative)</p>	<p>the method of the survey was acceptable.</p>
<p>The proposed development does not comply with Policy DMP11.</p>	<p>Policy DMP11 (forming an access onto a road) was a part of the Brent Development Management Policies document (2016) which has now been directly superseded by the Local Plan (2019-2041). The proposal has been considered having regard to Local Plan policy BT4 (forming an access on to a road) and officers in Transportation do not have concerns regarding site access.</p>
<p><b>Other Matters</b></p>	
<p>Members of the Planning Committee who attended the members briefing on the scheme at pre-application stage should not be considering this proposal</p>	<p>Section 8 of the Probity in planning guidance recognises that pre-application discussions between a potential applicant and a Council can benefit both parties and are encouraged.</p> <p>The Localism Act 2011 sets out legislation on Councillor engagement including matters that would not count as pre-determination.</p>
<p>Proposal would be contrary to policy BE6</p>	<p>Policy BE6 relates to neighbourhood parades and isolated shop units. The proposal is not within a neighbourhood parade and relates to an existing restaurant and not a shop unit. There are in any event a range of services (including shops and a restaurant) within the nearby neighbourhood parade (within 400 m of the site)</p>
<p>The loss of the current building will lead to the loss of several jobs as well as economic decline.</p>	<p>Brent's Local Plan does not seek to resist the loss of restaurants as part of redevelopments outside of town centres.</p>
<p>Environmentally there will be a disruption to the Green Ribbon running through the rear of the current property.</p>	<p>The application site is not within the direct vicinity of a designated wildlife corridor or SINC.</p>
<p>The proposed play space and private amenity space provision does not comply</p>	<p>Refer to Standard of Accommodation section</p>

with the London Plan. Off site play space would be dangerous to access.	of the report.
Site not appropriate for proposed density.	Refer to Standard of Accommodation section of the report.
The proposed play space will be inappropriately surrounded by trees, creating a dark and damp space.	The surrounding trees are considered to positively contribute to the visual amenities of the space, whilst also improving biodiversity.
Northwick Park already has a number of residential developments coming forward. This development is therefore not needed.	Refer to Principle of Development section of the report
Green ribbon running through the gardens of SCD, Amery Road and Watford Road, this development will create a break in the ribbon.	The application site is not within the direct vicinity of a designated wildlife corridor or SINC.
It appears that there are problems reaching the necessary capacity of surface water attenuation on site.	Refer to Drainage and Flooding Considerations of the report.
The Flood Risk Assessment is not aware of the persistent flooding around the John Lyon roundabout. It is presumed much of this water drains away through the application site.	Refer to Drainage and Flooding Considerations of the report.
No affordable housing provided within the scheme.	Refer to Affordable Housing section of the report.
Number of 3 bedroom flats is not sufficient.	Refer to Housing Mix section of the report.

<p>Concerns over the air quality information provided. On site pollution is worse than identified.</p>	<p>Refer to Air Quality Section of the report.</p>
<p>If this development goes ahead then jobs will be lost and several employees will become homeless.</p>	<p>Brent's Local Plan allows for changes to take place where business are in decline and supports expansion of business and jobs in its growth sectors and identified growth areas. The proposal itself increases the amount of homes available for residents and a more effective use of the site.</p>
<p>The existing unit is likely over 500sqm and should therefore require an impact assessment for its loss, as per Policy BH4.</p>	<p>Policy BH4 makes reference to the provision of new leisure and retail spaces outside of town centres. This application does not propose any new retail or leisure floorspace and therefore an Impact Assessment is not required.</p>
<p>The loss of the John Lyon pub would disrupt the existing neighbourhood parade and no alternate retail offering would be provided.</p>	<p>The application site is not considered to form part of a neighbourhood parade and there is alternate restaurant provision within 400m.</p>
<p>Have the Telecommunications company owning the monopolies to the front of the site been consulted? The development will interfere with signals.</p>	<p>Consultation has been carried out in accordance with statutory requirements and Brent's Statement of Community Involvement. Notices has been served on relevant parties. There is no obligation to consult the telecommunications company as a statutory undertaker under the General Permitted Development Order. Telecommunications policy does not place this as a specific consideration for this type of development and there is no evidence that telephone signals would be detrimentally interfered with.</p>
<p>The application fails to comply with Policy CP17</p>	<p>Policy CP17 forms part of the Brent Core Strategy (2010) which has now been directly superseded by the Brent Local Plan.</p>
<p>The bat survey provided should be treated with caution as this was undertaken in November and no confirmation has been</p>	<p>Further bat surveys at appropriate times of the year are recommended within the report. Should bats be found at any stage of the</p>

<p>provided on the time of day that the survey was taken. No mention was made of flight routes.</p>	<p>development, construction should be stopped and an a suitably qualified ecologist consulted.</p>
<p>There are no significant changes from the previously refused application.</p>	<p>Please see these matters addressed in the main body of the report.</p>
<p>The proximity of proposed units to the existing substation would result in an unacceptable quality of accommodation. This has not been suitably addressed in the Noise Assessment submitted.</p>	<p>Refer to the Relationship with the Existing Sub-Station section of the report.</p>
<p>There is considerable concern about the loss of trees and shrubs and also damage that this development would inflict.</p>	<p>Refer to the Tree Considerations of the report.</p>
<p>There have been three flooding events this year on Sudbury Court Drive with several more over the previous for years or so. This causes congestion to the John Lyon roundabout.</p>	<p>Refer to Drainage and Flooding Considerations of the report.</p>
<p>The proposed development should make proper use of SUDs as there is insufficient capacity to store excess drainage water within local water sources.</p>	<p>Refer to Drainage and Flooding Considerations of the report.</p>
<p>Lack of proper fire protection.</p>	<p>A Fire Statement has been provided with the application highlighting the proposal would comply with Policy D12 of the London Plan.</p>
<p>The proposed plan would result in the destruction of trees which are enjoyed by the population.</p>	<p>Refer to the Tree Considerations of the report.</p>
<p>In the absence of required detail, the submission does not demonstrate that the proposal will not have an adverse impact on local ecology or protected species, including</p>	<p>Given the nature and location of the site an Ecological Assessment is not required. The site is noted adjacent to a designated SINC or Ecological Corridor. Nevertheless, the applicant has provided a Preliminary Roost</p>

owls.	Assessment Survey that has concluded that the existing building does not have any bat roosts. Enhancement measures for both bats and birds, including owls, were recommended and conditions for external lighting.
The Noise Assessment submitted does not include appropriate consideration of the upper floor flats, as measurements were taken at first floor level.	Refer to the Noise considerations of the report.
Building construction itself would put extreme pressure on the road, side road and commuter run between Wembley and Harrow and the businesses/houses next to the proposed building will also be badly affected with a constant stream of contractors and creating untold noise and pollution.	A Construction Method Statement and Construction Logistics Plan would be required to reduce any potential harm from the proposed works.
Will further stretch the current issues with infrastructure in the area putting excessive demands on the water and sewerage system.	Thames Water were consulted during the course of the application raising no objections.
Inadequate number of lifts for a 5 storey building	The number of lifts is sufficient for such a development. The submitted Fire Statement makes reference to an evacuation lift. As the building is less than 30m high there is no requirement for a second stair case in line with the anticipated proposed changes to Building Regulations.
Local crime rates would increase.	The Metropolitan Police were consulted during the course of the application and raised no objection to the development. A number of security recommendations were also made which have been passed on to the applicant.
Vibrations will cause damage to local properties.	A construction Method Statement would be required by condition as part of any approval to ensure acceptable work practices.

The proposal would result in increased waste/street rubbish.	The proposed development incorporate appropriate measures for waste storage and collection.
The proposed development would have an unacceptable impact on nearby property prices.	This is not a material planning consideration.
It would be more sustainable to convert the existing building to residential accommodation, rather than demolishing it and constructing the proposed building.	Refer to the Sustainability section of the report.
Concerns over the number of units per stair core.	Refer to Floorspace Requirements section of the report.
The proposed development would not have suitable dual aspect provision for the proposed units.	Refer to the Standard of Accommodation section of the report.
The EMF report provided highlights unacceptable levels of radiation to potential nearby residents.	Refer to the Standard of Accommodation section of the report. This document has been reviewed by the Council's Environmental Health team and is considered to be suitable.

### **External Consultation**

**Thames Water:** No objections raised subject to a condition being secured in relation to a piling method statement.

**Historic England:** Confirmed that they do not have any comments.

**London Borough of Harrow:** Confirmed that they wish to raise no objections.

**Design Out of Crime Officer:** Confirmed that they wish to raise no objections but recommended conditions including to secured by design accreditation.

**London Fire Brigade:** Have confirmed that they have no further observations to make and that that the application is advised to ensure that the plans conform to Part B of the Approved Document of the Building Regulations.



## **Internal consultation**

**Environmental Health** - no objections raised in relation to noise. Conditions are recommended in relation to contaminated land and it is noted that the scheme is not air quality neutral. They have also confirmed that the Electromagnetic Field (EMF) report for the substation is acceptable as the readings are below the threshold levels.

## **Applicant's Public Consultation**

A Statement of Community Involvement (SCI) has been submitted with the application. Key points from this are as follows:

### **Social Media Engagement**

Advertisements were made via social media platforms. Two online Q&A events were held on: Wednesday 23 June at 7pm; and Thursday 24 June at 1pm. 91 households (measured by IP address) participated over the course of the three sessions. The applicant's SCI indicates the main issues raised from this public consultation were as impact on local infrastructure, car parking and traffic concerns, loss of the existing venue and impact on the Conservation Area.

### **Consultation**

In July 2022, paper invitations were sent to 1813 local residents, an email invitation to ward councillors, residents and community groups and requests for meetings with ward councillors and Sudbury Court Residents Association.

Overall, 47 people engaged in the public consultation with 35 attending the public exhibition, of which 12 left feedback by either posted form or via the website. The applicant's SCI indicates that residents were happy that the development was a joint partnership between the applicant and the current owner of Mumbai Junction and were happy to have the owners of the restaurant at the exhibition to hear that they were part of the project and not being forced out by the developer.

## **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 D3 Optimising site capacity through the design-led approach  
Policy D4 Delivering good design  
Policy D5 Inclusive Design  
Policy D6 Housing quality and standards  
Policy D7 Accessible housing  
Policy D12 Fire Safety  
Policy D14 Noise  
Policy H1 Increasing housing supply  
Policy H2 Small Sites  
Policy H4 Delivering affordable housing  
Policy H5 Threshold approach to applications  
Policy H6 Affordable housing tenure  
Policy H7 Monitoring of affordable housing  
Policy HC1 Heritage conservation and growth  
Policy G5 Urban greening  
Policy G6 Biodiversity and access to nature  
Policy G7 Trees and woodlands

Policy SI 1 Improving air quality  
Policy SI2 Minimising greenhouse gas emissions  
Policy SI4 Managing heat risk  
Policy SI5 Water infrastructure  
Policy SI 12 Flood risk management  
Policy SI 13 Sustainable drainage  
Policy T2 Healthy Streets  
Policy T5 Cycling  
Policy T6 Car parking  
Policy T6.1 Residential parking  
Policy T7 Deliveries, servicing and construction

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

DMP1 - Development Management General Policy  
BP4 - North West  
BD1 - Leading the way in good design  
BD2 - Tall Buildings  
BH1 - Increasing Housing Supply  
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 - Blue and Green Infrastructure in Brent  
BGI2 - Trees and Woodland  
BSUI1 - Creating a Resilient and Efficient Brent  
BSUI2 - Air Quality  
BSUI4 - On-site Water Management and Surface Water Attenuation  
BT1 - Sustainable Travel Choice  
BT2 - Parking and Car Free Development  
BT3 - Freight and Servicing, Provision and Protection of Freight Facilities  
BT4 - Forming an Access on to a Road

Other material considerations include:  
National Planning Policy Framework 2021  
National Planning Practice Guidance

Council's Supplementary Planning Document 1 "Brent's Design Guide" 2018  
Council's S106: Supplementary Planning Document 2022  
Brent Waste Planning Guide 2013  
Residential Amenity Space & Place Quality – SPD – 2023  
Sustainable Environment & Development – SPD – 2023

## **DETAILED CONSIDERATIONS**

### **Background**

1. The subject application has been submitted following the refusal of application 21/3679 in December 2021. It seeks to overcome the refusal reasons, which are summarised as follows:
  - Scale, design, bulk, massing and siting in relation to the suburban context of the site would appear as an excessively bulky building which would result in a poor transition to the suburban housing immediately to the south of the application site.
  - The proposal failed to demonstrate that the development will have an appropriate relationship with the Sudbury Court Conservation Area.
  - Poor standard of accommodation for future occupiers due to limited outlook from a number of bedrooms and proximity to substation without evidence or mitigation measures to demonstrate that future residents would not be adversely impacted as a result of electromagnetic waves and background noise.
  - Proposal failed to demonstrate that the rear gardens of properties on Amery Road would not be adversely affected through undue levels of overshadowing.

- Poor relationship with the boundary of No. 135 Sudbury Court Road through overlooking and loss of privacy, overbearing relationship from rear habitable room windows and rear garden.
  - Proximity to neighbouring site and reliance on outlook over neighbouring site could have potential to comprise it from coming forward for redevelopment for industrial and residential purposes.
  - Lack of cycle parking in a secure and covered shelter
  - Lack of a legal agreement under Section 106 of the Planning Act which would ensure that the delivery of the maximum reasonable amount of Affordable housing together with an appropriate Affordable Housing review mechanism, and an appropriate level of carbon reduction across the scheme.
2. Since this decision the Council adopted the new Brent Local Plan 2019-2041 at Full Council on 24<sup>th</sup> February 2022.

This was associated with the following documents being revoked:

- The Brent Core Strategy (2010)
  - Brent Site Allocations Development Plan Document (2011)
  - The Wembley Area Action Plan (2015)
  - The Development Management Policies Plan (2016)
3. A number of these documents were considered for the 2021 application and included within the reasons for refusal. These documents are no longer considered Development Plan Documents for the purposes of determining planning applications within the area that the Council remains the Local Planning Authority and also their associated policies map.

## **Principle of Development**

### Background and Current Use

4. The application site is currently occupied by the Mumbai Junction Restaurant. A number of objectors have raised concerns with the loss of the existing building. They have set out that it is one of very few remaining public houses/restaurants in the local area and that its loss would have a detrimental local community impact, resulting in the loss of a community asset.
5. Application reference 18/4682 established that the lawful use of the existing premises is as a restaurant, which now falls under Class E (Commercial, Business and Service) of the Use Classes Order 2020. As such, the existing lawful planning use of the building is as a restaurant (use class E(b)) (Food and Drink), and not as a public house (sui generis) or community use (falling within either use class F1 (Learning and Residential Institutions) or F2 (Local Community)). Planning policies relating to the protection of community facilities or public houses therefore would not apply in this case. Policy BH2 only seeks to provide the same amount and use class of non-residential floor space for proposed residential developments in relation to sites within town centres, edge of town centre sites and intensification corridors. The application site does not fall within any of these priority locations and therefore there is no policy basis for the re-provision of the restaurant use. The loss of the restaurant was previously considered and did not form an earlier reason for refusal within the 2021 application.
6. The existing building is also not registered as an asset of community value.

### Loss of Existing Building

7. The former John Lyon pub was constructed in 1957 for Watney, Combe & Reid. The building does have listed building status nationally nor locally. It is not located within the nearby Sudbury Court conservation area. It formed part of a later phase of post-war development in the area and was not part of the Comben and Wakeling's Sudbury Court Estate which latterly was designation as conservation area.
8. A Heritage Statement has been included with the application which considers the significance of the building as recommended by NPPF 194. It confirms that it was constructed in 1957 for Watney's. The building is not on the Council's Local List nor was it considered to be architecturally and historically significant enough to be included when a review was undertaken in 2016. The Heritage Statement affirms its original conclusion 'it is difficult to see any grounds upon which it could be assigned Non-Designated Heritage Asset status.'

9. Whilst the building remains somewhat intact externally; it is not a particularly architecturally distinctive building nor historically is it important to the Sudbury Court Estate or Watney, Combe & Reid. It has been the subject of a significant amount of alteration (especially internally) and therefore would not meet the threshold required for statutory listing. Likewise, it is not special enough to be considered a non-designated heritage asset. Nevertheless, the name, John Lyon, is of course important as the 16th C founder of Harrow School. To this end, the Council's Heritage Officer has requested that in the event that planning permission is forthcoming, there should be a condition to require the submission and approval of a celebratory plaque which, would be easily visible from the public highway.
10. In conclusion, there is no objection to the loss of the existing building on site and the Council's Heritage Officer supports the findings of the Heritage Statement submitted with the application. Further, the demolition of the existing building did not form an earlier reason for refusal within the 2021 application.

### Residential Development

11. The National Planning Policy Framework emphasises the provision of new homes as one of the key roles of the planning system. The London Plan proposes a substantial increase in housing targets across London, including a target for Brent of up to 2,325 new homes per year. Policy BH1 of Brent's Local Plan also reflects the London Plan target.
12. Policy H2 of the London Plan relates to small sites. This policy highlights 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 achieve the minimum targets for small sites as part of overall housing targets and increase the contribution of small sites to meet London's housing needs. This site is 0.24 hectares in size and therefore would be defined as a small site under policy H2 of London Plan.
13. In response to the above strategic policy position, Policy BH4 of Brent's Local Plan sets out local planning policy on small sites. This sets out that small housing developments (below 0.25 hectares or 25 dwellings in size) delivering a net addition of self-contained dwellings through the more intensive and efficient use of sites, where consistent with other policies in the development plan, will be supported within the priority locations of PTAL 3-6, intensification corridors, or a town centre boundary through:
  - a) the infill of vacant or underused brownfield sites
  - b) residential conversions, redevelopment, extensions of dwellings, or infill within the curtilage of a dwelling
  - c) the redevelopment of flats, non residential buildings and residential garages,
  - d) upward extensions of flats and non residential buildings
14. In these priority locations, the character of the existing area will be subject to change over the Local Plan period. Outside the priority locations greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easily accessible on foot when determining the intensity of development appropriate.
15. In this case, the site is not located within a priority area for new homes. However, the small sites policy does not preclude other sites from coming forward for redevelopment but stresses the need for 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. These matters are discussed in more detail below.

### **Affordable Housing**

#### Policy Background

16. London Plan Policies H4, H5 and H6 set out the Mayor's commitment to delivering 'genuinely affordable' housing. Policy H6 requires affordable housing provision to include a minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent); a minimum of 30% intermediate products; and 40% to be determined by the borough based on identified need.
17. Brent's Local Plan Policy BH5 supports this approach and sets a target of 70% of affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This

split marries up with London Plan Policy H6 by design, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category.

18. Where an application does not meet the above requirements set out in Part C of Policy H5, it must follow the Viability Tested Route. This requires detailed supporting viability evidence to be submitted in a standardised and accessible format as part of the application.
19. Given that the level of affordable housing proposed is under the 35% threshold as set out within the London Plan and Brent Local Plan, a Financial Viability Appraisal (FVA) was submitted with the application.

#### Earlier refused scheme

20. The previous refused application reference 21/3679 was also subject to a FVA as no on site affordable housing was proposed. The earlier scheme was for 43 private homes. The FVA submitted with the refused application concluded via the viability assessment that the proposal would result in a deficit and would not be able to deliver any affordable housing. This was on the basis that an 100% market housing scheme would generate a residual land value of £891,658, which would result in a deficit of approx. £2,108,342 below the benchmark land value of £3,000,000. The FVA was reviewed by industry experts on behalf of the Council. The appraisal concluded that the scheme could deliver a surplus of £338,894 that could be used towards the provision of affordable housing, based on 100% market housing scheme. The main differences between the two consultants related to build costs, developer profit and benchmark land value.
21. One of the reasons for refusal was on the grounds that the proposed development was not subject to a legal agreement under Section 106 of the Planning Act which would ensure that the delivery of the maximum reasonable amount of affordable housing together with an appropriate Affordable Housing review mechanism.

#### Current proposal

22. As part of the current application an Addendum Viability Study was submitted to be considered in conjunction with the earlier FVA submitted as part of the 2021 application together with the review of the FVA on behalf of the Council. Once again, the addendum report has been reviewed by industry experts on behalf of the Council. This is on the basis of 42 private homes and a reduced benchmark land value of £2,270,000. The applicant's addendum report concludes that a wholly private scheme would deliver a deficit of £1,603,575 below benchmark land value. The Council's consultants who have reviewed the addendum have concluded that the scheme would also be in deficit based on a wholly private scheme but with a reduced deficit of £868,873. This does mean that even with no affordable housing this development presents risks to the developer in terms of getting a sufficient return on the development. If things do improve it might be possible to secure affordable housing via a late stage review but at this point the scheme cannot support any at all.
23. In conclusion, the review of the addendum report has concluded that the scheme cannot reasonably deliver any affordable housing. However, in line with policy a late stage review mechanism would be secured within a Section 106 Agreement to capture any off site contributions towards affordable housing in the event that viability improves. The proposal is therefore considered to comply with policies H4, H5 and H6 of London Plan 2021 and policy BH5 of Brent's Local Plan 2019-2041, and has overcome the earlier refusal for refusal on this matter.

#### Housing Mix

24. Policy BH6 of the Local Plan sets out that the council will seek to deliver a target of 25% of new homes as family sized (3 bedrooms or more) dwellings. For every four dwellings included within developments at least one must be 3 bedrooms or more. The proposed residential development would include 11 x 3 bedroom homes which delivers 1 in 4 of the homes within the development as family sized, and therefore complies with policy BH6.

#### **Design, Character and Impact on the Street Scene**

25. 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. Policy D3 of London Plan highlights the need for all development must make the best use of land by following a

design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site.

26. Policy DMP1 requires the scale, type and design of development to complement the locality. This is reinforced in policy BD1 which seeks for new development to be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects and complements historic character but is also fit for the future. In delivering high quality design, development proposals will be expected to show how they positively address all the relevant criteria within London Plan design policies and the Brent Design Guide SPD1.

### Height and Massing

27. Policy BD2 defines a tall building that is one that is more than 30m in height above ground level. Tall buildings are directed to tall building zones in the policies map. The policy goes on to say that in intensification corridors and town centres outside conservation areas and areas of distinctive residential character developments of a general building height of 15 metres above ground level could be acceptable, with opportunities to go higher at strategic points in town centres. In all cases the tall buildings must be shown to be positive additions to the skyline that would enhance the overall character of the area. They should be of exceptional design quality, consistent with London Plan Policy requirements in showing how they positively address their visual, functional, environmental and cumulative impacts.
28. The proposed building would not be defined as a tall building as it is less than 30m in height. The central portion of the proposed development would be 5 storeys in height and would contain a maximum height of approximately 18.6m. The northern, southern and western portions would be 4 storeys in height, eventually dropping to 3 storeys to the west (rear of the site).
29. It is set out within Brent policy BH4 that outside of the priority locations for housing, "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". The area surrounding the application site mainly comprises of traditional two storey detached and semi-detached properties with relatively large garden areas. It is noted that a row of three storey buildings is situated further south of the site along Watford Road and this would appear to be a small isolated neighbourhood parade with commercial units on the ground floor and residential units located on the upper floors. The proposal would be larger both in height and massing than the existing buildings within the context and does diverge to a degree from that character.
30. The tallest portions of the development would mainly occupy the front, central portions of the site whereby this height would be considered appropriate given the open setting of the John Lyon Roundabout, at the convergence of four main roads, which creates a suitable foreground to a building of such a height. The overall height is also focused away from the residential properties to the south and west of the site.
31. Within the earlier refusal, the overall height, bulk and massing was not considered to respect the surrounding context within the vicinity of the application site. The proposed bulk and mass was considered to over dominate the site and would fail to respect the context and traditional suburban nature of the area. The height of the rear projecting element in particular would have failed to allow for a suitable transition when considering the established residential features to the west of the site along Amery Road. This addition would appear excessive and too severe jump in height. There were also concerns that the development would appear cramped with the northern splayed boundary and this is further intensified by the overall bulk and mass of the rear projecting element. This further highlights the overdevelopment nature of the proposed replacement building.
32. Furthermore, the earlier application was not provided sufficient analysis of the development while considering the nearby streets in particular Sudbury Court Drive where land levels do rise. There were also concerns in relation to how the proposal would be perceived from Amery Road.
33. In response to the above concerns, the scheme has been amended and removed a large section of the rear projection together with an overall reduction in the building height. The wings on either side of the five storey element have been amended to four storeys in height to provide a more symmetrical building. A townscape analysis has also been submitted that includes views from along Amery Road, Sudbury Court Drive, Paxford Road, The Crescent and The Green. These views are compared the proposal against the refused scheme. In addition, a number of Accurate Visual Representations were included.

Initially these views only related to one on the south eastern side of Sudbury Court Drive (close to the junction with the roundabout) and on The Green. Further AVR were provided further along Sudbury Court Drive (outside No. 52, 102 and 118), along Watford Road junction with The Green as requested by the Urban Design Officer and Heritage Officer.

34. The Council's Urban Design Officer has reviewed the revised height and massing and considers that the reduction in height to the rear and sides would allow for an appropriate transition and relationship when considering the height of the dwellings within the vicinity of the site. This is evident in a number of the views provided within the townscape analysis. In this regard, the subject proposal is considered to overcome the previous reason for refusal, which considered the overall bulk of the proposal to be unacceptable, creating an unacceptable transition to the surrounding properties.
35. The viewpoints provided with the application are considered to successfully demonstrate that the site has capacity to sustain a development of up to 5 storeys in height from an urban design perspective, given the wide and open nature of the road and junction that the building addresses.

#### Architecture and Materiality

36. SPD1 states that 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.
37. A strong approach to materiality has been set out within the Design and Access Statement submitted as part of this application. The development would mainly comprise of a red brick base with a dark red/brown or green coloured cladding introduced at the upper floors/roof features. The materials would pick up several details from the surrounding context and nearby Conservation Area, which is welcomed. The facades are well-composed, with good proportions that establish a clear hierarchy across the scheme and define a coherent base, body and crown from ground floor to roof level. Nevertheless, as part of any consent, detailed bay studies would be required by condition to include indicative technical sections illustrating how specific elements of the façade may be constructed, such as typical windows, typical parapets, typical balconies etc. Details of finalised materials would also be required via a planning condition.
38. Within the previous application, concerns were raised over the legibility of the proposed communal entrance. The entrance has now been brought forward of the main facade and is considered to be of a composition which presents a legible communal entrance to the wider streetscape, giving it a clear identity and creating a good sense of arrival for future residents. There were also concerns within the previous application regarding the extent of inactive frontage at ground floor level. To address this, the introduction of private amenity spaces adjacent to the communal entrance are considered to help to animate the frontage, whilst giving a formality to the façade composition.
39. Overall, the proposed approach to architecture and materiality is considered to be well designed, incorporating visual cues from the surrounding area.

#### Layout

40. The proposal would feature a projection forward of No. 135 Sudbury Court Drive by approximately 4.3m. This relationship has been achieved due to the angled orientation of this neighbouring property. The additional properties further south of Sudbury Court Drive contain a more linear and uniform building line and southern portion of the development would suitably resemble this established building line. A sufficient spacing would be maintained to the front of the site. The gradual projection forward towards the central of the site is considered acceptable given the width of the site. The building line further to the north would resemble that of the properties further north of the site.
41. An entrance lobby would be positioned along the central parts of the site, and it is considered that this would be well read, providing a welcoming experience for any future residents. A segment of the ground floor would provide vehicle access to the undercroft parking area. The existing access points from the service road the east would be used as part of the development.
42. Overall, the proposed layout is considered to be acceptable with regard to the established pattern of development in the surrounding area, and in light of the site's characteristics.

#### Relationship with the Sudbury Court Conservation Area

43. The site is situated adjacent to the Sudbury Court Conservation Area further to the east of the site and a Conservation Area is defined as a designated heritage asset.
44. Paragraph 194 of the National Planning Policy Framework (NPPF) 2021, states that when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The NPPF goes on to say in paragraph 195 that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
45. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In the case of where development leads to less than substantial harm to the significance of a designated heritage asset, paragraph 202 of the NPPF highlights this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Policy HC1 of the London Plan development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. Policy BHC1 of the Local Plan further re-emphasises the matters above. Policy BP4 further reveals the importance of conserving and enhancing heritage assets within this part of the Borough.
46. Sudbury Court Conservation Area Appraisal identifies the importance of protecting the Conservation Area and details prevailing quality, level of preservation of the details that define the character of the area. The site is also opposite a 'gateway' to the Conservation Area and therefore forms part of its backdrop.
47. A Heritage Statement has been included with the application which considers the significance of the Conservation Area as recommended by NPPF 194. For the most part, the new development would not be viewed from within the Sudbury Court Conservation Area, certainly not from its centre. Two views are provided within the Heritage Statement. View 9 is taken from within the Sudbury Court Conservation Area at its edge and is the most prominent view of the building from within the Conservation Area. It is clear that from this position the building would read as backdrop. The visual representation of the building does not appear harmful to views from the Conservation Area in this respect. Views to the site down The Crescent are also very limited.
48. View 1 is not from within the Sudbury Court Conservation Area but the site is seen in context when walking on Sudbury Court Drive. A further View 2 has also been provided from the pavement, as View 1 was taken from an island within the road, where views would not be as prominent. View 2 has been reviewed by the Council's Heritage Officer. It is considered that the proposed development would be seen in context with the Conservation Area when walking on Sudbury Court Drive. However, it would not be on its boundary, nor is it considered part of the gateway to the conservation area. It would not block or mar views to the Sudbury Court Conservation Area and would be seen in context with the properties alongside it on the opposite side of the road.
49. The Heritage Statement suggests that 'the appearance of the Proposed Development would neither detract nor enhance the significance of the Conservation Area. The ability of the observer to recognise and appreciate the Conservation Area would remain unchanged, and the impact would be neutral. The Proposed Development would, at least, preserve the character and appearance of the Sudbury Court Conservation Area.' The Heritage Officer agrees with this conclusion. Simply seeing something new is not considered to be harmful to the significance of the conservation area. Furthermore, the design of the building is considered by the Principal Urban Design Officer to be acceptable in terms of massing, with a strong approach to materiality and could become an exemplar scheme for suburban intensification.
50. The Sudbury Court Conservation Area has been determined in the Historic Environment Place-making Strategy to be of medium to low significance. On balance, it is hard to see how the significance of the Sudbury Court Conservation Area would not remain sustained given these circumstances. However, if one was to contend that a degree of harm would occur, this must be 'less than substantial' and at the very low end of the scale. This harm would be significantly outweighed by the public benefits of the scheme, which include the provision of new homes to meet housing need within the borough, including



family sized homes.

51. Overall, it is considered that the proposed development would not result in harm to the setting of the Sudbury Court Conservation. This is considered to overcome the previous reason for refusal on this matter whereby insufficient information was provided to demonstrate an acceptable impact upon this designated heritage asset.

### **Impact on Neighbouring Residential Amenity**

#### Separation Distance and Privacy

52. Any development is required to maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1. SPD1 recommends that directly facing habitable room windows will normally require a minimum separation distance of 18m, except where the existing character of the area varies from this. A distance of 9m should be kept between gardens and habitable rooms or balconies.

#### *Properties to the rear on Amery Road*

53. The windows and balconies on the western elevation within the rear projection are sited closest to the rear boundary with the properties on Amery Road. Within the rear projection, the ground floor to second floor would contain habitable room windows located at approx. 8.8m from the boundary with the rear gardens of No. 15 Amery Road, with the edges of the balconies at first and second floor levels at 7.3m from the boundary with these properties. A distance of over 32m would be maintained from the edge of the balconies to the rear habitable room windows within the properties on Amery Road.
54. The windows would be 20 cm below the distance referred to in SPD1, with this minor shortfall not considered to result in materially different levels of overlooking. However, the balconies project into this space and the distance to the boundary would be materially less than the 9 m specified in the guidance. Whilst in some instances the proposal would fail to maintain a 9m separation distance from the rear boundary, the degree of overlooking is reduced by the level of tree coverage and vegetation positioned adjacent to the rear boundary. The adjoining gardens are sizeable, and the rear building line of the residential properties to the west of the site would be in excess of 30 m from the balconies. While the distance from the rear element of these gardens is less than that set out in SPD1, the proposal is considered to be acceptable in relation to the degree of overlooking for the reasons set out above.

#### *No. 135 Sudbury Court Drive*

55. The front element of the building would be located approx. 1.5m to 4.3m from the boundary with No. 135 Sudbury Court Drive at ground to second floor levels. Windows are proposed within the flank elevation at ground floor level. Given that there is an existing boundary fence between the two sites, it is not considered that the scheme would result in overlooking from the ground floor flank wall windows. The balconies at the upper floor levels closest to the boundary with No. 135 Sudbury Court Drive can be conditioned to have high level screen to prevent directly overlooking to No. 135 Sudbury Court Drive. The roof terrace at fourth floor level for flat 4.01 would be within 9m of the boundary with No. 135 Sudbury Court Drive (7.3m to 8.3m). However, the terrace would not have direct views into the adjoining property due to the green roof that sits in front of it. The balconies with the rear projection would maintain a distance of over 12m to the boundary with the rear garden of No. 135 Sudbury Court Road with a greater distance being achieved for side facing windows.

#### *Site to the north*

56. The previous application included a reason for refusal in relation to the proximity of habitable room windows of the proposed development to the boundary with the adjoining site to the north, and lack of evidence on the access rights to the substation to demonstrate that this would need to be retained in the long term. The previous application failed to have an appropriate regard to the nature of the adjoining site as a development site for mix-use purposes.
57. The site to the north currently serves a car repair service. The proposed floor plan drawings submitted with the application illustrate an access boundary for the sub-station to the rear of the site. The Title Deeds provided within Appendix B of the Planning Statement state that full and free access must be maintained for access to the substation. This access would therefore be retained indefinitely, and an access boundary is shown on the proposed plans. Whilst it is noted that the kitchen/living windows to the

flank of proposed units 1.04, 2.04 and 3.04 would be within 9m of the site boundary, which formed a refusal reason within the previous application, it is considered that this measurement may instead be taken from the middle of the access road, as demonstrated to be retained in the proposed plans. This is in light of the Title Deeds provided. The aforementioned windows would be located at least 9m of the middle of the retained access road and the development is therefore considered to be acceptable in this regard. The remaining flank windows facing the north of the site (along the frontage of the building) do not contain sole flank wall windows, and could be conditioned to be obscured glazed and high opening, together with high level screening to the balconies. It is considered that the previous reason for refusal has been addressed on this basis.

### *Summary*

58. In conclusion, the proposal would be considered to achieve an acceptable level of amenity in relation to neighbouring occupiers. Whilst some elements of the scheme do not fully comply with SPD1, such breach of the guidance would not be considered to a harmful impact to neighbouring occupiers, and the proposal would therefore comply with policy DMP1.

### Outlook and Daylight

59. The building envelope of the proposed development should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from height of two metres above floor level. Where proposed development adjoins private amenity / garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of two metres. SPD1 further highlights the 1:2 rule for two storey extensions for commercial developments next to residential as well as between residential developments applies.

### *Nos 15 + 17 Amery Road*

60. Section drawings have been provided within the Design and Access Statement to demonstrate that the proposed development would comply with the 30 and 45 degree rule in relation to these properties. This was also considered to be acceptable within the previous application which featured a greater massing to the rear.

### *No. 135 Sudbury Court Drive*

61. The rear projection of the proposal would comply with 45 degree line from the rear garden of No. 135 Sudbury Court Road. The 1:2 guidance has been applied in relation to the front element of the building as it is the closest element that sits alongside No. 135 Sudbury Court Road. When measured from the middle of the nearest rear habitable room window at first floor level, a distance of 7m would be maintained from the middle of this window to the flank wall of the development (including the balcony). The proposal would project out 3.5m from this window and therefore would comply with 1:2 guidance.

62. It is therefore considered that the scheme has overcome the earlier reason for refusal in relation to the impacts upon No. 135 Sudbury Court Road as it would no longer result in an unacceptable relationship in terms of an overbearing appearance or harmful levels of overlooking/loss of privacy. The proposal would accord with policy DMP1 and the guidance set out within SPD1.

### *Daylight + Sunlight Assessment*

63. In terms of impacts on daylight and sunlight to neighbouring properties, BRE Guidelines set out a number of tests. The initial test relates to 25 degree line where it recommends that adequate daylight would be achieved when there is an unobstructed 25 degree angle in relation to neighbouring windows. In such cases no further testing would be required from these windows. Where further testing is required, firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Secondly, the No Sky Contour or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. The BRE guidance sets a target of 0.8 times its former value.

64. To assess impacts on sunlight to existing south-facing windows and amenity spaces, an assessment of Annual Probable Sunlight Hours (APSH) is recommended. Adverse impacts occur when the affected window receives less than 25% of total APSH including less than 5% in winter months, or when amenity spaces receive less than two hours sunlight on 21 March or less than 0.8 times their former value.

65. The NPPF also supports a flexible approach to applying standards in order to allow for an efficient use of sites.
66. A sunlight and daylight assessment has been provided with the application assessing the impact of the development on the neighbouring properties within the vicinity of the application site. The report concludes that there would be no direct impact on the neighbouring properties within the vicinity of the application site.
67. No. 135 Sudbury Court Drive to the south has windows in the side elevation facing towards the site. However these windows serve non-habitable rooms and BRE guidelines are clear that the effects on daylight and sunlight to non-habitable rooms are not required for testing. The report outlines that the front and rear facing windows serve habitable rooms, which would be unaffected by the proposed development due to the proposed layout and stepping down of the massing adjacent to 135 Sudbury Court Drive. Therefore, it is concluded within the assessment that 135 Sudbury Court Drive would adhere to the BRE guidelines as neither the front or rear windows would infringe with 25 degree line test given the orientation of these windows. The rear garden of 135 Sudbury Court Drive has been considered, but not tested, as it is located to the south of the development site. This means that there would be no material overshadowing of the garden from the proposed development. Due to the unfettered access of sunlight from the south, throughout the day, the occupants of 135 Sudbury Court Drive would enjoy sunlight levels in excess of the BRE guidelines recommendations.
68. Having undertaken a 25 degree angle test regarding the neighbouring properties along Amery Road, the proposed building layout, and the distance between the buildings, the proposed development adheres to the test. This demonstrates that the occupants within the Amery Road properties would maintain high levels of daylight and sunlight with the proposed development in place. In addition, the rear gardens to the Amery Road properties would maintain sunlight in excess of the BRE guidelines, as there is unfettered access to sunlight from the south, such that the 2-hour sun-on-ground assessment would be satisfied.
69. In conclusion, the assessment demonstrates that neighbouring properties together with their rear gardens would continue to receive good levels of daylight and sunlight with the proposed development in place, in line with BRE guidance. The proposal would accord with policy DMP1 and has sufficiently addressed the earlier reason for refusal in relation to concerns with overshadowing to the rear gardens of the properties on Amery Road.

### **Quality of Accommodation**

70. Policy D6 of the 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. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3. Optimising site capacity through the design-led approach than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.

### Daylight and Sunlight

71. A daylight and sunlight report was submitted with the application assessing the internal arrangement of the proposed residential units. Initially, the assessment was made into ground floor units only. However, concerns were raised by the Council's Urban Design Officer with regard to units 1.02, 1.05, 2.02 and 2.05 as to the performance of the living, kitchen, dining spaces. These units are partly buried within the depth of the plan and have projecting balconies above the windows, potentially limiting daylight and sunlight penetration. Following communication with the applicant, an addendum was received to ensure ground, first and second floor units were assessed.
72. The Illuminance Method daylight results show that 61 rooms out of 81 rooms tested adhere to the BRE guidelines. It is noted that where rooms fall below requirements, some of these are affected by the provision of balconies overhead, which is an inevitable effect for new urban developments when delivering the required amenity space standards, whilst others shortfalls are due to the inclusion of the kitchen areas within the new illuminance testing methodology. The Sunlight Exposure results show that of the 81 rooms tested, 54 rooms (67%) adhere to the BRE guidelines. This is considered to be a suitable level of adherence given the proposed development has windows facing in all directions, including the

north where sunlight is limited. In light of the above, the proposed layout of units 1.02, 1.05, 2.02 and 2.05 is also considered to be acceptable.

73. For the sunlight quality to the proposed amenity areas, the ground floor gardens have been assessed. It is noted that the upper levels of the proposed development would obtain higher levels of daylight and sunlight. The assessment of the sun-on-ground has been undertaken to two amenity areas at ground level. The results of the assessment can be seen on the ground floor plan at Appendix 2, which shows Area A1 and A2 would obtain at least 50% of the garden sunlit in the assessment month of March. Areas A1 and A2 obtain levels of 96% and 100% respectively, which are well above the target set out in the BRE guidelines.
74. Overall, the assessment of the light for the future occupants demonstrates an acceptable level of adherence to the daylight assessment, whilst also demonstrating a good level of sunlight will be achieved.

#### Floorspace Requirements

75. 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. The Design and Access Statement submitted with the application highlights that all proposed units would meet the London Plan floorspace requirements.
76. The proposed first and second floors would include 11 units which would exceed recommended 8 homes per core as set out in the Mayor's Housing SPG. However, given the "T" shape of the buildings the homes are clustered around a centrally located core.
77. The section plans submitted with the application demonstrates that the proposal would meet the required floor to ceiling height of 2.5m of at least 75% of the internal floorspace as set out within the London Plan.

#### Outlook and Aspect

78. Policy D6 of the London Plan highlights that housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings.
79. Within the previously refused application, there were significant concerns raised in relation to the level of outlook received by a number of the proposed ground floor units. These are each addressed below.
80. The bedroom serving G.01 is located within close proximity to the main entrance of the development. Previous concerns were raised over the location of the boundary screening to the proposed amenity space which was in close proximity to the bedroom window. To alleviate these concerns, the unit has been provided with a decked amenity space of a suitable width which meets London Plan standards, with the screening now sited in a suitable location to allow for an appropriate level of outlook, whilst also preserving the privacy of the space.
81. Concerns were also raised over the flank bedroom window for unit G.02 which was sited directly adjacent to a hedge, and 2.6m from the site boundary. Whilst the window would remain within 2.6m of the site boundary, the hedge has been relocated to better align with the natural subdivision of the units. It is therefore considered that an appropriate level of outlook would be received, given the site constraints.
82. The bedroom located within G.05 which was previously considered to receive an unacceptable level of outlook has been removed from the subject application and therefore overcomes the previous concerns.
83. Otherwise, the proposed unit layout is considered to be acceptable, providing a suitable level of outlook to each unit. Further, it is considered that internal layouts have been well thought out, to maximise dual aspect provision, with living spaces located to the corners of the development where possible.
84. Amendments were also received during the course of the application to flip units G.04 and G.05. This allowed the larger, 2 bedroom 4 person unit to benefit dual aspect provision, as well as to benefit from access to a larger private amenity space.

#### Relationship with the Existing Sub-Station

85. Unit G.05 would be positioned within close proximity to the existing substation to the rear of the site. The proposed first, second and third floors would contain units with balconies directly adjacent to the substation. These upper floor units would also contain opening points within close proximity to the substation.
86. Within the previously refused application, the Noise Assessment failed to fully assess this relationship in full. In addition to this, the Environmental Health Team raised concerns in relation potential of electromagnetic fields generated by the electric substations on/near the site which were not addressed.
87. Although the noise assessment provided as part of the subject application doesn't specifically mention the substation, a frequency analysis was undertaken that demonstrates there is low frequency noise; more likely from extraction fan noise as opposed to the substation. Due to this specification it has been noted that the proposed glazing would reduce low frequency noise to an acceptable level. This information has been identified as acceptable by the Council's Environmental Health Team. Furthermore, an EMF Report was submitted during the course of the application which demonstrates acceptable levels, below threshold levels. The application is therefore considered to suitably overcome the previous reason for refusal.

#### Accessibility

88. Policy D7 of the London Plan requires that 90% of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and 10% should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings'.
89. The development has been designed to allow residents to gain step-free access to the building when considering the external environment through clearly visible and identifiable entrances from the public realm. Step-free access would also be provided to the rear amenity space. The scheme would include 5 units designed to building regulations M4(3) 'wheel chair accessible homes standards'. This would equate to over 10% which complies with the requirement of the London Plan.
90. The remainder of the homes would be designed to M4 (2) 'accessible and adaptable dwellings' standards.

#### Privacy

91. Given the orientation between the proposed units, no harmful overlooking would occur between homes within the development. A condition has been recommended requesting details of appropriate screening to be included on the proposed balconies.

#### External Amenity Space

92. 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 is normally expected to be 50sqm per home for family housing (3 bedrooms or more) situated at ground floor level and 20 sqm for all other housing.
93. The requirement for external private amenity space is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 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.
94. 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 1.5m.
95. 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.

96. In line with policy BH13, the scheme would be required to provide a total of 900sqm of external amenity space (2 x 50sqm and 40 x 20sqm). Each home would have access to a private terrace or balcony that meets or exceeds London Plan standards for external amenity space. However, there is an overall shortfall in private amenity space of 388.8sqm against the targets set out within policy BH13. However the scheme would have access to 533sqm of communal amenity space located at ground floor level and at 4th floor level. The combination of private and communal amenity space would result in a scheme that would not be short of the targets set out within policy BH13.

#### Play Space

97. London Plan policy S4 refers to play space requirements for residential developments. A children's play area would be provided to the rear of the site and this would measure approximately 170sqm. This provision would exceed the requirement of the GLA playspace requirements of 140sqm for a scheme with 42 homes (all of which are private).

#### **Transport and Highway Considerations**

98. The application site fronts the service road, which runs along Watford Road on the north-eastern side of the roundabout junction with Sudbury Court Drive and The Crescent. Watford Road is a London Distributor Road.

99. The service road serves a mixture of residential and commercial properties. It is approximately 5.5m wide and permits uncontrolled on-street parking. However, its width allows parking along one side only, with six cars able to be accommodated opposite the application site and a further six to the north. Nevertheless, it is subject to demands from commuters and shoppers to the local area, particularly during the day.

#### Parking

100. The existing 40 car parking spaces on site significantly exceeds maximum car parking allowances for a restaurant.

101. With regard to the site's redevelopment, parking standards at Appendix 4 of the Local Plan are taken from Table 10.3 in London Plan Policy T6.1 for residential use. The low access to public transport services means that up to 0.75 spaces per 1-2-bed flat and one space per 3-bed flat are allowed.

102. The proposed development would therefore have a maximum car parking allowance of 35 spaces. This is a reduction from the previous Development Management Policy standards that were in operation when previous proposals were considered, which would have allowed up to 49 spaces.

103. Within the initial submission documents, the applicant proposed 16 formal undercroft spaces which is in accordance with maximum parking standards. However, although the proposed car parking was compliant with maximum standards, the Council's adopted policy BT2 states that "Development will be supported where it does not add to on-street parking demand where on-street parking spaces cannot meet existing demand such as on heavily parked streets, or otherwise harm existing on street parking conditions. As such, justification for the relatively low level of proposed car parking was required.

104. To establish likely parking demand, reference to data from the 2011 Census suggests that car ownership for flats in the area averages about 0.76 cars/flat, suggesting that the development would generate demand for 32 spaces.

105. The previously refused application (ref: 21/3679) proposed 18 formal undercroft parking spaces, plus six informal spaces along the proposed service road along the front of the building. This left an expected overspill of about eight cars, which were deemed capable of being accommodated along the service road in close proximity to the building. As such, the previous scheme was not considered likely to cause any severe parking problems in the vicinity of the site. Nevertheless, the subject application at submission reduced the undercroft parking to 16 spaces, whilst also reducing the width of the service road along the front of the building to accommodate soft planting, such that it would no longer be able to accommodate any informal parking. The off-street parking provision was therefore significantly reduced by about one-third in comparison with the earlier submission (24 spaces down to 16 spaces), leading to a much greater volume of overspill parking estimated at an average of 16 cars.

106. To this end, detailed survey information on parking conditions in the area was gathered by the

applicant using an accepted methodology to establish whether there is spare capacity to accommodate some parking demand along the service road fronting the site. Surveys were carried out over the period of two nights from 00:30-05:00 on Wednesday 5th May and Thursday 6th May 2021. The carriageway of the service road in close proximity to the site has a total capacity for twelve cars, with about six spaces directly fronting the site and a further six spaces to the north. On 5th May, six cars were observed as being parked, leaving six spare spaces, whilst on 6th May, four cars were noted, leaving eight spare spaces. The service road is therefore

107. Nevertheless, Google Streetview images show that it does tend to be heavily parked during the day and suggestions from resident objections are that many of the spaces are used by staff at Northwick Park Hospital. As such, there is less spare parking capacity available during the day close to the site. It is recognised that residential parking demand from this site would be likely to fall during the day though as residents travel to work and this is set out in Table 6 of the Transport Statement provided.
108. If space only exists for six cars to overspill from the site onto the service road close to the site, then a further ten residents would be seeking parking space further afield. However, the remainder of the kerbside parking that was surveyed was at least 120m distant from the building entrance, with the majority of it accessed via the crossing of major roads. Only the northern service road of Sudbury Court Drive provides reasonably convenient parking, but this has only 13 spaces within 200m of the building entrance. Given these distances, it was considered that residents are more likely to take their chances on parking for short periods in and around the development, such as on double yellow lines, across driveways and junctions, on footways/verges, or most likely, on the service road and landscaped areas fronting the building, despite its reduction in width. This will be particularly the case if they are carrying heavy shopping or have young children with them. Such parking would in turn obstruct safe access to the building and along the adjoining streets.
109. As such, concerns were raised over the impact of the estimated overspill of 16 cars from the site would have on highway conditions in the area, given the shortage of available on-street parking space in the immediate vicinity of the building. To this end, it was noted that an additional 8 spaces were required on site, with the remaining demand to be accommodated on the service road.
110. In light of the above, a revised ground floor plan was accepted during the course of the application which demonstrates an additional 8 parking spaces to be located within the site's frontage (bringing the total provision on site to 24 spaces). To accommodate this, the proposed soft landscaping has been rearranged but has not resulted in a significant net loss. Furthermore, the soft landscaping to the frontage would also be a significant increase to the previous application, where this was not highlighted as a concern. The revised documents have been reviewed by the Council's Transport Team and are considered to ensure that the proposed development would not unacceptably impact upon highway safety, as parking demand may be suitably accommodated on site with an estimated overspill parking demand for 8 spaces, which would be comparable to the earlier refused scheme. Bearing in mind that the standards are expressed as maxima this does not conflict with the policy. The potential (on and off street) demand can be accommodated within accepted tolerances. Moreover, policy emphasis on restraint is likely to influence occupiers' modal choices particularly around ownership and use of a car.
111. The proposed 3.2m headroom to the undercroft area is appropriate.
112. The Transport Statement also indicates that 20% of car parking spaces would be provided with active provision for electrical vehicle charging, whilst the remainder would be provided with passive provision, as per the London Plan requirements. However, these have not been indicated on the site layout plan, and details would need to be conditioned.
113. The provision of two disabled car parking spaces has been indicated, which would meet the current requirements.
114. Officers in Transportation have also requested a Car Parking Management Plan to be conditioned to ensure that cars only park on-site within the designated spaces within the site, with details of what action would be taken if cars parked elsewhere. It should also set out how spaces would be allocated, to give the greatest priority to those with the greatest need (disabled persons, family units etc.).

### Healthy Streets

115. Although the scale of the development is below that where TfL's guidelines would consider it essential, the poor location of the site in terms of public transport access means that a Travel Plan is of

benefit in this case. The applicant has thus submitted a Framework Travel Plan.

116. The main proposed target is to reduce the proportion of trips made by car drivers from 44% to below 20% within 5 years, which is welcomed. However, the content of the travel plan requires revisions if this target is to be realised. The measures only relate to providing information to residents and this is only successful for a limited number of persons. Incentives for people to change their attitudes also need to be included, such as pre-loaded Oystercards, discount cycles etc. It is also noted that Enterprise have recently begun operating a Car Club within the vicinity of the site, so a useful measure would be to pay for residents membership and use of the car club for a period of time, so that they don't need to own a car, but have access to one when required.
117. Details of the Travel Plan Co-ordinator would be required for the final Travel Plan.
118. The Travel Plan also suggests that the site has good walking, cycling and public transport infrastructure. This does not correlate with the PTAL value of 2, whilst several of the arms of the adjoining roundabout have poor pedestrian crossings. To this end, it was noted to be of benefit if the pedestrian environment around the site could be improved, which could be by way of a contribution or part of S278 works. Undertaking of a Healthy Streets Assessment in the vicinity of the site would help to identify key shortcomings that could be addressed. As such, a Healthy Streets Assessment was submitted during the course of the application, which has been reviewed by the Council's Transport team.
119. The Healthy Streets Briefing Note identifies routes to various destinations which require the crossings of each arm of the roundabout junction, which is a reasonable approach. The Highway Code has recently been updated to clarify that pedestrians have the right of way at junctions including roundabouts and so cars should give way to pedestrians wanting to cross, unfortunately this rarely occurs and so the environment needs to improve in order to enforce this. If an environment is dominated by cars with limited facilities for pedestrians more people would choose to drive as it looks like that is what people are supposed to do.
120. The briefing note includes some data on collisions, but no map of the area included in the coverage has been included so it is unclear of the area covered whilst it would be expected to include at least up to all of the formal pedestrian crossings mentioned as being within a reasonable distance within the assessment. Furthermore, the period of the collision data is from January 2019 to December 2021 in which for a large portion of this period the Country was under Covid restrictions in which travel was significantly reduced and so it would be expected that a reduction in collisions would occur during this period, indeed this partly the goal of travel restrictions and in particular restrictions on driving was so that NHS resources weren't taken up by dealing with the aftermath of collisions.
121. In light of the above insufficiencies noted, the applicant agreed to enter into discussions with the Council's Highway team to discuss an appropriate financial contribution for the improved pedestrian environment around the site. Following discussion, it was agreed that the conversion of the existing informal pedestrian crossing across Watford Road directly outside the site into a Zebra Crossing and the provision of a speed table on the adopted service road to line up with the existing informal crossing / proposed zebra crossing would be a suitable approach to improving pedestrian safety around the site, so that walking may be further encouraged. Such improvements through a financial contribution of £50,000 would be secured via a Section 106 agreement, and the application is therefore considered to be acceptable in this regard.

#### Cycle Parking

122. The proposals require a minimum provision of 77 long-stay cycle parking spaces and two short-stay spaces. The proposed ground floor plan proposes 80 spaces; 74 on two-tier racks and six on 'Sheffield' stands to accommodate non-standard bikes. Two external 'Sheffield' stands for visitors are also shown to meet short-stay requirements. Refusal reason 7 of the previous decision notice has thus been addressed.

#### Servicing

123. Minimum storage requirements are for 4,800l of recyclable waste, 4,800l of residual waste and 966l of organic waste. This would result in the need for 10 x 1,110l Eurobins and four wheeled bins. The refuse store indicates that 10 x Eurobins and 4 x 240l refuse bins will be accommodated and so this would be acceptable. Whilst the communal bin store does exceed the recommended 30m carrying distance from the entrance of some of the flats (excluding vertical distance) (the longest distance is



approx. 38m), the shortfall would not be considered significant.

124. The proposal initially showed service vehicles going into the site through a carriage drive style access. However, this was changed in order to allow the required level of parking to be provided and service vehicles would now stop on the service road to the front of the property. A gate was proposed to the front of the property to allow refuse bins to be wheeled to the collection point. The gate is shown to open over the highway and would need to open inwards (into the site), which can be secured through condition.

#### Trip Generation

125. The applicants have provided a trip generation analysis based on TRICS survey data for both the existing restaurant and the proposed residential flats. The trip rate calculations for the flats are based on five similar blocks of flats in areas of Outer London with a low PTAL rating, so are considered representative of this proposal.

126. The analysis indicates that the development will generate an extra 5 arrivals and 19 departures by car during the AM peak (8-9am) compared with the existing use, with an additional three vehicle movements in the evening peak hour (5-6pm). These additional flows are not considered significant enough to have a detrimental impact on highway network capacity in the area.

#### **Tree Consideration, Urban Greening and Ecology**

127. Policy BGI2 states that development with either existing trees on site or adjoining it that could affect trees will require a submission of a BS5837 or equivalent tree survey detailing all trees that are on, or adjoining the development site.

128. The site is not affected by any Tree Preservation Orders and it is not within a designated Conservation Area. It does sit opposite the Sudbury Court Conservation Area.

129. A Tree Report and Tree Protection Plan were submitted with the application. To implement the planning permission being sought, part of G1 (group located south of the site) and all of G3 (group located north east of the site) would need to be removed to facilitate the construction new building and garden space. The trees in G1 could be considered unsuitable for long term retention due to their growth potential. These are low quality trees, with G3 being partially in decline. The report highlights it will not be practical to try and retain the trees along the boundary in G1 where the building line comes close to it. The application is seeking for these trees to be replaced by suitable tree cover, including 30 new specimen trees of either advance nursery stock or semi mature specimens planted throughout the development.

130. The layout of the building means that the actual footprint of the new building sits outside of the calculated RPA (Root Protection Area) of the trees, so no deep excavation works will take place in this protected area and so significant roots will not be impacted. The findings identify that the layout of the building does not encroach into the RPA of the other trees to be retained and protected and therefore the deep excavation works will not impact on these protected areas.

131. The risks to the trees associated with construction activities apart from the direct way they could be impacted as discussed above, will be via indirect actions from construction activities such as, inconsiderate material storage, manoeuvring of materials, scaffold erection etc. The site contains the relevant for these actions to be carried sufficiently. Protective fencing will be erected in the locations shown on the tree protection plan. These protection mechanisms would be implemented next to the trees located to the front of the site. Hand digging and air spade works will be used within the RPA with an arborist on site to supervise proceedings. Site supervision will be conducted by an on site suitably qualified arborist.

132. The Council's Tree Officer has reviewed the information provided with regard to trees and raises no objection to the proposal. Whilst it is noted that the revised parking layout would require increased hardstanding provision within close proximity to the existing street trees, this would be acceptable, provided a no dig construction method was used within the Root Protection Areas. To this end, a tree protection and landscaping condition would be required as part of any consent.

#### Urban Greening

133. Policy G5 of the London Plan highlights that major development should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments and a target score of 0.4 for residential development. This is also set out within policy BH4 which seeks for small sites to achieve an UGF of 0.4. As part of the original submission, the applicant provided calculations demonstrating that the proposal would achieve a UGF score of 0.466 which would exceed the target score set out in the London Plan and Brent's Local Plan. Following the submission of a revised front forecourt plan, the UGF calculation has been revised. This has been slightly reduced to 0.451 and still exceeds the policy requirement of 0.4. The UGF is recommended to be secured within the landscape condition.

#### Ecology and biodiversity

134. The sites does not lie within close proximity to a site of nature conservation importance. The nearest one is Northwick Park and the Ducker Pond which is a designated Grade I SNIC and located approx. 240m away on the opposite side of Watford Road. Nevertheless policy BG11 sets out that all development should achieve a net gain in biodiversity and avoid any detrimental impact on the geodiversity of an area.

135. Objectors have said that there is the potential for bats to be affected by the proposal. As noted above, the site is not within a designated nature conservation area or a wildlife corridor. However, this does not necessarily mean that bats are not present within the site or otherwise affected by the proposal. The applicant has submitted a Preliminary Bat Roost Assessment Survey with the survey being carried out on 22nd November 2021 as part of the earlier refused application. The report concluded that the existing building does not have any bat roosts. This report has been resubmitted and no further survey carried out. However, it is considered that the recommendations set out within the earlier report would still be applicable given the date, findings and recommendations of the report. Enhancement measures were recommended and conditions for external lighting. It is recommended that an informative is added highlighting that work should stop immediately if bats are found at any phase of the development, with a suitably qualified ecologist to be contacted for further advice.

136. A UGF Masterplan was submitted alongside the application which was revised following the noted amendments to the front forecourt. This demonstrates a UGF of 0.451 which is an overall improvement from the originally submitted landscaping plan. It is set out that the design attempts to provide as much increased tree and hedge screen and generally softening to the overall proposed architectural scheme, and from the adjacent pedestrian and vehicular traffic flow - on Watford Road. Further planting beds provide soft boundary edges and privacy to and from the adjacent public footpaths, communal path areas and nearby private terraces. The layout, theme and rhythm of the design generally provides for soft landscape areas which frame the key entrances and exits and to be impactful, enhancing the adjacent landscape street scene and public realm. Whilst it is not clear what the existing UGF score is on site, the overall amount of soft landscaping would be enhanced within the site and it is therefore considered that the score of 0.451 suitably demonstrates an overall increase.

#### **Sustainability**

137. Policy SI2 of the London Plan sets out that major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:

- 1) be lean: use less energy and manage demand during operation
- 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
- 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
- 4) be seen: monitor, verify and report on energy performance.

138. A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
- 2) off-site provided that an alternative proposal is identified and delivery is certain.

139. An Energy Statement has been submitted with the application stipulating that A 'Lean, Clean, Green' approach has been adopted and the development achieves an overall improvement (DER/TER) in regulated emissions at over 70.79% above Part L 2013 standard, through the adoption of high standards of insulation, air source heat pump driven heating and hot water systems to the flats and a roof mounted PV array. The remainder of the carbon off setting would need to be secured as a payment in lieu. Whilst it is noted that Part L 2021 of national building regulations took effect on 15 June 2022, at the time of the application submission, the GLA guidance was to continue to use the 2020 guidance, spreadsheet and the Part L 2013 methodology, until the software had been updated. Therefore, whilst the figures are based on Part L 2013, the reduction is high, and it is considered that with the measures proposed, that the scheme could reasonably secure a 35% on site reduction based on Part L 2021. Such details would be secured within the Section 106 Agreement to any forthcoming consent, and would address the earlier reason for refusal in this regard.

## **Environmental Considerations**

### Noise

140. A Noise Impact Assessment was submitted with the application. The report highlights that it is recommended that acoustic fenestration and ventilation measures be considered in order to protect the daytime and night-time amenity of future occupiers. This assessment has been reviewed by the Council's Environmental Health team and is considered acceptable, provided the mitigation measures as stated within the report are implemented. A compliance condition to this end is therefore recommended.

141. A condition to limit noise from plant and equipment in relation to neighbouring occupiers is also required.

### Air Quality

142. The site is in an Air Quality Management Area. London Plan Policy SI1 requires that all major developments within London are Air Quality Neutral. As such, an Air Quality Neutral Assessment needs to be undertaken and submitted with the planning application. Brent's Policy BSUI2 requires major developments to be air quality neutral.

143. An air quality assessment has been submitted and includes an air quality neutral assessment. The assessment considers the air quality impacts associated with the construction and operation of the development. The air quality assessment has also considered the level of exposure for occupiers of the proposed development in relation to concentrations of pollutants and concludes that the levels are below objectives, and therefore future residents and users will experience acceptable air quality, without the need for mitigation measures.

144. The report highlights that whilst the scheme would be air quality neutral in relation to building emissions, the scheme would not achieve air quality neutral for transport emissions. This is based on the predicted daily vehicle movements from the proposed development. The number of spaces at 24 is lower than the current 40 on site. Officers also note that the scheme proposes electric vehicle charging points and that a travel plan would be secured to promote sustainable modes of transport. The scheme also provides cycle parking. On that basis it is concluded that supporting information secured via condition can redress the balance on this issue.

### Construction Noise and Dust

145. The development is within an Air Quality Management Area and located very close to residential premises. Demolition and construction therefore have the potential to contribute to background air pollution levels and cause nuisance to neighbours. As such a Construction Method Statement via a prior commencement planning condition would be required.

### Contaminated Land

146. The application site is within an area that has been identified as potentially contaminated due to its previous use. Conditions are recommended requiring an investigation of land contamination together with details of any remediation and verification of the works carried out.

### Lighting

147. The new development should not give rise to light or other nuisance to nearby residents. A condition would require that, should external lighting be installed, details of the lighting, including a measure of lux levels, to ensure that any lighting does not adversely affect safety, amenity or ecology.

## **Flooding and Drainage**

148. Policy BSUI3 highlights that proposals requiring a Flood Risk Assessment must demonstrate that the development will be resistant and resilient to all relevant sources of flooding including surface water. The application is accompanied by a Flood Risk Assessment. It sets out that the site lies within Flood Zone 1 and would be at low/negligible risk of flooding from fluvial, tidal, sewer, infrastructure (reservoir) and ground water sources. It notes that the site is at some risk from surface water flooding with parts of the site towards the west, south and east within 'low risk' areas of pluvial flooding with the Environment Agency's surface water flood map indicating that the flood depth in these areas would be less than 300mm. A large proportion of these areas will comprise of the communal amenity space and open space surrounding the development however it is suggested that the finished floor levels for any residential properties be raised by 150mm above existing ground levels to mitigate any risk of pluvial flooding. Such details are recommended to be conditioned to any forthcoming consent.

149. Policy SI13 of London Plan sets out that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. There should also be a preference for green over grey features, in line with the drainage hierarchy. Policy BSUI4 relates to on site water management and surface water attenuation. It requires major developments to:

- a) use appropriate sustainable drainage measures to control the rate and volume of surface water run-off;
  - b) ensure where feasible separation of surface and foul water systems
  - c) make reasonable provision for the safe storage and passage of flood water in excessive events;
- and
- d) demonstrate adequate arrangements for the management and maintenance of the measures used.

150. The application has been accompanied by a drainage strategy. It notes that the exiting run off rate from the site is 32.25 l/s and that the scheme would be proposing to discharge the site to greenfield runoff rates with a peak outflow rate of 3.2l/s (90% betterment). This would be achieved through a number of sustainable drainage measures including a green roof, bio-retention/rain garden and permeable paving. An attenuation tank would also be proposed with a storage capacity of 172m<sup>3</sup>. Confirmation has been provided the surface and foul water would be separated, and that the sustainable drainage measures would managed and maintained for the lifetime of the development by an appropriate managing body. It is considered that the sustainable drainage measures are accept and in accordance with policy BSUI4. Such details are recommended to be conditioned to any forthcoming consent.

151. Thames Water were consulted during the course of the application and confirmed that they would have no objections in relation to surface water drainage subject to the application following the sequential approach to the disposal of surface water in line with policy SI13 of London Plan. They also recommended a condition in relation to piling as the development is located within 15m of a strategic sewer and an informative to be applied in relation to groundwater discharge. They also confirmed that they wish to raise no objection in relation to waste water network and sewage treatment works infrastructure capacity,

## **Fire Safety**

152. Policy D12a of London Plan highlights in the interest of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. Policy D12b goes onto say that all major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. Fire safety is also covered under policy D5(b) of the London Plan in relation to inclusive access. A Fire Statement has been submitted on behalf of the applicant by a third party who is a suitably qualified assessor. The fire statement has covered a range of matters set out within policy D12 including "Building Construction Method and Products and Materials Used", "Means of Escape for All Building Users and Evacuation Strategy", "Passive and Active Fire Safety Measures ", "Access and Facilities for the Fire and Rescue Service " , "Site Access for the Fire and Rescue Service" and "Future Development of the Asset and

'Golden Thread' of Information".

153. It is considered that the submitted fire statement sufficiently addresses the matters set out within policy D5 and D12 of London Plan. The London Fire Brigade were also consulted and raised no objections. It should also be noted that the development would still be subject to building regulations where a detailed assessment of fire safety would be carried out.

### **Equalities**

154. 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**

155. The proposal is considered to accord with the development plan, and, having regard to all material planning considerations, should be approved subject to conditions and obligations secured through a Section 106 Agreement. The proposal would result in the provision of 42 new homes, including 11 family sized homes, and would meet an identified need in the borough. The scheme would comply with affordable housing policy despite the absence of affordable housing as it has been demonstrated that the scheme would result in a deficit against reasonable target profit levels. The proposed development is larger than the surrounding buildings both in terms of height and massing. As discussed the Officer view is that the design responds well to its the context and is well composed albeit it would represent a strong element in the local street views. No harm is considered to result to the setting of the Sudbury Court Conservation Area. However, if one did conclude that a degree of harm resulted, the Officer's view is that the level of harm this would be "less than substantial" and significantly outweighed by the benefits of the scheme. The scheme would be air quality neutral in relation to building emissions, but would not be air quality neutral in relation to transport emissions. The limited conflict with policy is capable of a degree of mitigation through the development of a travel plan and moreover considered to be outweighed by the planning benefits of the scheme including the delivery of 42 new homes with 11 family sized homes, contributing towards the Council's housing targets.



Application No: 22/3260

To: Mr Kieran Rushe  
Rapleys LLP  
66 St James Street  
London  
SW1A 1NE

I refer to your application dated **20/09/2022** proposing the following:

Demolition of the existing building and the erection of building of up to five storeys to provide residential dwellings (Use Class C3); car and cycle parking; landscaping, amenity space and play area; and refuse storage and other associated works

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

at **231 Watford Road, Harrow, HA1 3TU**

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: 10/10/2023

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

- 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):

2111-BG-00-00-DR-A-00.101	Rev P3	Location Plan
2111-BG-00-B1-DR-A-10.200	Rev P3	Existing Basement Plan
2111-BG-00-00-DR-A-10.201	Rev P3	Existing Ground Floor Plan
2111-BG-00-01-DR-A-10.202	Rev P3	Existing First Floor
2111-BG-00-ZZ-DR-A-10.271	Rev P3	Existing Elevations
2111-BG-00-00-DR-A-15.101	Rev P3	Existing & Demolition Site Plan
2111-BG-00-00-DR-A-20.101	Rev P3	Proposed Site Plan
2111-BG-00-00-DR-A-20.201	Rev P7	Proposed Ground Floor Plan
2111-BG-00-01-DR-A-20.202	Rev P5	Proposed First Floor Plan
2111-BG-00-02-DR-A-20.203	Rev P5	Proposed Second Floor Plan
2111-BG-00-03-DR-A-20.204	Rev P5	Proposed Third Floor Plan
2111-BG-00-04-DR-A-20.205	Rev P5	Proposed Fourth Floor Plan
2111-BG-00-05-DR-A-20.206	Rev P5	Proposed Roof Plan
2111-BG-00-ZZ-DR-A-20.251	Rev P3	Proposed Section A
2111-BG-00-ZZ-DR-A-20.252	Rev P3	Proposed Section B
2111-BG-00-ZZ-DR-A-20.271	Rev P3	Proposed East Elevations
2111-BG-00-ZZ-DR-A-20.272	Rev P4	Proposed North Elevations
2111-BG-00-ZZ-DR-A-20.273	Rev P5	Proposed West Elevations
2111-BG-00-ZZ-DR-A-20.274	Rev P4	Proposed South Elevations
9020-01-B		Landscape Design and UGF Plan
9020-02-A		Roof Landscape and UGF Plan

Supporting Documents

Tree Protection Plan Rev 2

Accurate Visual Representations - Revised Views (prepared by Preconstruct Ltd, 28th February 2023)

Preliminary Roost Assessment Survey (prepared by Arbtech, 23/11/2021)

Foul Sewage Assessment (prepared by Waterman Infrastructure & Environment Limited, September 2022)

Drainage Management Plan (prepared by Waterman Infrastructure & Environment Limited, September 2022)

Arboricultural Report Rev 2 (prepared by Andrew Day, 9th September 2022)

Air Quality Impact Assessment (prepared by Stroma, September 2022)

Flood Risk Assessment (prepared by Ardent, September 2022)

Noise Impact Assessment (prepared by Acoustics Plus, 16/09/2022)

Landscape Design Statement, Initial Landscape Specification and Urban Greening Factor (UGF) Report And Calculations (prepared by Concept Landscape Architects, Rev A - June 2023)

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

- 3 The scheme hereby approved shall contain 42 residential dwellings within Use Class C3 as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

- 4 Units G.02, G.03, 1.06, 2.06 and 3.06 shall be designed to comply with Building Regulation M4(3) 'wheelchair accessible homes' standards and the remaining residential units designed to comply with Building Regulations M4(2) 'accessible and adaptable homes' standards.

Reason: To ensure the provision of accessible homes, in accordance with policy D7 of London Plan 2021.

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

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

- 6 The works shall be carried out in full accordance with the recommendations set out within the approved Drainage Management Plan prepared by Waterman (dated September 2022) in relation to the proposed surface water drainage strategy. The measures shall thereafter be maintained in accordance with the sustainable drainage systems management plan throughout the lifetime of the development, unless an alternative strategy is submitted to and approved in writing by the Council and thereafter implemented in full.

Reason: To ensure that surface water flooding is reduced and controlled within the site.

- 7 The design mitigation measures in relation to the proposed development shall be carried out in accordance with the details set out within the Flood Risk Assessment dated September 2022 prepared by Ardent Consulting Engineers, unless alternative measures are submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the scheme is resilient to all sources of flooding including pluvial flooding.

- 8 The development hereby approved shall be carried out fully in accordance with the submitted Acoustic Plus Noise Assessment (Ref: 104170A Issue 5 dated 16th September 20220) unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure adequate internal environment for future occupiers of the development.

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

Reason: To protect local amenity and air quality in accordance with Brent Policies BSUI1, BSUI2 and London Plan Policy SI1.

- 10 The development hereby approved shall not be occupied unless the car parking spaces



(including the provision of 5 active electric vehicle charging points and passive provision of the remaining car parking spaces), cycle storage and refuse stores have been completed in full accordance with the approved drawings and made available to residents of the development and shall not be used other than for purposes ancillary to the flats hereby approved.

Reason: To ensure a satisfactory standard of accommodation.

- 11 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 flats hereby approved.

Reason: To ensure a satisfactory standard of accommodation.

- 12 Prior to the commencement of the development (including demolition and site clearance) a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development during construction and site clearance works. The CMS shall include, but is not limited to, details of a dust monitoring plan, to be implemented during construction, site clearance and demolition works.

All agreed actions shall be carried out in full for the duration of the site clearance, demolition and construction phases, unless otherwise agreed in writing by the local planning authority.

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

Reason for pre-commencement condition: Construction nuisance can occur at any time during the construction process, and adequate controls need to be in place prior to works starting on site.

- 13 Prior to commencement of the development hereby approved (including site clearance and demolition works), a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority. The CLP shall include, but is not limited to the following:

- i. Construction programme, forecast construction trip generation (daily) and mitigation proposed;
- ii. Site set up and access arrangements and booking systems, ensuring vehicle loading and unloading takes place clear of the highway;
- iii. Vehicular routes to the site;
- iv. Parking of vehicles of site operatives and visitors;
- v. Storage of plant and materials used during the construction period;
- vi. Wheel washing facilities;
- vii. Any temporary lighting;
- viii. Protection of the carriageway and any footway users at all times during construction;
- iv. Erection of hoardings, security fencing and scaffolding on/over and pavements and carriageway;
- x. Contact details of personnel responsible for the construction works

The development shall thereafter be constructed fully in accordance with the approved Construction Logistics Plan, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development is constructed in an acceptable manner and in the interests of pedestrian and highway safety.

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

- 14 Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of retained trees in accordance with BS5837:

2012 including a Tree Protection Plan (TPP, at para. 5.5 BS 5837) and an Arboricultural Method Statement (AMS, at para. 6.1 BS 5837) shall be submitted to and approved in writing by the local planning authority.

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

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

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

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

- 15 (a) Prior to the commencement of building works (excluding demolition of the existing building), a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options and a Remediation Strategy should any contamination be found that presents an unacceptable risk to any identified receptors.

(b) Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be submitted to and approved in writing by the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- 16 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) 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 water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 17 Details of materials for all external building work, including samples which shall be made available for viewing in an agreed location, shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the development (excluding demolition, site clearance and laying of foundations). The work shall be carried out in accordance with the approved details thereafter, unless otherwise agreed in writing by the local planning authority.

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

- 18 Prior to the commencement of works (excluding site clearance, demolition and below ground level works) detailed bay studies including indicative technical sections illustrating how specific elements of the façade may be constructed, such as typical windows, typical parapets, typical balconies etc shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved details thereafter, unless otherwise agreed in writing by the local planning authority.

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

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

- I. A scaled plan showing vegetation to be retained and trees and plants to be planted, which shall include a minimum of 30 trees
- II. A schedule detailing sizes and numbers of all proposed trees and use of native and/or wildlife attracting species to achieve a net gain in biodiversity within the site
- III. Details to demonstrate that an Urban Greening Factor of at least 0.4 would be achieved within the site
- IV. Sufficient specification to ensure successful establishment and survival of new planting
- V. Details of all proposed hardstanding
- VI. Details of garden wall, fences or other form of boundary treatment to be provided within the site (including details of external materials and heights) including all gates that front the highway to be designed to not open outwards onto the highway
- VII. Details of roof terrace design and planting for high quality usable external amenity space
- VIII. Details of the specification of the green roofs within the development
- IX. The provision of 24 car parking spaces (including the marking out of 2 disabled parking bays), including the size and siting of the parking area, defined points of access and the surfacing materials to be used,
- X. Details of cycle storage through the provision of secure, weatherproof cycle storage facility, which shall include capacity for a minimum of 77 long-stay and 2 short-term spaces
- XI. Details of any external lighting and light spill diagram in relation to neighbouring properties
- XII. Details of children's play equipment within the communal garden
- XIII. The provision of 5 active electric vehicle charging points and passive provision of the remaining car parking spaces
- XIV. Details of bird and bat boxes
- XV. A schedule of landscape maintenance for a period of 5 years which shall include details of the arrangements for its implementation and sufficient specification to ensure successful establishment and survival of new planting.

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

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

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

- 20 Prior to any works commencing on the development (excluding demolition, site clearance and laying of foundations), details of screens between adjoining balconies within the development and on the edges of the balconies for units 1.01, 1.04, 1.06, 1.07, 1.11, 2.01, 2.04, 2.06, 2.07, 2.11, 3.04, 3.06, 3.07, 3.10, 3.11, and the communal terrace at 4th floor level shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality or result in overlooking and loss of privacy.

- 21 Prior to first occupation or use of the development hereby approved, a Car Park Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The CPMP shall include:
- The management and allocation of spaces which shall include give priority to those with greatest need (disabled persons, family units etc);
  - Details of measures to ensure that the car parking spaces are only used by residents of the development;
  - Details of measures to ensure that cars only park on-site within the designated spaces within the site, with details of what action would be taken if cars parked elsewhere.

The development shall thereafter be operated in full accordance with the approved CPMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure on-site parking is managed in an acceptable manner in the interest of safety and to limit potential over-spill parking on the highway to ensure the free and safe flow of traffic and pedestrians.

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

Reason: To protect acceptable local noise levels, in accordance with Brent Policy DMP1.

- 23 Prior to first occupation of the development, details of a plaque which celebrates the existing

building on site (located in an easily visible position from the public footway} shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Council's Heritage Officer.

The plaque shall thereafter be installed in accordance with the approved details prior to first occupation of the development hereby approved, and thereafter retained throughout the lifetime of the development.

Reason: In the interest of local history.

## INFORMATIVES

- 1 (F16) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 2 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 3 (PWAL) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 4 The submission/approval of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.
- 5 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 6 The applicant is informed that, in relation to the discharge of conditions regarding the remediation of contaminated land, the quality of imported soil must be verified by means of in-situ soil sampling and analysis.  
We do not accept soil quality certificates from the soil supplier as proof of soil quality.
- 7 Thames Water advises the applicant of the following:
  - A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade\\_effluent@thameswater.co.uk](mailto:trade_effluent@thameswater.co.uk). Application forms should be completed on line via [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.thameswater.co.uk&d=DwlFaQ&c=OMjwGp47Ad5otWl0\\_lpOg&r=G\\_hzVySAkixNxE\\_J\\_EjNJR\\_FDWFjexJLES\\_8DRQ06gKk&m=-u-R\\_Q15lz4qif8awGaV1BUWN40lineKygKZROLnXaA&s=NJ1M7LtxulFk4\\_2FpFRZ9ippAbc0KqM1IRBH6yHdbE&e=.](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.thameswater.co.uk&d=DwlFaQ&c=OMjwGp47Ad5otWl0_lpOg&r=G_hzVySAkixNxE_J_EjNJR_FDWFjexJLES_8DRQ06gKk&m=-u-R_Q15lz4qif8awGaV1BUWN40lineKygKZROLnXaA&s=NJ1M7LtxulFk4_2FpFRZ9ippAbc0KqM1IRBH6yHdbE&e=.) Please refer to the Wholesale;

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

- 8 In the event that bats are found at any stage of the development, work should stop immediately, and a suitably qualified ecologist should be contacted for further advice.

Any person wishing to inspect the above papers should contact James Mascal, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2209

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

18 October, 2023  
06  
22/3669

## SITE INFORMATION

<b>RECEIVED</b>	<b>21 October, 2022</b>
<b>WARD</b>	<b>Kilburn</b>
<b>PLANNING AREA</b>	<b>Kilburn Neighbourhood Forum</b>
<b>LOCATION</b>	<b>Kilburn Square Estate, Kilburn Square, London</b>
<b>PROPOSAL</b>	Demolition of Former Kilburn Square Clinic, 13-15 Brondesbury Road, substation, footbridge and garages and redevelopment of site to provide extra care flats (Use Class C3b) and general needs flats (Use Class C3)) in 4 buildings alongside access routes, car parking, motorcycle parking, cycle parking, refuse and recycling storage, amenity space, landscaping, playspace, boundary treatments, alterations to the entrance to Varley House, refurbishment of the existing podium parking area and other associated works.
<b>PLAN NO'S</b>	See condition 2.
<b>LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION</b>	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_162408">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_162408</a></p> <p><b><u>When viewing this as an Hard Copy</u></b> .</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "22/3669" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

A. Resolve to **grant** planning permission subject to conditions.

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

### Conditions

1. Time Limit for commencement (3 years)
2. Approved drawings
3. Mix of homes and Affordable Housing
4. Affordable Housing mortgagee exclusions
5. Extra Care units Use Class restriction
6. Provision of blue badge parking, cycle storage and bin stores
7. Water consumption
8. Accessible homes
9. Carbon offsetting
10. Overheating mitigation
11. Highways works
12. Delivery and Servicing Plan
13. Car Park Management Plan
14. Tree protection
15. Landscaping
16. Parking permit restriction
17. Ecological appraisal
18. Drainage strategy
19. Air quality positive
20. Construction Management Plan
21. Construction Logistics Plan
22. Training and Employment Plan
23. Contaminated land
24. External materials
25. Digital connectivity
26. District Energy Network connection
27. Electric vehicle charging
28. External lighting


29. PV panels
30. Plant noise
31. Energy assessment review
32. Travel Plan
33. Nominations agreement
34. Play space
35. Community TV / satellite
36. Sound insulation
37. "Be Seen" energy monitoring
38. Archaeology
39. Thames Water supply

Informatives:

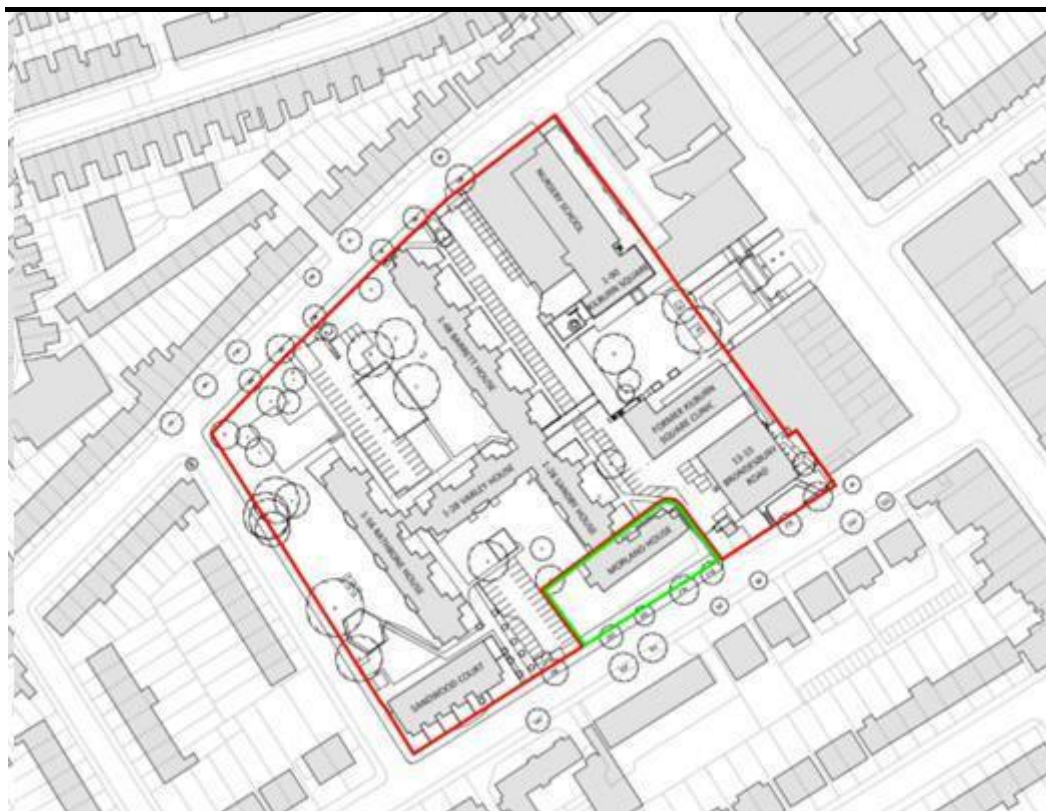
1. CIL liability
2. Party wall information
3. Building near boundary information
4. Fire statements
5. Thames Water development near water mains
6. Thames Water development near water assets
7. Any other informative(s) considered necessary by the Head of Planning

C. 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.

## SITE MAP

	<b>Planning Committee Map</b> Site address: Kilburn Square Estate, Kilburn Square, London © Crown copyright and database rights 2011 Ordnance Survey 100025260
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This map is indicative only.



## PROPOSAL IN DETAIL

The proposal would result in the demolition of Former Kilburn Square Clinic, 13-15 Brondesbury Road, substation, footbridge and garages and redevelopment of site to provide 139 units within four blocks situated within the Kilburn Square estate together with a range of associated works. The blocks would range in height between 5 and 8 storeys with associated works including access routes, car and motorcycle parking, cycle parking, refuse storage areas, amenity spaces, landscaping and boundary treatments, alterations to the entrance to Varley House and the refurbishment of the existing podium parking area.

A total of 99 of the homes would be provided as general needs flats with Use Class C3. This includes the following mix of homes:

- 34 x 1-bedroom (34.3 %)
- 38 x 2-bedroom (38.4 %)
- 27 x 3-bedroom (27.3 %)

A total of 40 Extra Care units would be provided as New Independent Assisted Living (NAIL) accommodation, with the following mix:

36 x 1-bedroom (90 %)  
4 x 2-bedroom (10 %)

The mix of units by block is as follows:

Type	No. units
<b>Block A- Extra Care (Local Housing Allowance)</b>	
1 bedroom flat (1 bed, 2 person)	18
1 bedroom flat (1 bed, 2 person)	18
2 bedroom flat (2 bed, 3 person)	4
<b>Block B-General Needs (London Affordable Rent)</b>	
1 bedroom flat (1 bed, 2 person)	13
1 bedroom flat (1 bed, 2 person) WCH	7
2 bedroom flat (2 bed, 3 person)	18
2 bedroom flat (2 bed, 4 person)	15
<b>Block C – General Needs (London Affordable Rent)</b>	
1 bedroom flat (1 bed, 2 person)	8
1 bedroom flat (1 bed, 2 person) WCH	5
2 bedroom flat (2 bed, 3 person)	5
3 bedroom flat (3 bed, 4 person)	9
3 bedroom flat (3 bed, 5 person)	10
<b>Block E – General Needs (London Affordable Rent)</b>	
1 bedroom flat (1 bed, 2 person)	1
3 bedroom flat (3 bed, 5 person)	8
<b>Total New Units (Extra Care)</b>	<b>40</b>
<b>Total New Homes (General Needs)</b>	<b>99</b>
<b>Total Number of New Units</b>	<b>139</b>

Blocks C and E would be 5-storeys in height whilst block A would be 6-storeys and Block B 7-8 storeys.



Figure 5.3: Proposed Heights and Layout

## EXISTING

The site contains a number of apartment blocks of varying heights comprising 268 homes in total, together with a nursery school and the Kilburn Square Clinic unit, within a landscaped setting including a play area and the public open space of Kilburn Square itself.

The clinic unit was vacated by the NHS as a part of the Trust Estates' Regeneration Strategy with healthcare services relocated to other premises. The unit was refurbished in April 2020 to provide temporary offices and studios for the Brent Council Culture Team and this is currently occupied by Metroland Cultures Ltd (an arts based charity) under a licence agreement.

The Square is at podium level above a row of garages, and is currently accessed by a set of external steps. The site is bounded on three sides by residential side streets (Brondesbury Road, Algernon Road and Victoria Road) and sits behind a terrace of properties with ground floor commercial frontages on Kilburn High Road, which forms part of the Primary Shopping Frontage of Kilburn Town Centre.

The site is not in a conservation area and does not contain any listed buildings. However, the site is opposite Kilburn Conservation Area, to the southern boundary beyond Brondesbury Road and to the south west partially beyond Algernon Road, with those properties on Brondesbury Road and their gardens being encompassed by Kilburn Conservation Area.

Number 10 Brondesbury Road is a locally listed building south of Brondesbury Road. To the front of the site is number 125 Kilburn High Road is a locally listed building.

Part of the site (the clinic, Kilburn Square and 11-15 Brondesbury Road) are within the BSESA20 site allocation. The site allocation also includes some of the properties on Kilburn High Road, and seeks mixed use redevelopment including a new market and public square, and the replacement of the health centre with an alternative use that meets community needs.

Part of the site is affected by flood zone 3a at high risk of surface water flooding. The site is within an air quality management area. Part of the site is located in a creative cluster.

The site is located in the Kilburn Neighbourhood Forum Area.

## SUMMARY OF KEY ISSUES

## Summary of key issues

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

**Representations received:** 117 letters of objection were received. Further details of the comments received are discussed within the “consultation section” below.

**Principle:** The principle of the redevelopment of the site for intensification of residential development on site and loss of Kilburn Square Clinic is acceptable and the development would contribute 139 additional units (40 extra care and 99 general needs units) to meet borough housing targets.

**Housing / Affordable Housing mix:** The submission indicates that the development would provide 100% affordable housing which would significantly exceed the 50% affordable housing required by adopted policy. The policy requirement in terms of tenure split is for 70 % of the affordable homes to be at London Affordable Rent (LAR) or Social Rent (SR) and 30 % to be Intermediate affordable homes. The proposal would accord with this 99 (71.2 % of the total) homes intended to be provided at London Affordable Rent and 40 homes (28.8 %) as New Independent Assisted Living (NAIL) units with rents capped at Local Housing Allowance (which would therefore be considered to be Intermediate homes). The provision of affordable housing is recommended to be secured through condition. It should be noted that conditions should be attached where they are "necessary" to ensure that a proposal accords with policy, and the condition will therefore require the delivery of the amount of affordable housing required by planning policy (50 %, with a 70:30 ratio of LAR/SR to Intermediate). It is set out within Local Plan Policy BH6 that 1 in 4 homes should be family sized (3 or more bedrooms) and this has been proposed for the general needs (Use Class C3) homes. No 3-bedroom NAIL units are provided. However, the size of the units has been specified to respond to the needs of the intended occupier groups and the housing will therefore meet an identified need. The absence of family sized NAIL units is considered to be acceptable.

**Design:** The proposed blocks, which range from between 5-8 storeys high, would be appropriate given the local context and are a proportionate response in close proximity to the existing 16-storey tower at within the site. The buildings have been designed to reflect the within and immediately surrounding the site.

**Heritage Assets:** The site is located adjacent to Brondesbury Road which is within the Kilburn Conservation Area, with Blocks A and E directly opposite this. No.10 Brondesbury Road is locally listed. The application has been accompanied by a Heritage Statement which considers a number of contextual views from the Kilburn Conservation Area and wider locality. Block E would be seen in context with Sandwood Court and Morland Court which would be in keeping with the general scale and character. It is acknowledged that Block A would cause some harm to the setting of the conservation area, however the harm would be 'less than substantial' within the meaning of the NPPF and is considered to be outweighed by public benefits. Otherwise, all other blocks proposed are considered to have limited impact and would preserve the character and appearance of the conservation area.

**Quality of accommodation:** The proposed dwellings would be of a good quality, meeting

minimum internal space standards and with all units having the benefit of good light, outlook, and cross ventilation. The existing homes would also continue to benefit from a good quality and sufficient quantity of communal amenity space.

**Impact on neighbouring properties:** The development would have some impact on neighbouring properties, mostly in terms of loss of daylight and sunlight and some overshadowing as set out in more detail in the report (below). There would be some slight shortfalls against BRE guidelines both to some existing residential units within the Kilburn Square site itself and outside of the site. However, it is considered that the impact is of a scale and nature that could be accepted in a dense urban area such as this. BRE guidelines largely relate to a suburban context and in order to achieve the level of affordable housing proposed, shortfalls against BRE targets are considered justified given the high level of overall compliance. The benefits of the proposal are considered to outweigh these impacts.

**Transport:** 86 car parking spaces would be retained on site which would cater for existing residents and 19 of these spaces would be catered for disabled residents, a significant increase on the existing. New dwellings would be subject to a 'car free agreement'. The submitted Transport Statement confirms that existing trip generation would be limited and would not have a noticeable impact on the local highway network.

**Environmental and Sustainability:** Consideration has been given to ecology and the sustainable development principles and the proposal is considered to accord with policy.

## RELEVANT SITE HISTORY

There are a number of previous planning applications relating to the Kilburn Square site and adjoining sites, but none are considered material to the consideration of this application.

## CONSULTATIONS

In total, 747 neighbouring properties have been notified of the proposal by letter. The proposal has also been advertised within the local press and site notices were placed in various places outside of the site.

### Objections summary

Following public consultation, objections from a total of 117 people have been received. One objection has been received from MP Tulip Siddiq for Hampstead and Kilburn (objection reflects concerns of residents within this constituency), as well as an objection from the Campaign to Protect Rural England (CPRE) charity and an objection from the Brent Parks Open Space Forum. One objection has also been received from Sian Berry who is a green party member within City Hall.

Four (4) petitions have also been received against the development. These include:

- Petition containing 21 different signatures representing objections from residents of Algernon Road
- Petition containing 103 different signatures representing objections from residents of Brondesbury Road, Brondesbury Villas and Donaldson Road
- Petition containing 14 different signatures representing objections from residents of Sandwood Court
- Petition containing 176 different signatures representing objections from residents of Victoria Road, Victoria Mews and Hazelmere Road

The objections have been summarised in the below table together with officer comments in



response to these objections:

Summary of reasons for objecting	Officer Comment
Lack of provision of homes to most needy families/lack of clarity on affordable housing. Concerns most will be shared ownership or sold to be bought for private renting.	This is addressed in the principle of development section of this report.
Compromise to/loss of green space and trees.	The proposal includes a detailed landscaping plan for the site and amendments to provide high quality open spaces. This is assessed under the landscaping and trees section of this report.
Reduction in employment and community spaces	This is addressed in the principle of development section of this report.
No plans for a community centre as part of the development.	The scope of development relates to intensifying the housing development on the existing site. While some community infrastructure has been lost as a result, this is justified and weighed against the planning benefits of the scheme as assessed against relevant planning policy. Please see the principle of development section of this report.
Security and fire safety issues linked to undercroft space. Fire safety issues in general.	The application has included a fire statement and has been assessed by the Health and Safety Executive. Further details are set out in the fire safety section of this report.
Loss of daylight/sunlight and overshadowing and impact on overall living conditions.	This is assessed under the neighbouring amenity section of this report. A sunlight and daylight assessment has been submitted with the application. Overall the impact on the neighbouring occupiers living conditions are considered to be acceptable.
Overly dominant, excessive scale, massing and design and layout concerns.	This is assessed under the design and visual appearance section of this report.
Loss of privacy/overlooking.	This is assessed under the neighbouring amenity section of this report. The proposal has been designed to retain acceptable distances between properties.
Additional pressure on local	The proposal is not considered likely to result  Page 109

<p>infrastructure such as schools, doctors, community facilities or daytime parking.</p>	<p>in a significant impact on infrastructure in terms of the services to the building. This development would be subject to the Community Infrastructure Levy which may be used to fund infrastructure required to support new development.</p>
<p>Loss of visual amenity and sense of openness.</p>	<p>This is assessed under the design and visual appearance section of this report. The proposed buildings are considered to be appropriately sited and designed. The site would not result in a significant increase in sense of enclosure to the existing resident's properties.</p>
<p>Increased pressure on parking and concerns of the methodology to the parking survey.</p>	<p>This is assessed under the transport section of this report. The development help reduce reliance on car use and is not likely to result in any significant overspill of parking.</p>
<p>Adverse impact on local ecology.</p>	<p>This is assessed under the ecology section of this report.</p>
<p>Further stress on existing water system.</p>	<p>This is addressed under the sustainability section of this report. The new properties would be required to have efficient fixtures.</p>
<p>Overcrowding</p>	<p>Kilburn Square is listed as an allocated site in the Brent Local Plan which has identified the opportunity for further residential intensification on this site, considering the sites location within the South Kilburn Growth Area. The site has excellent public transport accessibility and access to local amenities. Thus, while there would be significant intensification, it is considered that the sites location would be conducive to the level of intensification proposed.</p>
<p>Out of character with wider locality, would harm heritage value of wider area.</p>	<p>This is assessed under the heritage section of this report.</p>
<p>Poor quality of accommodation.</p>	<p>This is assessed under the quality of accommodation section of this report. The new dwellings would meet the London Plan design requirements.</p>
<p>Excessive air and noise pollution/disruption during</p>	<p>This is assessed under the air quality section of this report. Some disturbance is expected with most construction projects. Reasonable</p>

construction.	working and construction hours are set through the Control of Pollution Act. A Construction Management Plan has been submitted and is accepted-compliance of this will be secured by planning condition.
Lack of improvement to the Kilburn Market and High Road connected to the site.	This is assessed under Principle of Development section of this report.
Concerns with environmental impact of new development.	A sustainability assessment has been provided which demonstrates measures to reduce CO2 emissions.
Lack of four-bedroom homes/larger homes provided.	There is not a policy requirement for four bedroom homes. The unit sizes are assessed under the dwelling mix section of this report.
Object to the removal of the Direct Access Bridge from the low rise which would leave worsened access for emergency vehicles.	This is assessed under the transportation and Equalities sections of this report. The existing bridge has defects and its low height restricts access for emergency vehicles below.
Lack of compliance with Urban Greening Factor minimum.	This is addressed in the landscaping and trees section of this report. The conclusion of the report also addresses this comment.
Lack of adequate play space provided.	This is addressed in the landscaping and trees section of this report.
Concerns over potential increase to flood risk.	This is assessed in the flood risk section of this report.
Increase in anti-social behaviour.	There are known issues within the estate, and the proposal looks to respond to these. Amendments have also been made to improve the security of the site for existing and future residents. This is addressed in the Secured by design section of this report.
Lack of engagement/consultation with community prior to application.	The Council has undertaken extensive consultation to residents including through letter, email and through site notices and

	advertisement through the local paper. Public consultation and community involvement workshops have been undertaken prior to submission.
Concerns that the development is not what the residents want.	The residents have been consulted on the application. It has been noted that there have been concerns raised and all issues must be balanced with the potential benefits of the proposal.
Concerns that the proposal would not be viable.	The cost of construction is not a material planning consideration.
No pedestrian wind survey submitted.	It is not a validation requirement for this to be submitted for the subject development.
No equalities impact assessment or full issues in terms of mobility and older residents.	An amendment to the Design and Access Assessment was submitted which makes an equalities assessment. It is considered that the proposal is acceptable in terms of meeting accessibility requirements as stipulated under M4 (2) and M4 (3) standards.

#### In support summary

In addition, three (3) representations from different residents have been received in support to the proposed development while two (2) comments from different residents have been received which neither support nor object to the proposal. The reasons for support are summarised as per the below:

- Providing more affordable and energy efficient homes which help address housing needs
- Would improve the visual amenity of the wider estate
- New play space would be an improvement compared to the existing

The comments within the neutral representations are summarised as per the below:

- Concerns over noise issues during construction
- Concerns over devaluation of the property
- Identifies the need to regenerate the wider area/public realm

Officers note that issues of noise have been addressed within the objection table above. Issues relating to devaluation of properties within/outside of the site are not planning considerations and thus will not be addressed further in this report. Officers also consider that the proposal would lead to improvements to the public realm and is considered in context with the Kilburn Market re-development.

#### Statutory/external consultee responses

##### **Transport for London (TFL)**

No objections to the principle of development, however, have made the following comments/requests for further information. A summary of the key points is provided below:

- Development should be car-free, with the exception of disabled person parking spaces, given the sites excellent public transport accessibility
- A Parking Design and Management Plan (PDMP), construction logistics plan (CLP) and delivery and servicing management plan should be provided
- A detailed cycle parking plan should be provided. Revisions should be made to allow for more accessible cycle access arrangements for Blocks A and B

Officer Comment- Parking issues are addressed in the transport section of this report. Officers will attach conditions as requested by TFL.

### **Health and Safety Executive (HSE)**

Initial concerns raised with connection of single staircases in multiple blocks to ancillary accommodation by way of lobbies, which would not offer a safe means of escape in the event of a fire.

Revised plans have been received, and the HSE confirm the revised drawings are acceptable. Please see the Fire Safety section of this report.

### **London Fire Brigade**

No objections.

### **Metropolitan Police (Secured by Design)**

The following initial comments/recommendations were made by the Met Police:

- Concerns raised with the lack of overlooking into the proposed entrance from the market place into Kilburn Square, which would encourage crime and antisocial behaviour.  
Recommendations to improve safety
- Concerns with low-level fencing to boundaries, in particular with pedestrian access points which would have no access control and would become permeable and at higher risk of crime and antisocial behaviour
- Further details of vehicle gates needed
- Anti-skateboard measures should be introduced
- CCTV and appropriate signage should be added to the undercroft car park

Amendments have been made to address the above concerns, which are addressed further in the secured by design section of this report.

### **Thames Water**

No objections. Condition should be attached to require confirmation that the local water network would have sufficient capacity to deal accommodate the proposed development. This should be provided prior to development.

### Internal Consultation

### **Environmental Health**

No objections. See main body of the report for full details.

### **Transport**

No objections, but the following conditions/agreements should be made:

- S106/condition required to cover car-free agreement which limits parking permits to future occupiers, submission and approval of a residential travel plan and 3 years free membership of a local car club for new residents.
- Construction of two new vehicular accesses to the site from Victoria Road and Brondesbury Road, removal of two redundant accesses and their reinstatement to footway, together with associated amendments to car parking bays and restrictions and bicycle hangers, prior to occupation of blocks C and E
- Minor amendments to widen kerbed margin with Block E and widen access doors to all bike stores

Conditions are recommended to cover the transportation requirements and amendments have

been received to address the comments.

## **POLICY CONSIDERATIONS**

### 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, relevant to this proposal, is comprised of the:

London Plan 2021

Brent Local Plan 2019-2041

Key policies include:

London Plan 2021

GG1: Building strong and inclusive communities

GG2: Making the best use of land

GG3: Creating a healthy city

GG4: Delivering the homes Londoners need

D1: London's form, character and capacity for growth

D3: Optimising site capacity through the design-led approach

D4: Delivering good design

D5: Inclusive design

D6: Housing quality and standards

D7: Accessible housing

D8: Public realm

D11: Safety, security and resilience to emergency

D12: Fire safety

D13: Agent of Change

D14: Noise

H1: Increasing housing supply

H4: Delivering affordable housing

H5: Threshold approach to applications

H6: Affordable housing tenure

H7: Monitoring of affordable housing

H10: Housing size mix

S4: Play and informal recreation

HC1: Heritage, conservation and growth

G1: Green Infrastructure

G5: Urban greening

G6: Biodiversity and access to nature

G7: Trees and Woodland

SI1: Improving air quality

SI2: Minimising greenhouse gas emissions

SI3: Energy Infrastructure

SI4: Managing heat risk

SI6: Digital Connectivity Infrastructure

SI7: Reducing waste and supporting the circular economy

SI13: Sustainable drainage

T2: Healthy streets

T3: Transport capacity, connectivity and safeguarding

T4: Assessing and mitigating transport impacts

T5: Cycling

T6: Car parking

T6.1: Residential Parking  
T6.5: Non-residential disabled persons parking  
T7: Deliveries, servicing and construction

Brent Local Plan 2019-2041

DMP1: Development management general policy  
BSESA20: BCGA1: Kilburn Square Site Allocation  
BD1: Leading the way in good urban design  
BD2: Tall buildings in Brent  
BH1: Increasing housing supply in Brent  
BH2: Priority areas for additional housing provision within Brent  
BH5: Affordable housing  
BH6: Housing size mix  
BH7: Accommodation with shared facilities or additional support  
BH13: Residential amenity space  
BSI1: Social infrastructure and community facilities  
BE1: Economic growth and employment opportunities for all  
BE3: Local Employment Sites and Work-Live  
BHC1: Brent's Heritage Assets  
BHC2: National Stadium Wembley  
BG11: Green and blue infrastructure in Brent  
BG12: Trees and Woodlands  
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

The following are also relevant material considerations:

The National Planning Policy Framework 2021  
Planning Practice Guidance

Brent guidance documents

Key SPDs include:

SPD1 Brent Design Guide 2018  
Sustainable Environment and Development SPD  
Brent Residential Amenity Space and Place Quality SPD  
Planning Obligations Supplementary Planning Document - June 2022  
Brent's Waste Planning Guide 2015

Greater London Authority Supplementary Planning Guidance

## **DETAILED CONSIDERATIONS**

### **Principle of Development**

1. London Plan Policy H1 sets out housing targets across London, with the target for Brent being 23,250 new homes over the ten-year plan period. Brent's Local Plan Policy BH1 responds to this by proposing plan-led growth concentrated in Growth Areas and site allocations. As such, the proposal would help to meet the policy objectives relating to the provision of new homes to meet an identified (and significant) need.
2. The site is not within a growth area but part of the application site is within site allocation

reference BSESA20. This site allocation includes the locations of proposed blocks A, B and Kilburn Square and also includes an adjacent area comprising the Kilburn Market, retail units fronting Kilburn High Road and the forecourt area up to the public highway. The allocation seeks to deliver a mixed use development to include residential uses, retail including a new market and public square. It notes that the existing layout is dated, does not make efficient use of the land and has poor connectivity.

3. The allocation also outlines the intention for a new market and to maintain an active frontage to Kilburn High Road. The site allocation gives an indicative capacity of 100 dwellings. It seeks to improve accessibility and connectivity between Kilburn High Road and Kilburn Square via potentially reconfigured market area, and consideration of access to the residential areas through Brondesbury Road.
4. Adjacent is Brondesbury Road, part of Kilburn Conservation Area comprising 2 to 3 storey brick villas built pre-1865 whilst no. 10 is locally listed. Any development of the site should integrate well with the surrounding context and consider character, setting, and the form and scale of neighbouring buildings. The site allocation outlines a number of intended design principles, including the enhancement of Kilburn Square to function as a single public space, suitable for resident's amenity, events and modern market facility as a focal point for residents within the adjacent estate and Kilburn High Road.
5. As discussed above, the indicative residential capacity set out within the site allocation of around 100 dwellings together with the provision of a community use to replace the former health centre, provision of a new public square and integration with the Kilburn Market site, the adjacent conservation area, surface water flooding and retention of mature trees on site.
6. Whilst 139 homes are proposed within the scheme in total (including 40 extra care units), a total of 53 general needs homes and the 40 extra care units would be situated within the site allocation area. When taking account of the potential for the adjacent retail site, it is likely that the indicative residential numbers capacity will be exceeded, nevertheless the Plan is clear that such scenarios are anticipated and that the capacity should not be used as an arbitrary ceiling if more detailed design work shows that greater levels of housing on site that overall meets policy considerations can be delivered.
7. In relation to the provision of a new public square, the policy is imprecise in terms of location or intent, but it is assumed it relates to the area around the market and is likely to include the Kilburn Square open space. The applicant has been encouraged to work to ensure the scheme is complementary to Kilburn Market site. The proposal for Kilburn Square open space will change it from what is a fenced off space with no current access to one which residents will have access to and pass through to go to the majority of the dwellings on the estate. An additional access point from the market area is also being provided for residents to access block B.
8. Wider access to the public however, appears to be limited by access gates and the existing fence. This reflects concerns raised by local residents about security. Undesirable access to the estate and buildings for undesirable criminal or anti-social activities by non-residents was previously a significant problem that was rectified through the implementation of more stringent access measures. The approved application for the market site effectively keeps it as is, and limits views to the amenity space square behind and access to the residential to relatively small passages.
9. While the policy encourages public access, given the previous anti-social issues that arose on the estate through open access to non-residents and the fact that public access is not currently present, the proposed treatment of this application in retaining the space solely for residents to access is considered to be accepted. The proposed landscape treatment, active overlooking and frontages of buildings, plus access for use as recreational space and the proposed movement across the square will increase its vitality and animation and are welcomed.



10. The design principles outlined within the site allocation are assessed within the relevant sections of this report. It is considered that the proposed development and area which it covered with regard to the whole site broadly aligns with the intentions for the site allocation. Furthermore, it is not considered to negatively impact the delivery of the wider site allocation in future and how the whole allocation site could function collectively.
11. Policy BH2 of the Brent Local Plan (2019-2041) outlines priority areas for additional housing provision within Brent. Policy BH2 states that in addition to growth areas and site allocation, that town centres, edge of town centres sites, areas with higher levels of public transport accessibility levels and intensification corridors will be priority locations where additional housing will be supported.
12. The site is in a highly accessible location with a Public Transport Accessibility Level (PTAL) of 6 and is located adjacent to Kilburn Town Centre. The site is therefore consistent with Policy BH2 of the Brent Local Plan (2019-2041).

### **Existing Social Infrastructure & New Independent Assisted Living**

13. Local Plan Policies DMP1 and BS11 protect social infrastructure and community facilities and require their retention unless it can be demonstrated that they are no longer required and their loss would not result in a shortfall in provision. Policy BS11 notes that where there is no longer a community need for the facility's current use, the potential of re-using or development the existing site for an alternative social infrastructure use, particularly educational, religious, sports and leisure facilities or specialised housing must be considered before other uses are pursued.
14. London plan Policy H13a states that 'Boroughs should work positively and collaboratively with providers to identify sites which may be suitable for specialist older persons housing' having regard to a number of factors, including location and accessibility. Table 4.3 of the London Plan also sets out an annual Borough benchmark for specialist older persons housing for 2017 to 2029. For LB Brent, the benchmark is set at 230 units per annum. Brent Local Plan Policy BH7 refers to accommodation with shared facilities or additional support and outlines a number of criteria, this is discussed in more detail within the standard of accommodation section of this report. Policy BH8 relates to specialist older persons housing, it states that in locations such as this outside of growth areas, a minimum of 10% of provision on sites with a capacity of 500 or more dwellings should be delivered. The site's capacity is less than the 500 threshold yet provides 40 NAIL units for older persons (aged 50 +).
15. The proposal includes the demolition of the former Kilburn Square Clinic and number 13-15 Brondesbury Road. The former Kilburn Square Clinic building (approximately 704 sqm, with a usable area of 407 sqm) was vacated in August 2018 as part of the Trust Estates' Rationalisation Strategy, with the healthcare services being relocated to other nearby premises (mainly in Willesden) or passed to other providers. Planning permission was granted under 20/2276 for change of use to a community and creative hub space. In April 2020 the building was refurbished to provide temporary offices and studios for the London Borough of Brent Culture Team. Metroland Cultures Limited, an arts charity based in Brent, are currently occupying the premises.
16. 13-15 Brondesbury Road is a 3 storey building (approximately 2,287 sqm). It was previously used by the NHS to provide mental health services and has been vacant since Autumn 2021. The NHS Trust relocated its service teams previously based at Brondesbury Road to a number of their existing locations within the Borough where they had capacity. In relation to the replacement of the health centre with a community facility, discussions occurred with the health providers on whether replacement floorspace was necessary, and there was no need for such space.

17. The proposal includes 40 New Independent Assisted Living (hereafter abbreviated to NAIL) units. The proposed extra care building (Block A) falls within Use Class C3b and is defined within the supporting text to policy BS11 as a type of social infrastructure. The flats will form part of Brent's 'Brent Supported Living' programme, which seeks to provide 40 extra care flats suitable for older persons aged 50+ years with varying levels of care needs.

18. It is considered that the extra care facility is an appropriate alternative community use of benefit to the local population and thus consistent with the site allocation policy. The proposed 40 NAIL units will meet an identified priority need within borough, noting that opportunities for its provision on available sites have proven to be difficult to achieve within the borough.

#### Housing mix and Affordable Housing

19. The London Plan policies H4, H5 and H6 establish the threshold approach to applications where a policy compliant tenure mix is proposed\*, where viability is not tested at application stage if affordable housing proposals achieve a minimum of:

- 35 % Affordable Housing; or
- 50 % Affordable Housing on industrial land\*\* or public sector land where there is no portfolio agreement with the Mayor.

\* other criteria are also applicable.

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

20. The policies set out the Mayor's commitment to delivering "genuinely affordable" housing and the following mix of affordable housing is applied to development proposals:

- A minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent);
- A minimum of 30% intermediate homes;
- 40% to be determined by the borough based on identified need.

21. Policy BH5 of the Brent Local Plan relates to affordable housing, it asserts that in Brent the strategic affordable housing target that will apply is 50% of new homes. It further states that the London Plan Policy H5 Threshold Approach to applications will be applied. It outlines that the affordable housing tenure split required to comply with London Plan Policy H5 for major developments is:

- 70% Social Rent (SR) / London Affordable Rent (LAR) and;
- 30% intermediate products which meet the definition of the genuinely affordable housing including London Living Rent, affordable rent within Local Housing Allowance limits and London Shared ownership. These must be for households within the most up to date income caps identified in the London Housing Strategy or London Plan Annual Monitoring Report

22. The threshold approach permits development proposals to be supported without scrutiny of financial viability where at least 35% of the proposed habitable rooms are affordable, with those affordable habitable rooms meeting the borough's required tenure split outlined in Policy BH5 above.

23. As outlined above Policy BH5 asserts that the affordable housing tenure split required to comply with the London Plan Policy H5 is, 70% social rent/London Affordable Rent and 30% intermediate products including Affordable Housing Allowance.

24. The submission sets out the intention to provide all (99) of the Use Class C3 homes within the London Affordable Rent (LAR) tenure and 40 extra care units at affordable rents capped at Local Housing Allowance (LHA) levels. The proposed development therefore meets the policy requirement as it provides at least 50 % Affordable Housing. On that basis, the proposal meets the H5 threshold and delivers a sufficient proportion and type of affordable housing such that scrutiny of financial viability is not required in policy terms.

25. The proposed housing mix is as follows:

Size	General needs (Use Class C3)	Extra care units
1-bedroom	34 (34.3 %)	36 (90 %)
2-bedroom	38 (38.4 %)	4 (10 %)
3-bedroom	27 (27.3 %)	0

26. In terms of affordable housing tenure split, the policy requires 70 % of the Affordable Housing to be at London Affordable Rent or Social Rent and 30 % to be as Intermediate affordable housing. The proposal complies with this tenure split as applied to the policy requirement of 50 % affordable housing.

27. Affordable Housing is normally secured through Section 106 legal obligations, but in the case of applications on Council owned land, it must be secured through conditions attached to the planning consent. Both conditions and obligations must only secure matters that are necessary to ensure that the development will accord with planning policy and guidance. As such, a condition is recommended which secures the provision of at least 50 % Affordable Housing, with 70 % of that provided at London Affordable or Social Rents and 30 % provided as Intermediate Affordable housing.

28. Brent Local Plan Policy BH6 relates to housing mix, it states that the council will seek to deliver a target of 25% of new homes as family homes (3 bedrooms or more). For every four dwellings, at least one must be 3 bedrooms or more.

29. A total of 27 of the general needs (i.e. Use Class C3) homes are proposed to have 3-bedrooms, comprising 27.3 % of the general needs homes. As such, the proposed general needs homes accord with policy BH6.

30. In relation to the Extra Care homes, 36 of the units are proposed to have 1-bedroom while 4 are proposed to have 2-bedrooms. No 3-bedroom homes are proposed. While the housing mix does not accord with the 1 in 4 target set out in policy BH6, the housing mix is designed to reflect the identified need for this type of housing in accordance with policies BH7 and this is considered to be acceptable.

31. In summary, the scheme would accord with policy targets to include at least 50 % Affordable housing with 70 % of that being for Social or London Affordable Rent and 30 % being Intermediate. The proportion of family sized general needs housing (Use Class C3) exceeds the target (of 1 in 4 homes) and whilst the extra-care accommodation does not achieve this, in this case, the priority need of older people for assisted living including those with dementia.

## **Design, scale and appearance**

### Policy background

32. The NPPF seeks developments of high quality design that will function well and add to the overall quality of the area, responding to local character and history, reflecting the identity of local surroundings while not discouraging appropriate innovation, establishing or maintaining a strong sense of place, and optimising the potential of the site to accommodate an appropriate amount and mix of development.

33. London Plan Policy D3 sets out a design-led approach to new development that responds positively to local context and optimises the site's capacity for growth by seeking development of the most appropriate form and land use, while Policy D5 seeks inclusive design without disabling barriers.

34. Brent DMP1 states that development should complement the locality in terms of siting, layout

and scale. Brent's, whilst Policy BD1 seeks the highest quality of architectural and urban design. The Site Allocation BSESA20 asserts that development should integrate with the surrounding context. SPD 1 outlines key design principles and advocates that new development should respond to local context and respect the existing character.

35. Section 16 of the NPPF advises Local Planning Authorities to recognise heritage assets as an "irreplaceable resource" and to "conserve them in a manner appropriate to their significance". Any harm to designated heritage assets requires clear and convincing justification. With regard to 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. Brent's Policy BHC1 requires new developments to demonstrate and justify any impacts on heritage assets.

#### Height, mass, bulk and layout

36. A total of four separate buildings are proposed within the existing Kilburn Square Estate and would vary in height from 5-8 storeys. As discussed above, the former Kilburn Square Clinic and number 11-15 Brondesbury Road located on the south east corner of the site would be demolished to make way for Block A and B.
37. Block A (NAIL Accommodation) would be a 6 storey building located on the south west side of the site, fronting Brondesbury Road, however the main entrance to these extra care units would be from the west elevation and from what is referred to as 'Central Street'.
38. Block B is located north of Block A by and would be part 7, part 8 storeys in height. The communal entrance would be located on the north side of the block adjacent to the square, beyond which is the existing 17 storey residential block (known as Kilburn Square).
39. Block C would be located on the north west side of the site with the main entrance fronting Victoria Road, Block C would be a 5 storey L-shaped building. This block would be located on an area currently occupied by a play area, landscaping including trees and car parking area.
40. Block E would be 5 storeys in height and located on the south side of the site fronting Brondesbury Road adjacent to Sandwood Court and Moreland House, with the main residential entrance located on the south side at Brondesbury Road. It would be located on an area currently used for car parking.
41. The proposed development would utilise a number of areas within the wider estate currently occupied by grass/amenity, landscaping and play space.
42. Improvements are proposed to the wider estate including quality, functional amenity space for both existing and proposed residents. Railings enclose the current Kilburn Square green space which would be removed to allow the space to be used as amenity space whilst also allowing more pedestrian permeability through the site.
43. The topography of the site is proposed to be rationalised with the higher and lower parts of the site being linked via a new ramped access as well as stepped access. A one way road is proposed to facilitate access between the higher and lower square and would be paved and tree lined.
44. The current courtyards located north and south of 1-28 Varley House would be re-developed and re-configured, the space currently consists of lawn and landscaping, hardstanding for parking, as well as an enclosed/gated ball court north of 1-28 Varley House. The proposal includes the re-configuration of these areas to include a new ball court, outdoor gym and play space as well as associated landscaping and parking to the north of Varley House. To the south would be reconfigured to a communal amenity area which would be landscaped, this has been labelled as Brondesbury Courtyard, to the south beyond this would be a re-configured

hardstanding area for parking and access.

45. In addition the footbridge to Varley House would be demolished and a new entrance is proposed.
46. The proposed configuration and layout of buildings and associated spaces is considered to respond well to the context within which they will sit, which includes the existing buildings within the estate and those which surround it.

#### Architectural detailing and materials

47. A simple but robust approach has been taken to materiality and façade detailing. The proposed building would be in a light coloured buff brick, the building façade includes peach colour stone cills and it is indicated that the window framing would be a cream/off white colour. Projecting balconies have been used to provide articulation in the facades, whilst brick detailing has been used to provide visual interest.
48. Building entrances have been defined through the use of canopies or in some instances, arches. Louvred windows have been used to mitigate solar gain for the extra care block and also help to reinforce the appearance of the window.
49. The proposed approach to materials and detailing is well considered, responding well to their context and complement the existing buildings within the vicinity.

#### Townscape and heritage assets

50. Section 16 of the NPPF advises Local Planning Authorities to recognise heritage assets as an "irreplaceable resource" and to "conserve them in a manner appropriate to their significance". Any harm to designated heritage assets requires clear and convincing justification. With regard to 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. Brent's Policy BHC1 requires new developments to demonstrate and justify any impacts on heritage assets.
51. Block A and E will be directly opposite the Kilburn Conservation Area. Block A will be opposite a row of brick (painted) and stuccoed villas. Number 10 Brondesbury Road is locally listed.
52. The existing building (15 Brondesbury Road) on the development site does not contribute to the setting of the conservation area but it is of a height and scale which is not out of keeping. Block A replacing this building would be taller than the Villas opposite. It will be noticeably higher when walking from the High Road down Brondesbury Road. Although the road provides some separation and helps partly offset the difference in heights, there will be a noticeable change when travelling along Brondesbury Road. The choice of materials including, London Stock bricks a brick banding to provide a degree of interest is considered to be appropriate for the streetscene. When viewing the proposal there is an existing large block of flats (Morland House) further down Brondesbury Road which Block A would be seen in context. Overall, the change in views along Brondesbury Road and the more dominate appearance of block A would result in a feature that would not completely preserve the appearance or character of the conservation area. However, the impact would be relatively modest and is considered to be a low rating on a scale of harm.
53. Block B would be sited to behind Block A. Although Block B would be taller, Block A would provide sufficient screening and the distance from the conservation area would be sufficient to offset its impact and prevent any harm.
54. On Kilburn High Road number 125 is a Local Listed building (The Juniper Public House). Block B would be seen in its backdrop in some views, but it would be seen in the context of the

existing modern development both within the site and the Kilburn High Road. It is considered that the judgement in the Heritage Statement is correct and 'such a juxtaposition would not erode the significance/appreciation of the pub.'

55. Block E will be positioned between Sandwood Court and Morland Court. Opposite is a mixture of post-War housing which does not contribute to the character and appearance of the conservation area. Block E will be seen in context with these buildings and in my view would be in keeping with the general scale and character and thus it would not be considered harmful to setting or streetscene.
56. Block C, facing Victoria Road, is too far away from the Brondesbury Conservation Area to have any impact. The new building will be seen as a backdrop in the distance within the existing milieu. The HS illustrates this impact on page 23. The block will be 5 storeys high and will not be seen from Paddington Cemetery (Listed Grade II).
57. Block C would be seen alongside the terrace of Victorian properties in Victoria Road. These properties could form an extension to the North Kilburn Conservation Area. However, not currently being designated as a Conservation Area means that it is not assessed as a designated heritage asset and the proposal is considered provide an attached new building, which would have an acceptable impact on the current streetscene.
58. When considered against the NPPF this harm would be 'less than substantial' and it is necessary that there are public benefits that would outweigh this harm for the development to be considered acceptable. When considering the provision of new housing and the policy being met to provide affordable housing, along with the improvements that would be made across the estate, the modest level harm identified would be far outweighed by the public benefits that the development would result in.

#### Archaeology

59. The site is not located within an Archaeological Priority Area. Between the site and Kilburn High Road there is an area that forms the Kilburn Village Site of Archaeological Importance which covers numbers 121 to 131 Kilburn High Road. The application has been accompanied by an Archaeological Desk-Based Assessment which concludes the archaeological potential of the site to be low to moderate and it does not present an impediment to the proposed development. The assessment includes a recommendation to ensure that an appropriate program of archaeological works is agreed with the Greater London Archaeological Advisory Service, to determine the extent, depth and significance, or absence of buried archaeological features and deposits across the site. Therefore, a condition is recommended to ensure that this takes place.

#### **Relationship with neighbouring properties**

#### Policy background

60. Development should maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1. The SPD sets out that buildings should sit within a 30 degree line of existing habitable room windows and a 45 degree line of existing rear garden boundaries. Separation distances of 18m to windows and 9m to boundaries with adjoining properties or development sites should be maintained. However, it also sets out that reduced distances between new frontages may be acceptable subject to consideration of overlooking and privacy as well as high quality design and solutions which can sometimes mitigate impacts and allow for efficient use of land. The SPD also clarifies that for sites within an existing street scene, the distance between front elevations should normally be determined by the character of road widths or set-backs from roads in the area.
61. It should also be noted that this guidance should be balanced against the policy objectives set out in London Plan policy D3 which sets out that site capacity should be optimised through the

design-led approach. It goes on to set out that this requires the consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planning supporting infrastructure capacity.

62. Where buildings would be within a 25 degree line of existing windows, the Building Research Establishment considers that levels of light to these windows could be adversely affected and recommends further analysis of the impacts. A more detailed assessment of daylight and sunlight impacts based on the BRE's Site Layout Planning for Daylight and Sunlight (BRE209) 2022 guidance is required where the 25 degree test is not met. This guidance supersedes the 2011 version, however the advice in relation to assessing the impact on neighbouring properties remains consistent with the earlier version.
63. The BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky that is visible to a specific point on the outside of a property, which is directly related to the amount of daylight that can be received. It is measured on the outside face of the external walls, usually at the centre point of a window. Secondly, the No Sky Contour or Daylight Distribution assesses the area of the room at desk height (850mm height from floor level) from which the sky can be seen.
64. The guidance suggests that the existing daylight may be noticeably affected by the new development if:
  - Windows achieve a VSC below 27% and are reduced to less than 0.8 times their former value; and / or
  - Levels of NSL within rooms are reduced to less than 0.8 times their former values.
65. The 2022 BRE Guidelines are not materially different from the 2011 Guidelines which they have superseded, in respect of the guidance provided for impacts on neighbouring properties.
66. To assess impacts on sunlight to existing south-facing windows and amenity spaces, assessment of Annual Probable Sunlight Hours (APSH) is recommended. The guidance sets a target for windows of 25% of total APSH including 5% in winter months for windows (WPSH), and for amenity spaces to receive at least two hours sunlight on 21 March and not less than 0.8 times their former value.
67. However, the BRE also recognises that different criteria for daylight and sunlight may be used in dense urban areas where the expectation of light and outlook would normally be lower than in suburban or rural areas, and support the use of a 'mirror image' analysis in such cases. The NPPF 2021 also supports a flexible approach to applying standards in order to make efficient use of sites.

#### Daylight, sunlight and overshadowing

68. A daylight and sunlight report has been submitted in support of this application. The methodology and criteria used is in accordance with the (BRE) guidance 'Site layout planning for daylight and sunlight: A guide to good practice' (BRE 209 2nd edition, 2022) as discussed above. The assessment considered a number of nearby residential properties, the scope identified and assessed is considered acceptable.

#### 37-61 Victoria Road

69. The above properties are a row of four storey (inclusive of a part lower ground floor), located north of proposed Block C. Many of the properties have been sub-divided into flats. The site opposite these properties is relatively open, which can result in larger proportionate impacts. It is considered important to take into account the character and nature of the area when considering the degree of impact that is acceptable.
70. In terms of daylight, the report states that number 37, 55, 59 and 61 Victoria Road would demonstrate values above 27 % or 0.8 times the former value with reference to the Vertical Sky Component (VSC) measure. All of the windows within the upper floors (first, second and

third floor) within this part of the terrace (37 - 61 Victoria Road) achieve BRE target levels.

71. All of the windows within the terrace located at first floor or above comply with BRE target levels. Of the windows that fail to achieve a 27% VSC or retain 0.8 times the former value as a result of development, the shortfalls vary between 0.68 and 0.77 of the former value. Furthermore, the proposed VSC values vary between 19.3 and 27.4, with only one window falling below a VSC of 20 (value would be marginally less at 19.3). It is noted that all of the windows that experience levels which do not meet BRE targets are located at ground and lower ground floor levels. It is considered that due to the existing very open nature of the site in front of the Victoria Road properties, it would be difficult to increase number of properties within Kilburn Square meaning fully without having some impacts on the neighbouring properties.
72. An excess of 20% VSC is considered good within this urban location, especially given the current relative open character of the opposing side of the road.
73. With regard to NSL values, the report (as summarised in the table below) illustrates that all upper floors within numbers 37 to 61 comply with the BRE NSL targets. A total of 19 habitable windows within 18 properties do not meet the BRE target levels (0.8 times their former value). 11 of these windows would experience losses of 40% yet retain at least 0.6 of the former NSL value and as such whilst these windows would be noticeably affected by the new development, the loss of daylight is not considered significant. 4 windows would retain between 0.4 and 0.6 of their former values, whilst 3 windows would retain less than 0.4 of their former value, with the lowest value being 0.35.
74. The upper floor properties at the first floor and above, all meet NSL and VSC BRE targets.
75. With regard to sunlight, the assessment shows that 77 of the 80 rooms would meet BRE targets for APSH and WPSH. There are three which fall below, situated on the lower ground floor of Nos. 43, 45 and 49. Levels of annual sunlight would accord with targets, but levels of winter sunlight would fall below (3 % to 4 % compared to a target of 5 %).

#### 110-118 Kilburn High Road

76. There are residential properties on the top two floors (second and third floor) of this building which have windows that face the development site. An external walkway at third floor level restricts the light to the second floor windows, placing a greater reliance on the adjoining site in relation to daylight. As such, the BRE guidance sets out that sensitivity testing may be undertaken with these features removed.
77. The submitted assessment shows that 6 of 9 third floor windows and 4 of 9 second floor windows meet BRE guidance levels (with the walkway in place). The three third floor windows only fall marginally below targets for absolute VSC (25 and 26 compared to a target of 27). The second floor windows would experience greater levels of reduction (reducing from between 11.1 and 12.5 to between 7.9 and 9.0, representing 0.69 to 0.76 of the former value. When undertaking the sensitivity test (with the walkway structures removed), the windows would receive absolute levels of VSC of 21.8 to 25.9, which would be considered appropriate for an urban environment. When looking at NSL, 4 of the 18 rooms would retain more than 0.8 their former value, with 7 third floor rooms reducing to 0.59 to 0.77 times their former value. The 7 second floor rooms fall to between 0.22 and 0.73 of their former value. However, they are deep rooms (kitchen-living-diners) which also are affected by the oversailing walkway, and greater levels of impact are expected in such situations. The VSC levels referred to above (with the balconies removed) provide an indication of the degree of impact that these features have on the light received by the associated rooms when affected by development of the adjoining site.
78. The impacts on the levels of sunlight received by the windows would be in accordance with BRE guidance.



#### Addison Court, Brondesbury Road, Brondesbury Court and 34 Victoria Street

79. The submitted report confirms full compliance with BRE guidance for VSC and NSL in relation to this property. Sunlight has not been tested as the windows facing the site are not within 90 degree of due south.

#### 6-10 Brondesbury Road

80. The submitted report demonstrates full compliance in relation to VSC. For NSL, two lower ground floor rooms fall marginally below targets (0.77 compared to a target of 0.8 times the previous value) and the degree of impact is considered to be minor. Sunlight has not been tested as the windows facing the site are not within 90 degree of due south.

#### Sandwood Court

81. There are windows in the side elevation of this building which face Block C. Nearly all of these windows are set beneath external balconies which affect the amount of daylight available to the windows. As such, the development of an adjoining site will have a larger proportionate impact on those windows, and the BRE guidance sets out that sensitivity testing may be undertaken with the balconies removed. Furthermore, it is also appropriate to undertake a "mirror" test to determine whether the proposed development would have more or less of an impact than the development would have upon itself (if a mirror image of the development was constructed).

82. When undertaking the standard BRE test for VSC, 9 of the 28 windows tested would meet BRE targets, with the remainder below and therefore experiencing a noticeable impact. 14 of the 19 windows that fall below targets would experience an impact of 0.5 (times the former value) or worse. When applying the test with the balconies removed, 15 windows would experience losses beyond BRE guidance, with 6 of those being 0.5 or worse. Finally, when looking at the "mirror" test, 13 windows would experience reductions beyond BRE targets, with levels of VSC between 0.64 and 0.79.

83. In relation to the NSL testing, the report shows that 9 of 18 rooms will meet BRE guidance of 0.8 times the former value, with results ranging from 0.17 to 0.49. As with the VSC results, this is affected by the oversailing balconies and the location of this block in relation to the boundary. When applying the mirror sensitivity test, this shows that a mirror of the existing block would result in 10 of rooms meeting BRE guidance. While the number of rooms that would experience an impact is similar, the degree of reduction is lower for the mirror scheme.

84. A further assessment was undertaken to consider how much "massing" could be achieved on block C while fully complying with BRE guidance. The report sets out that that a building of more than 1-2 storeys would cause impacts beyond BRE guidance levels because the facing windows are constrained by the oversailing balconies.

85. With regard to sunlight, there are no affected windows within 90 degrees of due south, so the impacts accord with BRE guidance (as testing is not required).

#### Rathbone House

86. The submitted assessment shows that 85 of the 95 windows tested would achieve BRE guidance levels for VSC, with the 10 that go below guidance levels being bedrooms which achieve levels between 0.57 and 0.77. With regard to NSL, 93 of 95 rooms meet the BRE targets, with the two that fall below this being bedrooms immediately adjacent to the development which are only marginally below (0.76 to 0.79).

87. With regard to sunlight, there are no affected windows within 90 degrees of due south.

#### Varley House

88. The report confirms full accordance with BRE guidelines for daylight and sunlight.

### Barrett House

89. The submission shows that 194 or the 220 windows tested would achieve BRE targets for VSC. Of the 26 that fall below, 17 achieve absolute VSC levels of 13.9 to 26.9 which have been found to be acceptable in other similar urban schemes. The remainder would achieve VSC levels of between 0.46 and 0.76 times their former value. In relation to NSL, 214 of 220 rooms would meet BRE targets, with 6 rooms at ground to second floor reducing to between 0.65 and 0.79 times their former value. The degree of reduction for the rooms is not considered to be excessive given the context of the site.
90. With regard to sunlight, 148 or 160 rooms would achieve BRE targets for APSH and WPSH. There are 12 which would reduce beyond BRE targets with 0.54 to 0.75 times their former value. These are reported to be set behind balconies or likely to serve bedrooms.

### 11-90 Kilburn Square

91. Of the 336 windows tested, 320 are shown to meet targets for VSC. Those that fall below targets achieve levels of 0.60 to 0.79 times their former value. With regard to rooms, 266 or 272 rooms achieve BRE standards, with the 6 rooms that fall below achieving 0.69 to 0.79 times their former value. Where reductions are experienced beyond BRE targets, those windows are located beneath balconies. When sensitivity analysis is applied with the balconies removed, all windows would meet BRE guidance.
92. In relation to sunlight, 148 of 160 rooms would meet BRE guidance for APSH and WPSH. Those that fall below would achieve 0.54 to 0.75 of the previous value for APSH. Again, these windows are set behind balconies.

### Overshadowing of amenity spaces

93. The impact of the scheme on nearby amenity spaces has been considered, with the submitted report demonstrating that all amenity spaces will accord with BRE guidance.

### Summary

94. Overall given the high density, urban context, the development is considered to achieve a reasonable degree of compliance with regard to overshadowing when assessed against BRE guidance.
95. The sunlight/daylight assessment shows that there would be some unavoidable impacts because of development. In some cases, the impacts would be relatively high, although the overall impact on the living conditions of the neighbouring occupiers would not be excessive, due to the likely use of other parts of the properties.
96. Furthermore, the impacts as a result of the development must be weighed against the regeneration benefits of the scheme, which includes provision of additional housing generally, much needed affordable housing, including social rent homes and family homes, as well as an improved pedestrian public realm. National planning policy supports making effective use of the land when proposing development. Paragraph 125 (c) of the National Planning Policy Framework (NPPF), states that that "*when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)*", applications which fail to make efficient use of the land it says, should be refused.
97. The site allocation for Kilburn Square which envisions significant growth within the locality of the site is given significant weight. The expectation for significant development within this growth area, as well as the expected high-density nature of development, would naturally reduce the expectations for full compliance with the daylight and sunlight guidance for new development in this location. As noted above, the undeveloped nature of a large proportion of

the site affords some surrounding buildings access to a higher level of existing sunlight and a generous baseline scenario, however this is a location where change is expected to occur and the existing baseline conditions cannot realistically be maintained.

98. Given the scale of the proposed development and the number of windows impacted (in the context of the number assessed), officers consider that the daylight and sunlight impacts to neighbouring buildings and external areas are acceptable when seen in the context of the scheme's wider benefits. The number of properties affected would be limited and it is considered that the impacts on existing windows are commensurate with the urban context. Officers would note that the BRE guidelines on which the daylight and sunlight analysis is based are designed to identify good levels of daylight and sunlight in low density locations and that the guidelines acknowledge a need to interpret compliance flexibly in denser town centre locations, such as this. On balance, and taking into consideration the benefits of the proposals, the identified daylight and sunlight impacts are considered acceptable.

### **Quality of accommodation**

99. Policy D6 of London Plan 2021 relates to housing quality and standards. It includes a requirement to meet adequately sized rooms in line with table 3.1 of London Plan 2021. It goes on to say that all new homes should be provided with adequate levels of outlook, daylight, and natural ventilation.

100. All proposed units would be single storey flats and would consist of the following dwelling types:

- 70 x 1-bedroom 2-person units (minimum 50sqm requirement with 1.5sqm built-in storage space)
- 27 x 2-bedroom 3-person units (minimum 61sqm requirement with 2sqm built-in storage space)
- 15 x 2-bedroom 4-person units (minimum 70sqm requirement with 2sqm built-in storage space)
- 9x 3-bedroom 4-person units (minimum 74sqm requirement with 2.5sqm built-in storage space)
- 18 x 3-bedroom 5-person units (minimum 86sqm requirement with 2.5sqm built-in storage space)

101. London Plan Policy D6 also requires at least 75% of the GIA of each flat to have an internal floor-to-ceiling height of 2.5m. This exceeds the national standard of 2.3m as higher housing and the urban heat island effect are more prevalent in London, and a higher standard is required to ensure adequate quality in terms of daylight penetration, ventilation and cooling, and sense of space. Furthermore, each single bedroom would require a GIA of 7.5sqm with a width of at least 2.15m and each double-bedroom should have a floorspace of 11.5sqm and should be at least 2.55m wide. Every other additional double (or twin) bedroom must be at least 2.55m wide.

102. In terms of privacy, SPD1 outlines that new development should provide adequate privacy and amenity for new residents and protect those of existing ones. Development should ensure a good level of privacy inside buildings and within private outdoor space. Directly facing habitable room windows will require a minimum separation distance of 18m, and habitable room windows should be positioned 9m away from neighbouring rear gardens. Brent's SPD 1 Design guide states that balconies should not overlook the habitable room windows or gardens of adjoining properties.

103. Each proposed block is assessed against these required standards.

### **Block A**

104. Block A would contain 40 extra care units and would be built up to 6-storeys in height, consisting of the following dwelling mix:

- 36 x 1 bedroom 2 person units

- 4 x 2 bedroom 3 person units

105. Each flat would meet the minimum required standards for internal floor-space (GIA) as well as for built-in storage space. Furthermore, all the proposed units would meet the requirement of 2.5m floor-to-ceiling height as required under policy D6 of the London Plan. Each single and double bedroom would meet the minimum required standards.

106. The majority of units would be dual or triple aspect benefiting from good levels of outlook, light access, and ventilation. Where single-aspect units are proposed none of these are north-facing. In Block A these are typically south facing so would still receive good levels of light and ventilation.

107. The proposed ground-floor habitable room windows would have defensible space from Brondesbury Road and the proposed Central Street respectively and would also be screened by hedging/defensive planting to prevent direct overlooking.

108. The proposed north-facing habitable room windows in the upper-floors would only be 16m away from other habitable room windows within Block B opposite, which would fall below the 18m standard as set out under SPD1. However, given that this is a minor shortfall, in terms of the number of windows and balconies that would have this separation, and when considering this is in the context of a new development with an internal arrangement, it is considered that there would be limited opportunities for overlooking. Therefore, the overall quality of these units would be acceptable.

#### Block B

109. Block B would contain 53 general needs units and would be built up to 7/8-storeys consisting of the following dwelling mix:

- 20 x 1-bedroom 2 person units
- 18 x 2-bedroom 3-person units
- 15 x 2-bedroom 4-person units

110. Each flat would meet the minimum required standards for internal floor-space (GIA) as well as for built-in storage space. Furthermore, all of the proposed units would meet the requirement of 2.5m floor-to-ceiling height as required under policy D6 of the London Plan. Each single and double bedroom would meet the minimum required standards.

111. The majority of units would be dual or triple aspect benefiting from good levels of outlook, light access, and ventilation. Where single-aspect units are proposed none of these are north-facing. In block B these are also typically south facing so would still receive good levels of light and ventilation.

112. The proposed south-facing habitable room windows in the ground and upper-floors would only achieve a 16m distance from the opposite habitable room windows within Block A. Likewise to Block A, this is a minor shortfall and officers consider this acceptable in this instance where it is an internal arrangement of a new development, and the overlooking opportunities are limited.

113. Unit 'B-B4-01-04' at lower-ground floor level to Block B has a side window serving this units kitchen/living/dining area which could potentially be overlooked by other users of the communal garden area, and therefore a condition will be attached for this to be obscure-glazed to mitigate this impact. Notwithstanding, the front windows to both units 1 and 2 at this level offer good outlook and have sufficient defensible space and are partially screened by defensive planting within their own front garden areas.

#### Block C

114. Block C would contain 37 general needs units and would be built up to 5-storeys consisting of the following dwelling mix:

- 13 x 1-bedroom 2-person units
- 5 x 2 bedroom 3-person units
- 9 x 3 bedroom 4-person units
- 10 x 3 bedroom 5-person units

115. Each flat would meet the minimum required standards for internal floor-space (GIA) as well as for built-in storage space. Furthermore, all of the proposed units would meet the requirement of 2.5m floor-to-ceiling height as required under policy D6 of the London Plan. Each single and double bedroom would meet the minimum required standards.

116. The majority of units would be dual or triple aspect benefiting from good levels of outlook, light access, and ventilation. Where single-aspect units are proposed none of these are north-facing. In block C these are also typically south facing so would still receive good levels of light and ventilation.

117. None of the windows proposed face other habitable room windows within an 18m radius, which is in accordance with SPD1 requirements in terms of acceptable levels of privacy. Although unit 2 at ground-floor has a side facing window serving the dining area which faces into the block C communal entrance, officers will attach a condition for this to be obscure-glazed to mitigate loss of privacy.

### Block E

118. Block E would contain 9 general needs units and would be built up to 5-storeys consisting of the following dwelling mix:

- 1 x 1-bedroom 2-person units
- 8 x 3-bedroom 5-person units

119. All flats would exceed the minimum required standards for internal floor-space (GIA); but it is noted that the 3-bedroom 5-person flats would fall short of the minimum 2.5sqm built-in storage space requirement. Given that all these units exceed the minimum GIA requirements, the shortfall in this instance is not considered significant, with the floor area giving some flexibility to allow storage space that is not built in. Furthermore, all of the proposed units would meet the requirement of 2.5m floor-to-ceiling height as required under policy D6 of the London Plan. Each single and double bedroom would meet the minimum required standards.

120. All units would be dual or triple aspect benefiting from good levels of outlook, light access, and ventilation. None of the windows proposed face other habitable room windows within an 18m radius, which is in accordance with SPD1 requirements in terms of acceptable levels of privacy. The habitable room windows proposed at ground-floor would face into defensive planting to limit loss of privacy/overlooking.

### **Accessibility**

121. A total of 12 homes in the general needs Blocks (12% of the total dwellings) will comply with Building Regulations requirement M4 (3) 'wheelchair user dwellings. All the remaining homes (88%) will meet Building Regulations requirement M4 (2) 'accessible and adaptable dwelling'.

122. A total of 18 homes in the extra care block (45% of the dwellings) will comply with Building Regulations requirement M4 (3) 'wheelchair user dwellings. All wheelchair user dwellings will be 1 bedroom, 2 person flats. All units in the extra care block will meet HAPPI design regulations.

### **External Amenity Space**

123. In terms of external amenity space, 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 20 sqm studio, one or two-bedroom home and 50 sqm for family housing (homes with 3 or more bedrooms) that are

at ground floor level.

124. The BH13 requirement for external private amenity space established through BH13 is for it to be of a "sufficient size and type". This may be achieved even when the 'normal expectation' of 20 or 50 sqm of private space is not achieved. The supporting text to the policy clarifies that where 'sufficient private amenity space cannot be achieved to meet the full requirement of the policy; the remainder should be applied in the form of communal amenity space'. Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is 'sufficient', even where a shortfall exists in private and/or communal space.
125. 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.
126. London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. The minimum depth and 1.5 m are reconfirmed in the policy.

#### Block A

127. While the proposed NAIL units would not have access to their own private amenity space, it is noted that these units are typically 6-7sqm larger than the minimum GIA space standards. The units within this block would have access to a communal garden area at first-floor level of 111.1sqm and a larger communal garden area of 344.2sqm, which officers consider adequate to compensate for the absence of private rear amenity space for these units. Due to the use of this block, private balconies are not appropriate and therefore have not been designed into the scheme. When considering the access to the communal areas the overall living conditions for the occupiers would be good.

#### Blocks B, C and E

128. All the proposed general needs housing units would have access to their own private amenity space in the form of balconies/front gardens which would meet the minimum 5sqm standard as set-out in the London Plan. While the Brent Local Plan BH13 requires a higher minimum, given the provision of the communal garden communal garden area (shared with Block A) of 344.2sqm, this shortfall has a reasonable justification for the NAIL units.

#### Improvements to the existing spaces

129. The existing site benefits from approx. 4920sqm of open space and play space. However, active use of this space is limited to a degree given that some of the areas are fenced off from use by residents, while there is a shortage of recreational facilities offered to residents to use. Also, it is noted that the site is already deficient in open space provision and the applicant stipulates that the current development on site does not meet the minimum amounts normally sought in association with BH13.
130. The proposal would reduce the amount of communal amenity space (4381sqm overall) as a result of the greater building footprints of the new proposed blocks. However, improvements are proposed to the quality and usability of the open space and play space as a result of the proposed development. The external amenity areas would become more active, accessible, and usable by existing and future occupants. Further, the provision of a greater variety of plant and tree species as well as utilising smaller pockets of land (such as railing planting) demonstrates that the proposal has sought to maximise potential for good quality landscaping.
131. When considering the overall size of the external amenity spaces that would be retained within Kilburn Square, which would be balanced with the use of private amenity

spaces. The provision is good and would provide an attractive setting for the residents. In addition to the onsite amenity space, public open spaces within the vicinity include Paddington Cemetery approximately 500m away and Queen's Park, which is approximately 815m from the rear of the site on the Brondesbury Road side.

#### Play space areas

132. The existing play provision comprises of a ball court in a small, fenced area adjacent to the car park, which does not meet Sports England Criteria or standard MUGA standards. The site has an existing Playground with an uneven play surface in need of repairs. There are an additional 3 separate spaces that could be classified as free-play / green space, however 2 of these are adjacent to access roads and car parks and are thus not the most appropriate and accessible spaces.
133. The proposal includes 4,608 sqm of communal amenity space which includes play space provision. This would be in areas considered more appropriate and accessible throughout the site, in comparison to the existing. The provision of new play space would provide a considerable uplift in terms of quality and accessibility.
134. Play space areas have been provided throughout the site and have been divided into five typologies:
- Doorstep play- typically between 0-4 and 5-11 years age groups. This area contains play items and scattered equipment as well as pedestrianised, playable, and multifunctional spaces
  - Equipped play space- typically between 0-4 and 5-11 years age groups. Fenced and gated areas offering range of play activities with suitable safety surfacing and seating.
  - Youth space- 12-17 years age groups. Equipped with range of exercise equipment with seating
  - MUGA- 12-17 years age groups. Multi use sports facility containing kickabout as well as basketball court, hoop and line markings set out to Play England outdoor court sizes
  - Informal green space- 5-11 and 12-17 years age groups. landscaped space with trees, planting, seating and grassed areas for informal meeting and play
135. As required under policy S4 of the London Plan, the proposal would meet the requirement of 10sqm of play space provided per child. Play spaces calculations have been provided when assessed against the requirements of the GLA population yield calculator, which has calculated as a minimum requirement the site would need to provide a total of 2655sqm of on-site play space. When considering the provision of the existing and future occupiers, the proposal would result in the provision of 4381sqm, which would be an excess of 1726sqm above the minimum requirement.
136. Within this, the proposal includes 657 sqm of formal play space including;
- Children's equipped play for ages 2 years up to teen (315 sqm)
  - Ball court and climbing frame for 5 to teen (342 sqm)
  - Open play space and informal play (3,241 sqm)
  - Doorstep/informal play (596 sqm)
137. Play structures are proposed for a range of ages to provide climbing, sliding and swinging activities as well as inclusive play items. Elements of natural play and access to wildlife will be an integral part of the design, encouraging exploration and providing safe and stimulating play.
138. It is considered that the proposal will provide a considerable improvements to existing play space, incorporating robust equipment and locating the play areas away from traffic noise and pollution will provide safe, healthy, and stimulating play opportunities.
139. Therefore, when considering the size of the units and the amenity spaces that they residents would have access to. The existing residents would see good improvements. Future residents would have good overall living conditions which meet the requirements of policy

## Transportation

140. In order to facilitate the development, alterations are required to the access and parking arrangements for the estate. The primary change is the removal of the garages alongside the central link road and the low footbridge connecting Kilburn Square with Varley House/Sandby House/Barrett House, to be replaced with a series of steps and ramps with handrails and benches either side of an area of proposed planting.
141. Although the footbridge currently provides a grade-separated pedestrian route between the residential blocks and Kilburn Market, it is unattractive, creates a covered undercroft area with limited overlooking that could attract crime and limits access through the estate for tall vehicles. As such, its removal has a number of urban realm benefits.
142. In highways terms, the key benefit is that refuse vehicles and fire appliances would now be able to travel the length of the central link road, allowing better access through the heart of the development for servicing. Access for other vehicles across the central part of the link road will be prevented through the use of collapsible bollards though, making sure that pedestrians walking between Varley House etc. and Kilburn Square in future will only have to cross a very lightly trafficked street.

The removal of the footbridge will mean that the main pedestrian entrance to Varley House/Sandby House/Barrett House will now be at ground floor level. A new entrance foyer is thus proposed to access the stairs and lift. This will also incorporate a bicycle store for 18 bikes, providing welcome parking facilities for residents of these three blocks that isn't currently available to them.

143. Proposed new housing Blocks C and E will partly occupy two of the existing car parks. As a result, these two car parks are to be reduced in size and reconfigured, with their entrances from Victoria Road and Brondesbury Road relocated westwards.
144. A Stage 1 Road Safety Audit has been conducted for the two new accesses, which raised minor problems with regard to visibility splays being obstructed by parked cars and trees and with regard to an absence of tracking diagrams for large vehicles using the entrances. However, the visibility splays are no worse than for the existing entrances and in the case of the Brondesbury Park access, would be improved by the access being located further from, and to the west of, a large tree in the footway. The reduced size of the car parks will also reduce the amount of traffic using these accesses compared with the existing accesses. Tracking diagrams have also now been provided for larger vehicles. As such, the Road Safety Audit concerns have been satisfactorily addressed and the two revised access locations are fine.
145. It does appear that a telecommunications equipment cabinet on Victoria Road may need to be relocated.
146. The 4.8m widths of the two revised car park access roads are also fine, allowing two cars to pass one another. However, a 300mm protective margin was added between the Brondesbury Road entrance and Block E (by repositioning Block E slightly eastwards) to protect the building from potential vehicle damage. The position of the entrance gates to the two car parks 5m from the highway boundaries will allow cars to stand clear of the adopted highways whilst they are opened and closed, which is welcomed.
147. The existing redundant crossovers will need to be removed and reinstated to footway at the applicant's expense and all associated amendments to parking bays and cycle hangers along Brondesbury Road and Victoria Road to suit the new access arrangements will also need to be included within these works. As the new accesses will primarily cater for car traffic,



standard footway crossovers will suffice.

148. The central link road and the car park access roads are to be resurfaced in 80mm thick block paving (suitable for use as a shared surface), with adjoining parking bays surfaced in a contrasting colour and pattern of blocks. The footpaths through the estate are to be surfaced in asphalt. These improvements to the surfacing are welcomed, helping to reduce the 'car-dominated' appearance of the routes across the estate and helping to make a more attractive environment, in line with Healthy Streets principles.
149. As all existing and new access roads and footpaths through the estate are expected to remain private, there are no direct concerns with the landscaping improvements. However, it was noted that some of the kerbs are to be laid flush with the carriageway which would provide little guidance for blind and partially sighted people. To address this a minor alteration was made to the plans to provide low kerb upstands.
150. With the changes to the link road, emergency and refuse vehicles would in future have improved access to the new and existing blocks. Tracking diagrams have been provided to show that large vehicles can access and turn at various locations around the site.
151. Bin stores are proposed within each block with sufficient capacity to meet requirements for general waste, recycling and organic waste and all stores front either Victoria Road, Brondesbury Road or the central spine road, thereby allowing refuse vehicles access to within 10m of each store in accordance with standards.
152. A Delivery and Servicing Plan has been submitted with the application to manage deliveries to the residential flats and supported-living accommodation. Generally, delivery vans will be able to access the site and temporarily use any spare parking spaces that are available for up to 10 minutes. However, a marked delivery/ambulance bay will also be provided alongside the supported living entrance. These arrangements will minimise the need for any servicing activity on the adopted highways and are therefore welcomed.
153. Car parking allowances for Brent are set out in Appendix 4 of the Local Plan and for residential use, this requires compliance with the standards set out in Table 10.3 of the London Plan. As the site has excellent access to public transport services, any new residential units would be expected to be 'car-free' (aside from disabled parking). For the supported living accommodation, the Local Plan would allow up to one space per 10 bedrooms, giving an allowance of four spaces.
154. The existing provision of about 119 spaces for the 291 existing flats is therefore excessive under current standards. However, this proposal will reduce overall parking within the estate to 86 spaces, of which 19 will be wide bays for Blue Badge holders. The existing overprovision of parking within the estate as a whole will therefore be significantly reduced, which is welcomed.
155. As such, the reopening of the disused undercroft parking to replace some of the surface parking that is lost is considered acceptable, contributing to the overall aim of improving the urban realm and landscaping across the estate. The layout of the undercroft area meets standards and although the entrance will remain via a single-width access gate, there is plenty of space for vehicles to wait on either side of the gate to let a vehicle pass in the opposite direction.
156. Policy BT2 also requires that consideration be given to the potential impact of any overspill parking on-street in the area.
157. To minimise overspill parking and to ensure the new flats are genuinely 'car-free', a 'car-free' agreement will therefore be required to be secured through a condition, withdrawing the right of future residents to on-street parking permits.

158. A 'car-free' condition is not able to be retrospectively imposed on existing residents though, so in order to help to better understand existing car parking demand, surveys of parking within the estate were undertaken by the applicant on weekday nights in February and December 2020. These identified between 63 and 74 cars using the car parks within the estate at various times. The results correspond well with the number of permits (66) issued to residents of Kilburn Square.
159. To further verify the accuracy of the surveys, car ownership data held on the 2011 Census has been examined. This also suggests that existing car ownership for the estate totals about 66 cars.
160. It was also known that 19 of the 30 garages were rented out, although it is not known how many were used for parking cars as opposed to general storage. Given the figures above, it is considered likely that few, if any, of the garages are actually used for car parking.
161. Nevertheless, the proposed retention of 86 parking spaces within the estate would be more than sufficient to cater for existing residents. The proposed reduction in off-street parking is not therefore considered likely to result in any parking being displaced from the estate onto surrounding streets.
162. Of the spaces that are to be retained, 19 are to be wide bays for disabled residents (a significant increase from the one disabled bay currently provided). This more than meets the requirement for a disabled space for 3% of all units, which would equate to 13 spaces. There is also scope to convert further spaces to wide bays in the future if required.
163. As the car parking areas are being substantially amended, provision will be sought for electric vehicle charging points. To this end, it is confirmed that 18 spaces (9 standard & 9 disabled) will be provided with active electric vehicle charging points, with all remaining spaces having passive provision. The points will provide 7kW/hr fast charging, which is appropriate for residential bays. Locational details are missing from the drawings though, so a condition requiring the submission and approval of further details is recommended.
164. A Car Park Management Plan has been provided for the estate, which confirms that existing residents have the right to retain their parking permits (or purchase a new permit for a limited time period if they do not currently have one). If they move out of the estate, they will need to relinquish their permits. Incoming residents of the new dwellings will not be entitled to parking permits either within the estate or on the surrounding public highway. Over time, it is therefore expected that parking demand will fall and that parking provision within the estate can be reduced.
165. For visitors and delivery/contractor vehicles, short-term permits will be available.
166. Details of enforcement by a parking contractor have also been provided to ensure that the car parking arrangements are not abused and drivers use bays correctly. It is also confirmed that the plan and parking conditions will be kept under review over future years.
167. The submitted Car Park Management Plan is very much welcomed and its implementation should be secured through a planning condition.
168. The London Plan requires at least 181 secure bicycle parking spaces for the 99 new flats and secure storage rooms are proposed on the ground floor of each block for a total of 186 bikes on a mixture of two-tier racks and 'Sheffield' stands to ensure all type of bicycle are catered for. The doors along the access routes to the stores for Blocks B and E have been amended to be widened to at least 1.2m. The number of doors and access arrangements have also been amended to allow easier access whilst meeting fire safety requirements.

169. For the assisted-living units, a bicycle/buggy store for 10 bikes/buggies is proposed, which is acceptable.
170. A further five short-stay spaces are required for visitors to the various blocks. A total of six 'Sheffield' stands are proposed in front of the various blocks to more than satisfy this requirement.
171. The existing flats within the estate do not have any bicycle parking provision, so this application also proposes a total of 90 long-stay spaces alongside Kilburn Square tower (40 spaces), within the reopened undercroft car park (32 spaces) and within the new entrance to Varley Court (18 spaces). These will be supplemented by a further ten 'Sheffield' stands along the central spine road and in Kilburn Square to provide 20 'short-stay visitor spaces. This additional provision for existing residents is very much welcomed.
172. Eight new motorcycle parking spaces are also proposed within the undercroft car park.

### Transport Impact

173. The submitted Transport Statement has considered the likely trip generation from the additional accommodation, based upon survey data from four other housing developments and another care home in London.
174. Surveys of existing trips to and from the estate were also carried out in December 2020, although the on-going Covid-19 pandemic restrictions in place at the time meant that peak hour trips were much lower than might ordinarily be expected, so these results have not been used in the analysis. Nevertheless, the surveys showed 31-32 two-way vehicle trips in each peak hour for the 291 existing flats on the estate, which points to a low two-way vehicular trip rate of about 0.11 trips/ dwelling.
175. The development will result in a net increase of 99 general needs housing units and these are estimated to generate 12 arrivals/55 departures in the am peak hour (8-9am) and 33 arrivals/22 departures in the pm peak hour (5-6pm) by all modes of transport. No "all modes" trip generation figures have been presented for the 40 supported-living units, but Brent's officers have estimated that these would generate between 10-20 peak hour trips.
176. The Transport Statement then considers the increase in vehicular trips alone and using the survey data, has estimated that the new housing and extra care units would between them generate 9 arrivals/20 departures in the am peak hour and 13 arrivals/16 departures in the pm peak hour by vehicles (these are net increases to existing trips to and from the estate). These totals are not significant enough to have a noticeable impact on the local highway network and given that overall on-site parking is to be reduced in total by the proposal and largely restricted to use by existing residents only, even these modest predicted increases in traffic flow may not materialise in practice.
177. For other modes, the number of additional passengers on public transport services is also not considered to be significant enough to have any noticeable impact on capacity, with less than one additional passenger per bus and train passing the site.
178. To assess the impact of walking and cycling trips, a Healthy Streets Assessment has been conducted for the area. This examined the quality of the pedestrian routes to six key destinations in the area, largely along Kilburn High Road, but also including Paddington Recreation Ground, Kilburn Park station and Belsize Health centre.
179. Key problems were identified for each route. Three of these related to lengths of street in neighbouring Boroughs (Camden and Westminster), whilst two related to maintenance issues in Brent (the poor quality of the crossover surface at the entrance to the Kilburn Square

public car park/service yard and damage to a footway on Cambridge Road arising from tree roots).

180. The one problem where alterations to the highway layout were recommended as a solution was at the wide access to the Shell filling station on Kilburn High Road, where it is suggested that a central island would be beneficial to pedestrians. Subject to fuel delivery tankers still being able to access the filling station, this improvement would be welcomed, but does involve the agreement of the filling station operator. Nevertheless, there are wider proposals for enhancements to the public realm along the A5 Kilburn High Road corridor, so this is a measure that can be considered as part of those works.
181. The Healthy Streets Assessment also examined the road accident record in the vicinity of the site over the five year period ending July 2020. This did reveal a large number of personal injury accidents along Kilburn High Road, including two fatalities and 21 serious injury accidents, commensurate with the high volume of traffic carried and the heavy pedestrian flows. As above, separate proposals for improvements along A5 Kilburn High Road corridor will aim to address some of these accident problems.
182. Just three minor injury accidents were recorded in the immediate vicinity of the site - all on Victoria Road. There are no elements of these development proposals that would be likely to worsen the accident record in the area, particularly as the new housing will be 'car-free' and the parking numbers are being reduced.

### Travel Plan

183. To help support the 'car-free' nature of the development, a Residential Travel Plan has been submitted with the application. This will be applied estate-wide, so will be for the benefit of both existing and incoming residents, which is welcomed.
184. The principal aim of the Travel Plan will be to reduce the proportion of trips made by car drivers from an estimated 26% of trips at the outset down to 16% after five years. However, the estimate for the current modal share of trips made by car drivers is based upon a Brent-wide average, whereas a more detailed analysis of Census data for the Kilburn Square estate area shows a much lower current modal share of 12% car driver journeys to work. The baseline figure and future year targets therefore need to be amended for each transport mode. The applicant has agreed to amend this and stated that the full Travel Plan would be updated to reflect the initial results of the baseline surveys conducted after site occupation.
185. The Travel Plan submitted proposes a series of measures to promote non-car use through the provision of information and incentives, managed by a Travel Plan Co-ordinator. Only a brief heading for each measure was provided initially and an Action Plan was submitted to include more detail. A final Travel Plan confirming the final details would be required by condition.
186. As a general rule, incoming residents should be offered free Car Club membership for a minimum period of three years, but it would also be beneficial to make an introductory offer of free membership to existing residents for a limited period. There is already a Car Club vehicle based in Victoria Road outside the site that residents can use. The applicant has confirmed that they have been in contact with one of the operators and they have been encouraged to contact Zipcar and any others that are available.
187. The success of the Travel Plan will be monitored through biennial surveys using the i-TRACE or TRICS survey methodology, with the first survey to establish the baseline modal share to be undertaken within six months of the development reaching 75% occupation. Reviews will be carried out upon receipt of the survey results.
188. In conclusion, the submitted Travel Plan sets out a good framework for a Residential

Travel Plan for the estate. The applicant has agreed to update the Travel Plan where required and the full Travel Plan would be required by conditions.

### Construction

189. A draft Construction Management Plan has been submitted with the application setting out provisional arrangements for the construction works, which are programmed to take place between 8am-6pm on weekdays and 8am-1pm on Saturdays between the start of 2023 and the end of 2025.
190. The plan confirms that a detailed Construction Logistics Plan will be submitted prior to works commencing. This is welcomed and a condition should be applied to ensure this is done.
191. In the meantime, most of the new buildings are well set back from the highway and there is plenty of space around the site to ensure the construction works can be contained clear of the public highway. The only direct impact on the public highway would therefore be the need to temporarily suspend some parking bays in Victoria Road to facilitate turning into and out of the site by larger vehicles associated with the construction of Block C. This will need to be agreed through Brent Council's Parking Services and this has been acknowledged in the Plan.
192. The other major impact will be on parking for existing residents during the construction works and every attempt will be made to retain as much residents' parking within the site as possible throughout the contract. It is therefore important that contractors staff are not offered parking at residents' expense and a Staff Travel Plan will be expected to encourage staff to use public transport or walking/cycling.
193. An initial assessment of vehicle numbers suggests that up to three deliveries per day can be expected during the peak construction period and these will be scheduled to avoid peak hours and school opening/closing times. The location of the site close to the A5 means easy access from the strategic road network is available.
194. The broad parameters set out for the Construction Logistics Plan are therefore fine and there are no particular concerns at this stage with the proposals for construction works.
195. Therefore, the proposal would not result in any adverse impacts in terms of the safety and free flow of the surrounding highway network.

### **Secured by Design and resilience to crime**

196. The application site has some existing elements that need to be taken into consideration and due to large proportion of the existing development being retained, the proposal has been designed to work with the current site. The proposal aims to reinforce the security of the existing site and makes sure the new development has appropriate features to help enhance security.
197. Concerns were initially raised by the Metropolitan Police's Secure by Design Officer regarding the potential for an increase in anti-social behaviour, particularly in relation to the new access point created between the Kilburn Square market and wider estate as well as the low fencing height proposed to enclose the site. The initial response highlighted existing risks and vulnerability of the site.
198. Following amendments, CCTV would be implemented to partially cover the market and alleyway and a new 1.8m high fence would be installed on the estates side of the boundary and this access point. This will be key fobbed to restrict access to residents only. In addition, the proposal would include a new lighting strategy for the estate and the square and new

outlook opportunities on communal amenity areas have been added. It is considered that the proposed changes would allow for greater natural surveillance of these public spaces, which would give a greater sense of security and deter anti-social behaviour.

199. Concerns were also expressed in relation to the low-level security which pedestrian access gate B along Victoria Road would offer, and thus the potential to attract criminal activity and anti-social behaviour into the wider site. While officers have considered the potential to improve security to this end of the site, this cannot be removed as it is the main access point for the nursery and maisonettes above. The access points to the site would largely remain in the same location as the existing, given that alterations would adversely compromise the ease of access for the existing and future occupiers of the site.
200. Additional planting has been proposed alongside existing railings which would help to thicken the edge and make it more difficult to climb. The permeability of the perimeter has been reduced due to the location of blocks C and E on the edge of the site, this would make it more difficult for unauthorised access into the site.
201. The amendments were reviewed by the Secured by Design Officer and the improvements were noted. Although concern remained with access to the site and boundaries, these do not appear to be issues caused by the new development.
202. It is noted that the subject changes would not help the site overall to achieve a Secured by Design accreditation, which would require significant changes to the existing buildings. However, the amendments to the scheme would help to mitigate against crime and anti-social behaviour. Given the arrangements of the existing site, the changes are considered to be appropriate and strike the right balance of enhancing security, creating an attractive environment and allowing good access for residents. Officers therefore consider that the proposal is acceptable in this regard.

## **Energy**

203. Major residential developments are expected to achieve zero carbon standards including a 35% reduction on the Building Regulations 2021 Target Emission Rates achieved on-site, in accordance with London Plan Policy SI2. An Energy Assessment is required, setting out how these standards are to be achieved and identifying a financial contribution to Brent's carbon-offsetting fund to compensate for residual carbon emissions.
204. The SAP software to assess the proposals against Part L 2021 was not available at the time of submission. As a result, he used the Part L 2013 software as well as the GLA spreadsheet to report carbon emissions. The energy consultant has confirmed that they are confident from recent experience that re-assessing the scheme in line with Part L 2021 will result in a reduction in carbon and achieve better results. Furthermore, in order to comply with Building Regulations, Part L 2021 software will be used at the detailed design stage. On this basis it is acceptable to use the submitted details and a condition is recommended to ensure that the 2021 regulations are taken into account.
205. The Energy Assessment demonstrates that development would achieve a 77.8% improvement over 2013 Building Regulations through 'Be Lean, Be Clean and Be Green' measures set out in the London Plan based on SAP 10.1. This is considered to be compliant with London Plan Policy SI2 and Local Plan Policy BSUI1.
206. The proposed blocks would utilise a mini heat network, which is welcomed and the use of Air Source Heat Pumps with a thermal store is in-line with policy. It is proposed that the development will also benefit from a site wide PV panel installed to the roofs of both respective blocks, which would be orientated south and split into two systems across the blocks.

## **Overheating**

207. London Plan Policy SI 4 states that major development proposals should demonstrate

through an energy strategy how they will reduce the potential for overheating and reliance on air conditioning systems in accordance with a cooling hierarchy.

208. The application has been accompanied by an overheating assessment which outlines the measures to be taken to meet the requirements of the policy. As set out above, the majority of units would be dual aspect and very few are single north facing or south facing, which in itself should reduce reliance on mechanical heating and cooling with the blocks.

209. Built-in passive measures have been used to provide shading. Louvres have been included to glazing, which reduces the solar gain and would also provide an increased free area for ventilation. Solar shading would also be provided via balconies and the inclusion of brise soleil to selected elevations.

210. In addition to the buildings being appropriately designed, the mechanical ventilations systems would have an overheating mode. Where some windows need to be restricted, this would ensure increased air flow rates to avoid overheating and to avoid the introduction of air cooling equipment.

211. The proposed approach to overheating is considered to be acceptable.

### **Flooding and Drainage**

212. A Flood Risk Assessment (FRA) has been submitted in support of the application. This report confirms that the site is located within a Flood Zone 1 (low risk) area which is classed as having less than a 1 in 1000 chance of river flooding within any one year (annual chance of flooding of less than 0.1%). The application site does contain some areas that fall within a Surface Water Flood Risk Zone (3a), as identified by the West London Strategic Flood Risk Assessment. However, the three areas of the site where the proposed Blocks A, B, C and E are located, lie outside of these flood risk areas. The site is also at a low risk of groundwater flooding and is not within a high-risk area for sewer flooding within the Thames water mapping.

213. London Plan Policy SI13 requires development to utilise sustainable urban drainage systems (SUDS), aim to achieve greenfield run-off rates and to ensure surface water run-off is managed as close to source as possible. A drainage strategy has been submitted that sets out a number of measures that would be used to attenuate surface water. The site proposes a significant reduction in discharge rates to the current site, with block A and B offering a 97% reduction, block C having a 96 % reduction and block E with 95.3% reduction, all within 1 in 100 year storm event.

214. The reduction is attributed to different forms of SuDS including a bioretention tank, green roofs and permeable paving and SuDS planter trees. This is an appropriate use of attenuation, mixing green SuDS infrastructure with grey, to supply amenity and biodiversity to the residents and wildlife. The drainage strategy identifies that the use of SuDS would be maximised, and therefore the proposal would comply with the requirements of SI13.

215. Thames Water have commented on the proposals, noting that there are public sewers that cross the site and care needs to be taken to minimise the risk of damage. Additionally, it was noted that the developer needs to contact Thames Water to ensure that any necessary upgrades to the water supply are carried out. A condition has been recommended to ensure that the development retains a sufficient distance from the mains sewers and an informative advises of the need to contact Thames Water.

### **Environmental Health Considerations**

#### Air Quality

216. The site is within an air quality management area, and London Plan Policy SI1 requires major developments to be supported by an air quality assessment and to demonstrate 'air

quality neutral' impacts. The assessment should consider the potential emissions to the area associated with the development as well as the potential impact on receptors to the development.

217. In addition, policy BSUI2 of Brent's Local Plan 2019-2041 sets out the requirements for Major developments within Growth Areas and Air Quality Focus Areas to be required to be Air Quality Positive and elsewhere Air Quality Neutral. Where on site delivery of these standards cannot be met, off-site mitigation measures will be required.
218. The application included an Air Quality assessment, which is considered to be acceptable and demonstrates that air quality levels are suitable for this development. Due the site being within an Air Quality Focus Area, the applicant has submitted an air quality positive assessment, which provides an assessment of the impacts on air quality. The assessment has taken into account the main likely effects on local air quality during construction, which relate to the generation of dust and particulates, the likely effects of any proposed heating system and a breakdown of vehicle trips that will be associated (operational and construction related).
219. The submitted assessment sets out measures to minimise or prevent dust and particulates to be implemented on site throughout the construction works, and these would be covered through a Construction Method Statement. Due to the site being located very close to other commercial and residential premises. Demolition and construction therefore have the potential to contribute to background air pollution levels and cause nuisance to neighbours. The construction management plan provides good controls on noise and dust, including a requirement for bored piles as opposed to driven. Additionally, a condition is recommended to ensure non-road mobile machinery complies with appropriate emissions standards.
220. The new development would be car free, therefore when operational air quality impacts associated with vehicle trips are expected to be less than the existing uses on site.
221. The air quality assessment identifies that the proposal can be considered to be air quality positive, which is accepted by Environmental Health officers. Several of the measures are achieved through being designed into the scheme such as the building's design, locations for planting and encouraging walking rather than car use with good pedestrian connectivity and a lack of parking provision. Others such as a Construction Environmental Plan, provision of cycle stores and electric vehicle charging points would be secured through the recommended planning conditions.

#### Contaminated land

222. The applicant has submitted a phase 1 desk top study and geo-environmental assessment. The surrounding area and parts of the development site have been identified as previously contaminated. The applicant has submitted a land contamination desktop study and this demonstrates that a full assessment of land is required. Environmental Health Officers are satisfied that the assessments carried out are suitable, and that the proposals are acceptable, subject to conditions requiring further investigation, remediation and verification of works carried out.

#### Noise

223. The application has been accompanied by a Noise Assessment. The assessment concluded that appropriate noise levels for the future occupiers can be achieved through the provision of suitable glazing and ventilation. To ensure that the development is constructed taking into account these requirements a condition is recommended to require the recommendations to be built. A further condition is recommended to ensure any plant or machinery is maintained to have an acceptable noise output.

### **Trees and Landscaping**

#### Trees



224. The site does not contain any trees that are subject to Tree Preservation Orders (TPOs) and is not within a conservation area. However, there are mature trees both within and just outside of the site which make a positive contribution to the visual amenity of both the site and wider locality, thus the development should seek to preserve these trees where possible.
225. An Arboricultural Impact Assessment and Tree survey have been submitted in support of this application which includes tree planting and has also identified trees to be removed as part of the development.
226. Overall, there are 57 individual trees and one Group of 3 Lime trees (G1) covered as part of the survey. 29 of these trees (plus G1) are growing within the site and a further 28 trees growing directly adjacent to the site within the highway.
227. These comprise 30 category A trees, 22 category B trees, 4 category C and 2 category U or Remove. It is proposed to remove 3 category A trees, 7 category B trees, 1 category C tree and 2 category U or R trees (so 13 trees in total) as part of this development.
228. Policy BGI2 of the Local plan states that major developments should make provision for the planting and retention of trees on site, and where it is not possible to retain trees, developers shall provide new trees to achieve equivalent canopy cover or a financial contribution for off-site tree planting of equivalent canopy cover will be sought. I. The proposal as mentioned would result in the loss of some higher value category A and B trees, most notably in proximity of the proposed 'Block C' adjacent to the corner of Victoria Road and Algernon Road. However, it is noted that there is a mixture of other significant mature trees along Victoria Road and some growing trees within the amenity area adjacent to Algernon Road which would maintain a green visual screen into the development at street level. This would thus help to ensure that the visual character of the area is maintained through these vistas. Tree protection measures for these trees will be secured by condition.
229. In addition, it is proposed to plant a significant number of additional trees as part of this development with 46 semi-mature and extra heavy standard trees. A further 49 smaller multi-stemmed trees proposed where it is not practical to plant larger specimens. This would help to ensure that there is adequate tree cover in the long term and will provide an attractive setting to the proposed development. Additional information has been provided in the form of revised plans which demonstrate more accurate Root Protection Areas to all trees. A revised Arboricultural method statement and tree protection plan will be secured by planning condition to ensure that the trees identified for retention are successfully retained.
230. Overall, it is considered that while the proposal would have some impact on existing trees in and adjacent to the site, that this impact would be mitigated through tree protection measures to the trees set for retention, while officers are also satisfied that the trees set to replace the removed trees would provide adequate tree canopy cover in the long-term. The site after development would be capable of accommodating additional tree planting and an appropriate level of landscaping overall. Thus, it is considered that the proposal would comply with policy BGI2.

#### Urban Greening Factor

231. The submission includes supporting information to demonstrate that the scheme would achieve an urban greening factor score of 0.34, which would be a shortfall of the 0.4 minimum required for a scheme of this size under policy BH4 of the Local Plan and policy G5 of the London Plan. There would be loss of some communal amenity space to compensate for the provision of new housing.
232. Nevertheless, the proposal would also provide new communal amenity areas for blocks A and B whilst improving the remaining communal amenity space within the wider site. Further, given the high density of the site in terms of existing and proposed housing, which is also reflected in the wider locality, officers accept this shortfall in this instance when also

recognising the wider benefits of the scheme overall.

233. Landscaping details have been submitted which set out how the urban green factor would be achieved. Some additional soft landscaping would be provided such as the provision of new plant and flower beds, replacement trees and green roofs which would be added.

#### Biodiversity Net Gain

234. Policy BGI1 'd' states that all developments should achieve a net gain in biodiversity and avoid any detrimental impact on the geodiversity of an area. Part 'e' of this policy also states that in meeting the urban greening factor, place emphasis on solutions that support biodiversity. This is supported by policies G5 and G6 of the London Plan.
235. A biodiversity metric calculation, using the DEFRA 3.1 metric has been provided. It is predicted that the proposal would result in a significant biodiversity net gain (BNG) of 52.19%, which is well above the minimum 10% required under this metric. The BNG largely results from the proposed green roofs, along with extensive planting across the estate. Officers therefore are satisfied with the BNG provided by the proposal in accordance with the above policies.

#### Ecology

236. Kilburn Square is not located in a site which is either statutorily or non-statutorily listed as a protected site in an ecological sense (e.g., County Wildlife site or local wildlife site). However, there are some sites of ecological value located nearby as listed below:
- Paddington Old Cemetery (c.450m) and Kensal Close (850m) Kilburn Square Estate were located to the west of the site.
  - Two parcels of Priority Habitat Inventory (Deciduous Woodland) and two parcels of National Forest Inventory (England) - Broadleaved Woodland, were located within a 500m radius of the site. These were all beyond 450m from site, being within Paddington Cemetery and Kilburn Grange Park.
  - The railway line to the south of the site has been adopted as one of Brent's numerous Wildlife Corridors.
237. A bat emergence and re-entry and activity survey has been submitted as part of the application. The latter report confirms that there is a low-risk of bats roosting in the site and that the proposal would not emit significant amount of light which would harm any potential bat life within/around the vicinity of the site. Mitigation measures have also been outlined in this report, such as care during construction to limit noise and vibrations which could affect bats, as well as introducing bat boxes.
238. Furthermore, a phase 1 habitat survey report has been submitted, conducted by the Ecology Link consultancy and by an ecologist holding full membership of the Chartered Institute of Ecology and Environmental Assessment. While non full desk study has been provided, officers consider that this is not deemed necessary given the existing nature of the site that more relevant information would be available from a site assessment.
239. Due to there being often a delay between the planning assessment and the start of construction works, it is often necessary to carry out a further survey prior to construction. A condition will be attached to ensure that the above recommendations as set out in the habitat survey report are adhered to.

#### **Fire safety**

240. London Plan Policy D12 requires all new development to achieve high standards of fire safety, and major developments are required to submit a Fire Statement outlining compliance with the measures required under Policy D12(B). A fire statement was submitted in accordance with this policy, and sets out details of construction, means of warning and escape, features to reduce the risk to life, access for fire service personnel, equipment and appliances, and the impact of potential future modifications. Fire evacuation lifts and refuge

points would be provided for disabled residents, and further details of the evacuation lifts would be secured by condition. The statement is considered to satisfy the requirements of Policy D12.

241. The proposal is also classified as a 'relevant building' under planning regulations introduced in 2021, which require a fire statement to be submitted in the form prescribed by the Secretary of State and introduce a statutory requirement to consult the Health and Safety Executive (HSE). This process is known as 'planning gateway one', and the proposal would be subject to further scrutiny before construction starts ('gateway two') and after completion ('gateway three'). These later stages are regulated by the Building Safety Act 2022.

242. Following the submission of a fire statement in the prescribed form, the HSE queried a number of issues. The applicants revised their plans accordingly. The HSE were re-consulted and have confirmed that the revised scheme addresses all of its concerns satisfactorily. Further issues that would need to be addressed at the Building Regulations stage are highlighted in the HSE's response.

243. Separately no objection has been raised by the London Fire Brigade however an informative will be attached to ensure that the development complies with Part B of Approved Document of the Building Regulations.

244. Overall, it is considered that the proposal is acceptable in regard to fire safety.

### **Equalities**

245. 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).

246. The proposal would result alterations to access within the estate, including the removal of a footbridge which provides residents with access from Kilburn Sq to Barrett, Sandby and Varley House. Due to existing problems with the bridge in terms of its construction, conflicts with the site's security and limited height that impedes fire access, it is considered to be appropriate to provide an improved access. The removed bridge would be replaced with a lobby to the building with a DDA compliant lift providing step-free access to the properties. Security would be improved with FOB access to the doors and internal cycle storage would also be provided. Therefore, although the access would change, it is not considered that the arrangement would be materially worsened for anyone who has restricted mobility.

### **Conclusion**

247. The proposal would provide 139 new homes including 40 extra-care homes and 99 Use Class C3 homes. At least 50 % of those homes would be Affordable, with 70 % of the Affordable homes provided at London Affordable. The proposal is considered to constitute a well composed series of blocks that fit well within their context. The proposal will result in the loss of some of the amenity spaces within the site and some car parking, but improvements to the remaining amenity spaces and play spaces are proposed whilst car parking has been demonstrated to be sufficient to meet demand. All new homes will be "car free" and will be supported by a Travel Plan. Cycle parking has been provided for existing and new residents along with electric vehicle charging points.

248. The buildings will be near to existing heritage assets and 'Less than Substantial Harm' has been identified to the significance of the Kilburn Conservation Area. However, a balancing exercise has been undertaken with regard to paragraph 202 of the NPPF, it is considered that the very limited 'less than substantial harm' that has been identified is significantly outweighed by the public benefits that would be afforded as a result of this development.

249. When considering other impacts, the development would result in some impact to the light and outlook of a number of neighbouring occupiers both within and adjacent to the existing site. Although the proposal has been designed to limit the degree of impact, it has been noted that there would be some losses of daylight which would be material to a limited number of windows on existing properties. When considering the impacts on the overall living conditions of these neighbouring occupiers, they would largely be modest and not have a significant effect on the function of the properties as a whole. Furthermore, when considering the site allocation, the requirement to make efficient use of land and the impact of any meaningful development would have in comparison, the proposal would achieve an appropriate balance. The benefits of the new dwellings, a policy compliant provision of affordable housing and the NAIL accommodation, for which there is an identified need.

250. In addition, the development would enhance security within Kilburn Square by providing natural surveillance, CCTV and appropriate security features. Landscaping would be improved with additional planting and a layout that would provide an attractive setting for the resultant buildings and more useable areas for recreation.

These public benefits are significant and would far outweigh any harm that has been identified and the application is considered to be in compliance with the Development Plan when read as a whole.

251. It is therefore considered that the application should be approved subject to the conditions set out below.



**DECISION NOTICE – APPROVAL**

Application No: 22/3669

To: Stefanie Mizen  
JLL  
30 Warwick Street  
London  
W1B 5NH

I refer to your application dated **21/10/2022** proposing the following:

Demolition of Former Kilburn Square Clinic, 13-15 Brondesbury Road, substation, footbridge and garages and redevelopment of site to provide extra care flats (Use Class C3b) and general needs flats (Use Class C3)) in 4 buildings alongside access routes, car parking, motorcycle parking, cycle parking, refuse and recycling storage, amenity space, landscaping, playspace, boundary treatments, alterations to the entrance to Varley House, refurbishment of the existing podium parking area and other associated works.

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

at **Kilburn Square Estate, Kilburn Square, London**

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: 10/10/2023

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:-  
London Plan 2021  
Brent Local Plan 2019-2041

- 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):

Existing site, demolition floor plans and elevations

- KIL-BPTW-00-ZZ-DR-A-0114 REV C02
- KIL-BPTW-00-ZZ-DR-A-0120 REV C02
- KIL- BPTW-00-ZZ-DR-A-0127 REV C02
- KIL-BPTW-00-ZZ-DR-A-1067 REC C02
- KIL-BPTW-00-ZZ-DR-A-1068 REC C02
- KIL-BPTW-00-ZZ-DR-A-2051 REV CO2
- KIL-BPTW-00-ZZ-DR-A-2052 REV C02
- KIL-BPTW-00-ZZ-DR-A-2053 REV C02
- KIL-BPTW-00-ZZ-DR-A-2054 REV C02

Proposed site, floor plans and elevations.

- KIL-GW-BR033-8002 REV P2
- KIL-BPTW-05-00-DR-A-1054 REV P016
- KIL-BPTW-03-00-DR-A-1026 REV P06
- KIL-BPTW-30-ZZ-DR-A-1011 REV P08
- KIL-BPTW-00-ZZ-DR-A-2208 REV C03
- KIL-BPTW-00-ZZ-DR-A-2201 REV C02
- KIL-BPTW-00-ZZ-DR-A-2202 REV C02
- KIL-BPTW-00-ZZ-DR-A-2204 REV C02
- KIL-BPTW-00-ZZ-DR-A-2205 REV C02
- KIL-BPTW-00-ZZ-DR-A-2207 REV C02
- KIL-BPTW-00-ZZ-DR-A-2208 REV C02

- KIL-BPTW-00-ZZ-DR-A-2209 REV C02
- KIL-BPTW-00-ZZ-DR-A-2210 REV C02
- KIL-BPTW-00-ZZ-DR-A-2211 REV C02
- KIL-BPTW-00-ZZ-DR-A-2212 REV C02
- KIL-BPTW-00-ZZ-DR-A-2213 REV C02
- KIL-BPTW-00-ZZ-DR-A-0128 REV C03
- L-BPTW-00-ZZ-DR--2008 REC C02
- KIL-BPTW-00-ZZ-DR-A-2007 REV C03
- KIL-BPTW-00-ZZ-DR-A-2003 REV C03
- KIL-BPTW-00-ZZ-DR-A-2001 REV C03
- KIL-BPTW-00-ZZ-DR-A-2005 REV C03
- KIL-BPTW-03-00-DR-A-1030 REV C03
- KIL-BPTW-03-ZZ-DR-A-1027 REV C03
- KIL-BPTW-84-ZZ-DR-A-1066 REV C02
- KIL-BPTW-05-06-DR-A-1056 REV C02
- KIL-BPTW-05-ZZ-DR-A-1055 REV C02
- KIL-BPTW-30-ZZ-DR-A-1012 REV C02
- KIL-BPTW-30-ZZ-DR-A-1013 REV C02
- KIL-BPTW-30-ZZ-DR-A-1017 REV C02
- KIL-BPTW-30-ZZ-DR-A-1018 REV C02
- KIL-BPTW-84-ZZ-DR-A-1065 REV C02
- KIL-BPTW-84-ZZ-DR-A-1066 REV C02
- KIL-BPTW-XX-XX-SA-A-0109 REV C02

Landscaping plans

- KIL-GW-BR033-1000-P1
- KIL-GW-BR033-2000-P1
- KIL-GW-BR033-3000-P1
- KIL-GW-BR033-4009-P1
- KIL-GW-BR033-4008-P2 REV A
- KIL-GW-BR033-4007 -P2 REV A
- KIL-GW-BR033-4006 -P2 REV A
- KIL-GW-BR033-4005-P2 REV A
- KIL-GW-BR033-4004-P2 REV A
- KIL-GW-BR033-4003-P2 REV A

- KIL-GW-BR033-4002-P2 REV A
- KIL-GW-BR033-4001-P2 REV A
- KIL-GW-BR033-5009-P1
- KIL-GW-BR033-5008-P2 REV A
- KIL-GW-BR033-5007-P2 REV A
- KIL-GW-BR033-5006-P2 REV A
- KIL-GW-BR033-5005-P2 REV A
- KIL-GW-BR033-5004-P2 REV A
- KIL-GW-BR033-5003-P2 REV A
- KIL-GW-BR033-5002-P2 REV A
- KIL-GW-BR033-5001-P2 REV A

#### Supporting documents

- Fire Statement Version 6 dated 21/02/2023. Submitted by 'FCS live'.
- Affordable Housing Statement submitted 28<sup>th</sup> November 2022 by 'JLL'.
- Child Play Space Calculator.
- Revised Urban Greening Strategy dated 27/02/2023. Submitted by 'ecology link'.
- External and private amenity space calculation details.
- Child Play Space Strategy.
- Air Quality Positive Statement dated 23/01/2023. Submitted by 'Hawkins environmental'.
- Schedule of accommodation dated 19.10.22 submitted by 'BPTW'
- Plot schedule dated August 2022 submitted by 'BPTW'
- Heritage Statement dated October 2022 submitted by 'Cogent Heritage'.
- Heritage Statement Addendum dated January 2023 submitted by 'BPTW'
- Overheating Assessment dated September 2022 submitted by 'Norman Bromley Partnership'.
- Sustainability Statement dated September 2022 submitted by 'Norman Bromley Partnership'.
- Foul Drainage and Utilities Assessment September 2022 submitted by 'Norman Bromley Partnership'.
- Flood Risk Assessment and Drainage Strategy Kilburn Square Estate – Kilburn dated September 2022 submitted by 'Tully De'Ath consultants.'
- Extended Phase 1 Habitat Survey Report Kilburn Square Estate, London dated 23.08.22 submitted by 'ecology link'.
- DELIVERY SERVICING AND MANAGEMENT PLAN dated October 2022 submitted by 'RGP'.
- Desk Study, & Preliminary Contamination Risk Assessment Report dated 20.09.2022



submitted by ' Southern Testing'.

- CAR PARKING MANAGEMENT PLAN dated October 2022 submitted by 'RGP'.
- CONSTRUCTION MANAGEMENT PLAN (CMP) DRAFT dated 31.08.2022.
- Bat Emergence and Re-entry and Activity Surveys dated 26.08.2022 submitted by 'arbtech'
- Archaeological Desk-Based Assessment dated September 2022 submitted by ' border archaeology'.
- Noise Assessment dated 21.09.2022 submitted by ' Hawkins environmental'.
- Travel Plan dated October 2022 submitted by 'RGP'.
- Play Spaces Calculations dated 08.02.2023 submitted by 'Groundworks'.

3 The development hereby approved shall contain 139 residential dwellings.

A minimum of 50 % of those dwellings (measured by habitable room or number of homes) shall be provided as Affordable housing a tenure split which secures a minimum of 70 % Social Rent\* or London Affordable Rent\* homes with the remainder delivered as Intermediate homes.

The development shall comprise the following housing mix, unless otherwise agreed in writing by the Local Planning Authority

99 x Use Class C3 homes shall be provided with the following mix:

- 34 x 1-bedroom, 38 x 2-bedroom, 27 x 3-bedroom

40 extra care homes (Use Class C3 (b)) shall be provided with the following mix:

- 36 x 1 bedroom and 4 x 2 bedroom

\*For the purposes of this condition, the following definitions are stipulated:

- Social Rent means rented housing owned and managed by [local authorities or] Affordable Housing Providers and let at Target Rents.
- London Affordable Rent means rented housing provided by an Affordable Housing Provider that has the same characteristics as Social Rented Housing except that it is not required to be let at Target Rents but is subject to other rent controls that require it to be offered to eligible households in accordance with Part VI of the Housing Act 1996 at a rent that is:
  - (a) including Service Charges, up to 80 per cent of local market rents; and
  - (b) excluding Service Charges, no higher than the benchmark rents published by the GLA annually in accordance with the Mayor's Funding Guidance.'
- Intermediate homes: means London Living Rent housing, Affordable Rent / Discounted Market Rent housing within Local Housing Allowance Limits, London Shared Ownership Housing or all or any of them (as the context requires)

Reason: In the interests of proper planning, to ensure a minimum of 50% affordable housing is delivered on site within appropriate tenures in accordance with London Plan and Local Plan policy.

4 1) The affordable housing provisions approved by this development shall not be binding on a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver)) of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or charge or Receiver PROVIDED THAT:

(i) such mortgagee or chargee or Receiver shall first give written notice to the Council

of its intention to dispose of the affordable dwellings and shall have used reasonable endeavours over a period of three months from the date of the written notice to complete a disposal of the affordable dwellings to another registered provider or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses; and

(ii) if such disposal has not completed within the three month period, the mortgagee, chargee or Receiver shall be entitled to dispose of the affordable dwellings free from the affordable housing provisions in this Agreement which provisions shall determine absolutely

2) Not later than 15 Working Days after service of the Intention Notice (or such later date during the Moratorium Period as may be agreed in writing between the Council and the Chargee), the Chargee will grant the Council (and/or the Council's nominated substitute Affordable Housing Provider) an exclusive option to purchase the relevant Affordable Housing Units and/or Additional Affordable Housing Units which shall contain the following terms:

- (a) the sale and purchase will be governed by [the Standard Commercial Property Conditions (Third Edition – 2018 Revision)] (with any variations that may be agreed between the parties to the Option (acting reasonably));
- (b) the price for the sale and purchase will be agreed in accordance with paragraph 3 (b) below or determined in accordance with paragraph 4 below;
- (c) provided that the purchase price has been agreed in accordance with paragraph 3 (b) below or determined in accordance with paragraph 4 below, but subject to point (d) below, the Council (or its nominated substitute Affordable Housing Provider) may (but is not obliged to) exercise the Option and complete the purchase of the relevant Affordable Housing Units and/or Additional Affordable Housing Units at any time prior to the expiry of the Moratorium Period;
- (d) the Option will expire upon the earlier of (i) notification in writing by the Council (or its nominated substitute Affordable Housing Provider) that it no longer intends to exercise the Option and (ii) the expiry of the Moratorium Period; and
- (e) any other terms agreed between the parties to the Option (acting reasonably).

3) Following the service of the Intention Notice:

(a) the Chargee shall use reasonable endeavours to reply to enquiries raised by the Council (or its nominated substitute Affordable Housing Provider) in relation to the Affordable Housing Units and/or the Additional Affordable Housing Units as expeditiously as possible having regard to the length of the Moratorium Period; and

(b) the Council (or its nominated substitute Affordable Housing Provider) and the Chargee shall use reasonable endeavours to agree the purchase price for the relevant Affordable Housing Units and/or Additional Affordable Housing Units, which shall be the higher of:

(i) the price reasonably obtainable in the circumstances having regard to the restrictions as to the use of the relevant Affordable Housing Units and/or Additional Affordable Housing Units contained in this schedule [I]; and

(ii) (unless otherwise agreed in writing between the Council (or its nominated

substitute Affordable Housing Provider) and the Chargee) the Sums Due.

4) On the date falling 10 Working Days after service of the Intention Notice, if the Council (or its nominated substitute Affordable Housing Provider) and the Chargee have not agreed the price pursuant to paragraph 3 above:

(a) the Council (or its nominated substitute Affordable Housing Provider) and the Chargee shall use reasonable endeavours to agree the identity of an independent surveyor having at least 10 years' experience in the valuation of affordable/social housing within the London area to determine the dispute and, if the identity is agreed, shall appoint such independent surveyor to determine the dispute;

(b) if, on the date falling 15 Working Days after service of the Intention Notice, the Council (or its nominated substitute Affordable Housing Provider) and the Chargee have not been able to agree the identity of an independent surveyor, either party may apply to the President for the time being of the Royal Institution of Chartered Surveyors or his deputy to appoint an independent surveyor having at least 10 years' experience in the valuation of affordable/social housing within the London area to determine the dispute;

(c) the independent surveyor shall determine the price reasonably obtainable referred to paragraph 3 above, due regard being had to all the restrictions imposed upon the relevant Affordable Housing Units and/or Additional Affordable Housing Units by this Agreement;

(d) the independent surveyor shall act as an expert and not as an arbitrator;

(e) the fees and expenses of the independent surveyor are to be borne equally by the parties;

(f) the independent surveyor shall make his/her decision and notify the Council, the Council's nominated substitute Affordable Housing Provider (if any) and the Chargee of that decision no later than 14 days after his/her appointment and in any event within the Moratorium Period; and

(g) the independent surveyor's decision will be final and binding (save in the case of manifest error or fraud).

Reason: To ensure the development is implemented in accordance with the approved details submitted having regard to Local Plan affordable housing policy, the weight that was given to the Affordable housing when reaching a decision and to contribute to meeting Brent's identified housing needs, including meeting LB Brent's statutory housing duties.

- 5 Notwithstanding the provisions of the Town & Country Planning (Use Classes Order) 1987, as amended, the 40 homes within the hereby permitted shall only be used for the provision of residential accommodation within Use Class C3(b) and for no other purposes within Class C3 of the schedule to the Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

Reason: To ensure that the mix of housing hereby approved will meet an identified need.

- 6 The blue badge parking spaces, cycle storage facilities and bin storage facilities shall

be installed and made available for use prior to first occupation of the relevant block within the development hereby approved and thereafter retained and maintained for the life of the development and not used other than for purposes ancillary to the occupation of the development hereby approved.

Reason: To encourage sustainable forms of transportation in the interest of highway flow and safety

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

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

- 8 Not less than 10% of residential units shall be constructed to meet Building Regulations requirement M4(3) 'wheelchair user dwellings' and all other dwellings shall be constructed to meet Building Regulations M4(2) 'accessible and adaptable dwellings' unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure suitable facilities for disabled users, in accordance with the London Plan policy D7.

- 9 Prior to the commencement of works the applicant shall enter into a Memorandum of Understanding (MOU) with the Local Planning Authority in order to provide appropriate offsetting measures for the development's carbon emissions as approved within the approved Energy Assessment.

Reason: To ensure appropriate Energy and Sustainability measures and mitigation.

- 10 The development must be carried out in accordance with the mitigation measures outlined with the Overheating Risk Assessment and Mitigation Strategy (prepared by Norman Bromley dated September 2022) and details shown on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

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

- 11 No development above ground level shall commence until the developer has entered into an agreement with the Local Highways Authority to carry out the following works:

- (i) The construction of two new vehicular accesses to the site from Victoria Road and Brondesbury Road and the removal of two redundant accesses and their reinstatement to footway, together with associated amendments to car parking bays and restrictions and bicycle hangers, to be undertaken at the developer's expense prior to occupation of Blocks C and E;

Prior to the occupation of the development evidence that the abovementioned highway works have been implemented in full and certified as completed to an

acceptable standard by the Local Highways Authority shall be submitted to and approved in writing by the Local Planning Authority.

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

- 12 The proposed development shall be occupied in full accordance with the submitted Delivery and Servicing Plan (prepared by RGP dated February 2023) unless an alternative Delivery and Servicing Plan has been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be occupied in accordance with the subsequently approved plan.

Reason: To ensure that sufficient levels of parking are provided for existing residents of the development and those who hold blue badges.

- 13 The proposed development shall be occupied in full accordance with the submitted Car Parking Management Plan (prepared by RGP dated February 2023) unless an alternative plan has been submitted to and approved in writing by the Local Planning Authority and the development is thereafter occupied in accordance with that plan.

Reason: To ensure that sufficient levels of parking are provided for existing residents of the development and those who hold blue badges.

- 14 The tree protection measures as set out within the submitted Arboricultural Impact Assessment and Method Statement prepared by Ecology Link (dated September 2022) shall be adhered to through all stages of construction, unless alternative measures are submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full.

Reason: To protect existing trees during the course of construction works in order to ensure that the character and amenity of the area are not impaired.

- 15 The Landscaping including tree planting hereby approved shall be carried out in accordance with the approved plans prior to occupation of the development, unless alternative details are submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

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

Reason: To ensure a satisfactory standard of appearance and setting for the development and in the interest of urban greening, ecology and biodiversity.

- 16 Occupiers of the new build residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby of each building, in a location and at a height clearly visible to all occupants. On, or after,

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

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

- 17 All recommendations contained within the Extended Phase 1 Habitat Survey Report (prepared by Ecology Link dated August 2022 and the Bat Emergence and Re-entry and Activity Surveys prepared by Arbtech dated September 2022) shall be adhered to throughout the construction of development.

Reason: To protect and enhance local ecosystems that would otherwise be unduly harmed by the development

- 18 The development hereby approved shall be carried out in full accordance with the details stipulated in the approved Flood Risk Assessment and Drainage Strategy Report (prepared by Tully De'Ath dated September 2022), unless alternative details are submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

Reason: To ensure measures are in place to ensure the appropriate and adequate treatment of surface water within the site, in the interest of flood risk and flooding.

- 19 All mitigation measures contained within the Air Quality Positive Statement (prepared by Hawkins Environmental dated January 2023) shall be adhered to throughout the construction of development, unless alternative details are submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

Reason: In the interest of air quality.

- 20 Notwithstanding the submitted details, prior to the commencement of the development a Construction Management Plan shall be submitted to and approved by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The approved statement shall be implemented throughout the duration of construction.

The applicant must employ measures to mitigate the impacts of dust and fine particles generated by the operation. This must include:

- (a) damping down materials during demolition and construction, particularly in dry weather conditions,
- (b) minimising the drop height of materials by using chutes to discharge material and damping down the skips/ spoil tips as material is discharged,
- (c) sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
- (d) ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
- (e) utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
- (f) installing and operating a wheel washing facility to ensure dust/debris are not carried onto the road by vehicles exiting the site.

(g) the use of demolition equipment that minimises the creation of dust.

#### Non Road Mobile Machinery

Brent is currently part of the 'London low emission construction partnership'. Therefore, the use of Non Road Mobile Machinery of net power between 37kW and 560kW is required to meet at least Stage IIIA of the EU Directive 97/68/EC and its amendments. This will apply to both variable and constant speed engines for both NOx and PM.

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

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

- 21 Prior to the commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full throughout the construction of the development.

Reason: In the interest of highway flow and safety and in the amenity of local residents.

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

- 22 (a) No development shall commence on site until a Training & Employment Plan has been submitted to and approved in writing by the Local Planning Authority which shall include but not be limited to the following:

- (i) the details of the Training & Employment Co-ordinator;
- (ii) a methodology for meeting the Training & Employment Targets and the Training & Employment Reporting Schedule;
- (iii) a commitment to offer an interview to any job applicant who is a resident in Brent provided that they meet the minimum criteria for the particular job

The approved Training and Employment Plan shall be implemented throughout the construction phases of the development.

(b) A Training & Employment Verification Report shall be submitted to the Council prior to occupation of the final phase of the development.

Reason: In the interest of providing local employment opportunities.

Pre-commencement reason: part (a) of the condition seeks to exercise control over training and employment of Brent residents throughout the construction phase of the development and therefore needs to be discharged prior to construction.

- 23 (a) Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works (excluding demolition and site clearance) that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.

(b) Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the relevant part of the development, 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.

- 24 Prior to the commencement of works (excluding demolition, site clearance, foundations and any below ground works), further details of all exterior materials (including samples of key materials which shall be provided on site for inspection or in another location as agreed, and/or manufacturer's literature) shall be submitted to and approved in writing by the Local Planning Authority. The works 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.

- 25 Prior to commencement of works (excluding demolition, site clearance and the laying of foundations), details shall be submitted to and approved in writing by the Local Planning Authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be carried out in accordance with these plans thereafter and maintained as such in perpetuity.

Reason: To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness.

- 26 The development shall be constructed to allow the future connection to a district heating network (should one become available) in accordance with the details within



the application hereby approved or in accordance with alternative details which have first been submitted to and approved in writing by the local planning authority.

Reason: To ensure the development is in accordance with the principles of London Plan Policy SI 3.

- 27 Within 6 months following the commencement of works, a drawing detailing the location of the approved active and passive charging points and provision (which shall show the provision of 18 spaces comprising 9 standard and 9 blue badge with active electric vehicle charging points and all remaining space to have passive provision) shall be submitted to and approved in writing and the development shall be completed in accordance with the approved details and the charging points shall thereafter be retained and maintained.

Reason: In the interest of proper planning and to promote sustainable transport.

- 28 Within six months of commencement of the development, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the lighting fixtures, luminance levels within and adjoining the site. The lighting shall not be installed other than in accordance with the approved details.

Reason: In the interests of safety and the amenities of nearby existing and proposed residential properties.

- 29 Within six months of commencement of work on site, detailed drawings showing the photovoltaic panel arrays on the roofs of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority.

The photovoltaic panel arrays shall be installed in accordance with the approved drawings and made operational prior to occupation of the development hereby approved.

Reason: To ensure that the development minimises its carbon emissions, in accordance with London Plan policy SI1.

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

Reason: To safeguard the residential amenity of nearby properties.

- 31 No later than two months after practical completion of the development an Energy

Assessment Review shall be submitted to and approved in writing by the Local Planning Authority. This shall include a review of the energy assessment commissioned at the applicant's expense and prepared by an independent assessor to demonstrate as built construction is in accordance with the approved Energy Assessment.

Reason: To ensure appropriate Energy and Sustainability measures and mitigation.

- 32 Prior to the occupation of the development hereby approved, a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The proposed Travel Plan shall include a measure to provide three years' free membership to a local Car Club for all new residents. Once approved the travel plan shall be implemented in full for the lifetime of the development unless an alternative plan is submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full.

Reason: To promote sustainable transport measures.

- 33 Prior to the occupation of the development a Nominations Agreement to define nominations criteria and arrangements shall be entered into with the Council, and submitted to and approved in writing by the Local Planning Authority. The Nominations Agreement will set out the policies and procedures for the nomination by the Council of prospective tenants to the development and shall be implemented on occupation and shall remain in effect for the lifetime of the development.

Reason: To ensure the development is implemented in accordance with the approved details submitted having regard to Local Plan affordable housing policy and to contribute to meeting Brent's identified housing needs, including meeting LB Brent's statutory housing duties.

- 34 Prior to occupation of any of the units hereby approved, a Management and Maintenance Plan shall be submitted to and approved in writing by the local planning authority in relation to the proposed new play spaces. This should include details of how the play spaces would be separated from car parking and road networks, and outline necessary safety measures. The measures set out in the approved scheme shall be implemented in full for the lifetime of the development.

Reason: to ensure that new facilities are capable of being managed and maintained to an acceptable standard which is fit for purpose, inclusive and safe, in accordance with London Plan Policy S4 and the Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG.

- 35 Prior to first occupation of the development hereby approved details of a communal television aerial and satellite dish system for each of the three buildings linking to all residential units within the development, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details. No further television aerial or satellite dishes shall be erected on the premises.

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

- 36 The development hereby approved shall be constructed to provide sound insulation against internally generated noise. This sound insulation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development and implemented in full. The proposal must comply with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following internal noise levels: For daytime (0700 - 2300) noise levels for living rooms and bedrooms the maximum noise levels are 35 dB LAeq (16hr). Outside of this time (2300 - 0700) the standard for bedrooms is 30 dB LAeq (8hr), 45 dB Lmax.

Reason: To ensure an appropriate noise environment in the interest of the amenities of existing and future residents.

- 37 'Be seen' energy monitoring guidance shall be submitted to the Greater London Authority in accordance with the Mayor of London 'Be Seen' energy monitoring guidance date September 2021.

Reason: in the interest of sustainability and climate change.

- 38 Prior to the commencement of works (excluding demolition and site clearance), a programme of archaeological work, the details of which shall have been agreed by the Greater London Archaeological Advisory Service prior to submission, shall be submitted to and approved in writing by the Local Planning Authority and the programme of work shall be carried out in full accordance with the approved details.

Reason: To ensure that appropriate regard is given to the potential presence of archaeological features and deposits.

- 39 No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development" The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://www.thameswater.co.uk/preplanning).

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the government website: <https://www.gov.uk/government/publications/preventing-and-resolving-disputes-in-relation-to-party-walls/the-party-wall-etc-act-1996-explanatory-booklet>
- 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 The submission/approval of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.
- 5 Thames Water advise that there are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

- 6 Thames Water advise that the proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.  
<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Any person wishing to inspect the above papers should contact Curtis Thompson, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1807

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