



Planning Committee

Wednesday 15 November 2023 at 6.00 pm

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

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

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

Membership:

Members

Councillors:

Kelcher (Chair)
S Butt (Vice-Chair)
Akram
Begum
Dixon
Mahmood
Maurice
Rajan-Seelan

Substitute Members

Councillors:

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

Councillors

Kansagra and J.Patel

For further information contact: Natalie Connor, Governance Officer,
natalie.connor@brent.gov.uk; 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 18 October 2023 as a correct record.		1 - 12
APPLICATIONS FOR DECISION		
4. 22/3669 - Kilburn Square Estate, Kilburn, London	Kilburn	17 - 80
5. 23/0024 - 2-78 INC, Clement Close, London, NW6 7AL	Brondesbury Park	81 - 116
6. 22/3124 - Newland Court Garages, Forty Lane	Barnhill	117 - 154
7. 23/0841 - 1 Hillside, Kingsbury, NW9 0NE	Kingsbury	155 - 176
8. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or her representative before the meeting in accordance with Standing Order 60.		

Date of the next meeting: Wednesday 13 December 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 18 October 2023 at 6.00 pm

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

1. Apologies for absence and clarification of alternative members

None.

2. Declarations of interests

In relation to Agenda Item 4 (23/0989 5-6 Park Parade, London, NW10 4JH), Councillor Kelcher advised that as one of the ward councillors for Harlesden & Kensal Green he had been involved in campaigning against the application and therefore withdrew from the meeting for the consideration of that item. Councillor S. Butt (as Vice-Chair) therefore took over as Chair of the meeting for the consideration of Agenda Item 4.

All Committee members confirmed they had received approaches from the local Residents Association in relation to Item 6 (22/3669 – Kilburn Square Estate, Kilburn, London) on the agenda but confirmed they had not engaged in discussion on the application. Councillor Begum also advised that whilst one of the ward councillors for Kilburn she had not sought to take any position on the application and therefore felt able to consider the application impartially and without any form of predetermination.

3. Minutes of the previous meeting

RESOLVED that the minutes of the previous meeting held on Wednesday 9 August 2023 be approved as an accurate record of the meeting.

4. 23/0989 – 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.

RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to:

- (1) That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives as detailed in the report.

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Damian Manhertz, Team Leader, South Area Planning Team, introduced the report and set out the key issues. In introducing the report members were advised that the application sought a 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. The existing site currently comprised of a vacant betting shop that sat within a three storey Victorian terrace with residential properties above. The site was located within secondary shopping frontage within Harlesden Town Centre, and the Harlesden Creative Cluster. The site was located in an Archaeological Priority Area, with a site of Archaeological Importance situated to the rear boundary. The site was within an air quality management area and the Harlesden and Willesden Junction Air Quality Focus Area. The site was not listed nor located within a conservation area.

The Committee's attention was drawn to the supplementary agenda that provided information in relation to how Policy BE5 had been applied in terms of ensuring there was not an overconcentration of betting shops/adult gaming centres within town centres with the Officers' recommendation remaining to approve the application subject to the conditions and informatives as detailed in the report and an additional condition requiring formal Secured by Design accreditation prior to first occupation of the units.

The Chair thanked Damian Manhertz for introducing the report. As there were no Committee questions raised at this point, the Chair invited the first speaker Will Newton (objector) to address the Committee (online) in relation to the application with the following key points highlighted:

- Local residents were strongly opposed to the application.
- Residents were making a conscious effort to take pride in the community and would welcome positive uses of the site; however, it was felt that the proposed use of an adult gaming centre and betting shop would have a negative community impact.
- Concerns were raised that the proposed application was particularly exploitative of the most vulnerable members the community.
- There were already adult gaming centres in close proximity, therefore it was questioned why another one was necessary.
- Residents were concerned that the addition of a further adult gaming centre would exacerbate the existing anti-social behaviour (ASB) prevalent around Park Parade.
- On the basis of the concerns raised, Mr Newton urged the Committee to reject the application.

The Vice Chair (in the Chair) thanked Mr Newton for addressing the Committee and asked Committee Members if they had any questions in relation to the information shared. The Committee queried how Mr Newton felt that the proposed application would impact upon ASB. In response Mr Newton advised that by the nature of the business use proposed, the area would see an increase in the negative ASB issues that were known to be prevalent in Harlesden. The police recognised that Harlesden was an ASB hot spot in the borough and had channelled more police resources to manage this. Concerns around ASB were echoed in the recommendations the police had made in the supplementary report; therefore, it was a high level concern for local residents.

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The Chair then invited the next speaker, Anita Whittaker (objector) to address the Committee (in person) in relation to the application. Ms Whittaker introduced herself as a long standing Harlesden resident and community advocate. The following key points were highlighted:

- Referring to her position as a community advocate and member of Harlesden Town Team, Ms Whittaker's highlighted the progress made in Harlesden in recent years is seeking to enhance the area. It was felt that the proposed use of the currently vacant site would be in conflict with the recent gains made in the area.
- It was felt that with two adult gaming centres in close proximity, the addition of a further adult gaming centre was unnecessary.
- The proposed location of the application was close to several schools and a homeless support establishment; therefore, it was felt the nature of the scheme was completely inappropriate in relation to the surrounding area.
- Given that Harlesden remained an area with a high concentration of deprivation, it was felt that the development would prey upon the most vulnerable members of society.
- It was felt that the applicants' proposal to split the premises into a betting shop and adult gaming centre was an attempt to circumvent regulations.
- It was felt there was limited community benefit, and the potential harm of the proposed development would outweigh any of the schemes suggested benefits.

The Vice-Chair (in the Chair) thanked Ms Whittaker for her representation and asked Ms Whittaker for her views on the Planning Inspectorate's comments that they were not convinced that the proposal would have a harmful effect on crime, disorder and ASB in the surrounding area. In response Ms Whittaker advised that she was of the view that if approved, the scheme would undoubtedly have a negative impact upon ASB in the area, a feeling that was shared with the Safer Neighbourhood Team who agreed that the proposal would have a negative impact.

As there were no further questions at this point, the Chair moved on to invite the next speaker Councillor Mili Patel to address the Committee (in person) in her capacity as one of the Ward Councillors for Harlesden & Kensal Green. The following key points were highlighted:

- There was strong local objection from residents and Ward Councillors to the proposed application.
- It was highlighted that the application had previously been rejected then appealed by the applicant (which was dismissed) as 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 over concentration of those type of uses within the frontage.
- There was concern that the applicant was attempting to exploit the ambiguity of policy BE5 in relation to overconcentration; by their proposal to split the premises in two to provide a betting shop and adult gaming centre as two separate units. It was felt this was in conflict with the spirit of the Local Plan.
- The Planning Inspector had agreed that the proposal would result in harm to the living conditions of occupiers of neighbouring properties with regards to noise and disturbance.

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- Harlesden was recognised as having the 2nd highest amount of betting shop floorspace out of 148 district centres in London, this resulted in the Harlesden neighbourhood supporting a policy of clusters to prevent overconcentration. It was felt that the proposed application would go against this policy.
- It was felt that the scheme offered very little in benefits to residents and that the unit could be put to better use to provide family friendly commercial units that would offer more employment opportunities as well as a community benefit, without the associated harm that a betting shop/adult gaming centre would invite.
- The Council's principles in relation to gambling stated that it was necessary to promote protecting children and vulnerable adults from being exploited and harmed by gambling, given the applications location being in close proximity to schools and a homeless unit, it was felt to be highly inappropriate and against the Council's principles to approve the application.
- In concluding her comments, Councillor Mili Patel urged the Committee to maintain high aspirations for Harlesden and reject the application on the basis that there were no community benefits, the proposed application went against the Local Plan, the principles of the Harlesden Neighbourhood Plan and the recommendations of the Brent Poverty Commission.

The Vice-Chair (in the Chair) thanked Councillor Mili Patel for sharing her concerns with the Committee and invited the next speaker Councillor Chan to address the Committee (in person) also in his capacity as one of the Ward Councillors for Harlesden & Kensal Green The following key points were highlighted:

- Harlesden resident and Ward Councillors were proud of the gains made in Harlesden and wanted to ensure the Ward remained on a positive trajectory.
- It was echoed that the Brent Poverty Commission recognised that ¼ of Harlesden lived below the poverty line, in particular light of this, it was felt that another betting shop/adult gaming centre in Harlesden was not a good use of a commercial unit for the community as it exploited the most vulnerable members of society.
- Park Parade was recognised by the police as an ASB hot spot, having had a number of closure orders in relation to drug dealing. It was strongly felt that the addition of the proposed application would only exacerbate existing issues and put significant strain on the local police neighbourhood team.
- The comments submitted by Inspector from the Harlesden local neighbourhood police team highlighting the Metropolitan Police's concerns and objections in relation to the application which had been detailed in the accompanying supplementary agenda report.
- On the basis of the concerns shared in relation to the impact on residents, the exploitation of vulnerable residents and the lack of benefits to the area, Councillor Chan urged the Committee to reject the application to allow a more appropriate use of the unit that would benefit the community.

Following Councillor Mili Patel and Councillor Chan addressing the Committee, the Vice-Chair (in the Chair) invited Committee Members to ask any questions or points of clarity they had in relation to the information heard. The Committee raised questions regarding how the proposed application, if approved would impact ASB and the local community. The following responses were provided by Councillors Mili Patel and Chan:

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- In response to a query regarding the anticipated negative impacts that the proposed application could have on the community, the Committee was advised that when the previous betting shop on site became vacant, the local police neighbourhood team noted a marked decline in ASB in the immediate vicinity, this allowed them to spread their policing resources more widely to manage other issues. The police were concerned when they were informed of the latest planning application as they knew there was a high probability that they would have to increase their resources again, to the detriment of the wider borough policing.
- Following a Committee query in relation to the area of Park Parade as an ASB hot spot, the Committee heard that the police had cited evidence in relation to their concerns on this as detailed within the supplementary report.
- Councillor Chan had recently attended a Local Safer Neighbourhood Panel where the Inspector shared the locations of ASB hot spots in the area; Park Parade featured as one of the locations of ASB, this was further evidenced by the high number of closure orders on Park Parade.
- It was a concern for Councillors and the police that already limited police resources would potentially be stretched further if the application was approved.

As there were no further speakers or questions raised, the Vice-Chair (in the Chair) thanked all those who had participated for addressing the Committee, ahead of offering Committee Members the opportunity to ask officers any remaining questions or points of clarity they had in relation to the proposed application. The Committee raised questions in relation to overconcentration, the application's policy compliance, community safety and ASB with the following responses were provided:

- Following a Committee query in relation to whether the proposed applications policy was in breach of Local Plan Policy BE5 relating to the minimum number of units between each use, Members were advised that paragraph d of the policy was open to interpretation as detailed in the supplementary report. Officers acknowledged that both betting shops and adult gaming centres involved gambling, but in interpreting the policy the classification of uses within planning terms were seen to be different with the application therefore being regarded as policy compliant.
- The Committee queried if efforts had been made to try and let the unit for other uses. In response Members were advised that the role of the planning officers was to assess whether the application before them was suitable, they were not in the position to suggest that the applicant used the site in any particular way.
- It was clarified that the unit would be split down the middle to provide both the adult gaming centre and betting shop.
- Following a Committee query in relation to the proposed establishment's opening hours, it was clarified that further conditions could not be placed on future opening hours with any change in operating times having to be applied for separately.
- It was clarified that the applicant was the same owner as the other two local adult gaming centres.
- In response to a Committee query in relation to the benefits the scheme would provide, officers recognised that there were limited benefits, however it was noted that it was seen as a positive that the unit would be occupied rather than vacant. It was understood that betting shops and adult gaming centres were often seen as a negative use of commercial space, however national planning

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legislation recognised them as legitimate uses in their own right. Using the framework of the Development Plan and the information from the Planning Inspectorate, it was felt that the application was policy compliant and on this basis had received officer recommendation for approval.

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

That planning permission be refused on the basis of overconcentration of such uses, contrary to Policy BE5 Paragraph D of Brent's Local Plan.

(Voting on the above decision was as follows: For 4 and Against 3)

At this stage in proceedings, Councillor Kelcher returned to chair the remainder of the meeting.

5. 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 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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The Committee were reminded that the application to be considered had been deferred at the 9 August 2023 Planning Committee due to the Committee's concerns in relation to affordable housing, scale of development, site optimisation and potential and potential planning benefits. David Glover, Development Management Manager advised that the application remained unchanged since it was last presented to the Committee, however the report now included additional comments from officers in response to the issues the Committee had cited as reasons for potential refusal and subsequent deferral. The Committee was reminded that following its previous deferral, Member's would need to consider the application based on the report and representations they were presented with at the meeting in order to support any decision to refuse or approve the application.

James Mascall, 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 an additional point of objection regarding the tree report. Officers' recommendation remained to approve the application subject to the conditions set out in the Committee report and the completion of a satisfactory Section 106 agreement.

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 Ms 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 proposed development being out of character with the surroundings buildings.
- The site location was not within Brent's Local Plan as a priority area for new housing.
- It was questioned how planners had responded to BH4 of the Local Plan that required greater weight to be given to the existing character of the area.
- The development was felt to be of limited benefit to Brent residents and the local community as it would not provide any affordable housing that would make any impact on current levels of demand for social housing within Brent.
- It was questioned why the development was not car free when it was felt the local area was served very well by local underground and overground train services.
- Concerns were raised that the approval of the development could set a precedent for decision making on future similar applications.
- In summarising her concerns Ms Mitchell- Murray urged the Committee to consider the position of Brent residents and recognise their strong objections to the application, by refusing planning permission.

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The Chair thanked Ms Mitchell-Murray for making her representation, as there were no questions from the Committee at this stage, the Chair went on to invite the next speaker on the item, Keith Perrin, (objector) to address the Committee (in person) in relation to the application. Mr Perrin introduced himself and with the permission of the Chair advised that it would be Gaynor Lloyd speaking on his behalf to address the meeting on behalf of the Sudbury Court Residents Association with the following key points then highlighted:

- The 5 storey proposal was felt to be out of context against the existing 2 storey properties in the area and therefore a departure from policies BH4 and DMP1.
- It was felt that no weight had been given to the priorities stated in Local Plan Policy BH4 whereby greater weight would be placed upon the existing character of the area, access to public transport and a variety of social infrastructure, when determining the intensity of the development as appropriate.
- 33% of units were not compliant with BRE sunlight exposure assessments.
- 25% of units were not compliant with BRE illuminance testing.
- Any late stage review mechanism of affordable housing via the Section 106 agreement was felt to be futile given the change in economic conditions needed to support any increased viability. It was noted that the lack of viability was exacerbated by the high existing use value of the land due to the profitability of the existing business on site.
- The existing site was felt to be an important asset of social infrastructure, that supported meeting the needs of the culturally diverse population.

The Chair thanked Gaynor Lloyd and Keith Perrin for their representations and invited Committee Members to ask any further questions or points of clarity they had in relation to the information heard. The Committee queried how much impact the scale and massing of the scheme would have on neighbouring properties, given that there were some neighbouring 3 storey buildings and the 5 storey part of the proposed development would be in the centre of the site. In response Mr Perrin advised that there would be a significant impact on neighbouring properties as the surrounding buildings were only 2 storey and some were 2 storey with a dormer, however none were 3 storey properties. It was therefore felt that there would still be a significant impact caused by the excessive scale and massing of the scheme.

As there were no further questions, the Chair invited the next speaker on the item, Councillor Lorber (objector) as a local councillor to address the Committee (in person) in relation to the application. The following points were highlighted:

- Councillor Lorber highlighted concerns with the process of managing the deferral as he did not feel it was necessary to bring the original report in its entirety back to the Committee. His understanding of the Council's policy was that in cases of deferral where the Committee had been minded to refuse the application pending further explanation of the cited reasons for deferral; it was only necessary for the Committee to be presented with a report that detailed the possible planning reasons for refusal and the evidence available to substantiate those reasons.
- Councillor Lorber proceeded to remind the Committee of the reasons which had originally been cited for potential refusal of the application and its and subsequent deferral as detailed within the Committee report in relation to the applicants failure to provide an appropriate level of affordable housing and the

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excessive scale of the proposed development in terms of massing and sight in relation to the suburban context of the site.

The Chair thanked Councillor Lorber for his comments and clarified that due process had been followed, with officers addressing the planning reasons originally cited for refusal within the report for the Committee to consider. Additionally, it was felt that it was important to include the whole report to provide context and information for Members who may have been absent at the previous meeting or were attending as an alternate Member.

The Chair moved the meeting on to invite the next speaker on the item, Councillor Bajwa (as local ward councillor) to address the Committee (online) in relation to the application. The following points were highlighted:

- Councillor Bajwa had received many concerns from residents within his Ward who were in objection to the application, this was further evidenced by the 500 residents who signed a petition against the development.
- The scheme was felt to be out of character with the surrounding area.
- Although the site was not listed as a heritage site, it was in close proximity to the Sudbury Court Conservation Area.
- The scheme offered no affordable housing options, which was against London Plan targets to achieve 35% of affordable units.
- It was felt there would be very limited benefits to residents in the Northwick Park Ward.
- Concerns were raised in relation to the dangers that the construction traffic would cause in the building phase, this was of particular concern given that the area was not pedestrian friendly.
- It was felt that the existing car parking issues in the area would be further exacerbated by the development.
- It was felt that the applicant should offer further investment to support improvements to local amenity space.
- On the basis of the information shared, Councillor Bajwa urged the Committee to reject the application.

The Chair thanked Councillor Bajwa for his comments and asked if he felt there was any benefit resulting from the development. Councillor Bajwa advised that he felt the benefit was extremely limited, in his opinion, the scheme would not support residents in most need of housing and felt that any small benefits of the scheme would be outweighed by the harm it would cause.

As there were no further questions, the Chair invited the final speaker on the item, Davey Pareth (applicant) 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 the family had felt privileged to provide as a community asset to Brent, however with the economic challenges the business had faced post pandemic, the applicant had come to the decision that the site required a different use.
- It was felt that re-developing the site to provide much needed accommodation in Brent would be a positive way to use the site, providing opportunities for families, young people and the local economy.

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- In light of the benefits the scheme would bring, Mr Pareth urged the Committee to approve the proposed application.

The Chair thanked Mr Pareth for addressing the Committee and invited the Committee to ask any questions or points of clarification they had. The Committee raised a query in relation to the viability of the scheme with the following response provided:

- In response to a query in relation to the variance between the viability figures identified by the Council's viability consultants and the applicant's, Kieran Rushe, agent for the application advised that although there were differences in the two figures calculated, they both demonstrated a deficit; resulting in no affordable housing available as part of the scheme.
- Following a query in relation to whether the reportedly expensive nature of the scheme was a factor in the lack of viability, the Committee was advised that the buildability costs were centralised costs, they were submitted as part of the financial viability assessment, with the consultants calculating the figures from the information received. The Committee was advised that if there were any further queries in relation to the viability of the scheme, officer may be better placed to offer a response.

As there were no further questions for Mr Pareth and his supporting team, the Chair invited the Committee to ask officers any remaining questions or points of clarity they had in relation to the application. The Committee raised queries in relation to viability, the wider benefits of the scheme and the Urban Greening Factor (UGF). The following responses were provided:

- Officers confirmed that although it was disappointing that the scheme could not offer any affordable housing, it had been thoroughly tested with viability consultants that assessed it would not be possible to provide affordable housing.
- Following a Committee query in relation to why the applicant would choose to go ahead with a scheme that was not expected to deliver a profit, the Committee was advised that it was not unusual for schemes to come in at a deficit against target profits and the economic landscape to subsequently change from the point of approval to completion; possibly offering an improved situation.
- Despite the absence of affordable housing at the planning stage, the Committee was reminded that via the Section 106 agreement a late stage mechanism would be in place to capture any possible uplift.
- In response to a Committee question regarding the likelihood of the scheme becoming viable at a later stage, the Committee was advised that the economic landscape would have to change significantly to allow the scheme to contribute towards affordable housing, a number of factors including interest rates, borrowing rates and construction costs would all be assessed within the review mechanism to ensure any increased viability opportunities were captured.
- Following a query in relation to the wider benefits of the scheme, the Committee heard that as well as the scheme providing 42 homes, with 1 in 4 being family sized homes, the application would include a financial contribution towards highway improvements and would also be subject to payment under the Community Infrastructure Levy.
- Following a question in relation to the UGF of the site, the Committee was advised that despite the removal of 13 trees to accommodate the development,

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a total of 29 new trees would be planted; resulting in a net gain of 16 trees. The scheme also included wide ranging amenity space including green roofing that would be secured via landscaping conditions. Improvements to the site achieved a UGF score of 0.46, which exceeded the requirements of policy BH4.

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 detailed in the Committee report; and the conditions and informatives as set out in the Committee report; and supplementary report.

(Voting on the above decision was as follows: For 5, Against 1 and Abstentions 1)

6. **22/3669 – Kilburn Square Estate, Kilburn, London**

Due to technical issues experienced in the meeting room at this stage of the meeting, which had affected the AV equipment, the Committee **AGREED** to defer the consideration of this application to a future meeting (date to be confirmed).

7. **Any Other Business**

None.

The meeting closed at 9:15pm

COUNCILLOR KELCHER
Chair

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APPLICATIONS FOR DECISION

Introduction

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

Material planning considerations

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

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

Provision of infrastructure

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

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

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

Further information

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

Public speaking

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

Recommendation

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

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

15 November, 2023
04
22/3669

SITE INFORMATION

RECEIVED	21 October, 2022
WARD	Kilburn
PLANNING AREA	Kilburn Neighbourhood Forum
LOCATION	Kilburn Square Estate, Kilburn Square, London
PROPOSAL	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.
PLAN NO'S	See condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_162408</p> <p><u>When viewing this as an Hard Copy</u> .</p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "22/3669" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

INTRODUCTION

This application was deferred from the 18 October Planning Committee meeting due to technical issues associated with the PA system within the Civic Centre Conference Hall.

Since that meeting, further comments have been submitted by the Chair of the Kilburn Village Residents' Association. This report header contains a summary of the further comments while the report (as original drafted) follows the report header.

Previous Supplementary report

A supplementary report was published following the publication of the original committee report responding to a number of matters that were raised by the Chair of the Kilburn Village Residents' Association (KVRA), including the following:

In relation to consultation, the KVRA set out that the report did not reflect the actual number of comments received, that the report referred to objections from individuals when many of the comments were from residents' associations (such as KVRA) who represent a number of people, that the KVRA are supported by three neighbouring residents' association and the Kilburn Neighbourhood Forum) and that the report refers to four petitions and does not include the petitions from Barratt House and Kilburn Square Tower residents. The KVRA also questioned the pre-application community involvement/engagement, an error in the block reference within paragraphs 80 and 84 (where block E is referred to as Block C), the level of intensification and that the site allocation doesn't in their view justify the development of blocks C and E together with fire safety concerns regarding the undercroft parking area.

It was recognised within the Supplementary Report that a number of comments were submitted by the KVRA, and that petitions were indeed received from residents of Barrett House and Kilburn Square Tower and that while these petitions were not referred to in the report when they should have been, the matters raised in the petitions were highlighted and discussed.

In relation to pre-application community engagement, it was highlighted within the supplementary report that the details of this were discussed in the consultation section of the committee report and in the Community Involvement Statement submitted with the application.

The typographical error in pages 80 and 84 were acknowledged (where block E is referred to as block C) and it was noted that the comments in this section report continue to apply, and that the overall living conditions for residents of Sandwood Court are considered to remain good.

In relation to the site allocation, it is highlighted that the main report makes it clear that plots C and E are not in the site allocation and the report does not look to justify those blocks through the site allocation. It is also clarified that one part of the report (consultation section) refers to the site being in the Kilburn Growth Area when it is not, and the Detailed Considerations part of the report sets out that it is not in the Growth Area.

A response was provided to the fire safety concerns.

Further comments received after the 18 October Planning Committee meeting

Further comments have been received from the Kilburn Square Residents' Association. A number of the comments set out that KVRA's disagreement with the views contained within the committee report relating to a number of matters that were raised previously, including:

- That it goes beyond the site allocation
- The increase in housing within the estate and over crowding;
- Concern regarding the scale of blocks;
- The loss of green space and trees, and that it would breach Brent's Climate Strategy and other environmental policies
- Breaches of other policy, including parking stress.
- That an assessment of key community services and facilities has not been done;

- Overshadowing and loss of daylight / sunlight
- The pre-application engagement process
- That it has been widely rejected by the local community
- Fire safety
- Regarding the affordability of London Affordable Rent
- About scheme viability and deliverability

These matters were discussed in detail in the main report (below).

A number of other matters have been raised including the following:

Comment	Discussion
<p>The benefits of the development are tempered by affordability issues and the tenure mix and the scheme is unlikely to be deliverable.</p> <p>Concern was also been realised regarding the degree of flexibility that is being applied to policies (as set out in the reports) and that the mitigation that is discussed.</p>	<p>A full consideration of the scheme against adopted policies and guidance was set out in the main report (below). It is common for there to be a divergence from some policies and guidance and it is for members to weigh the benefits of the scheme against any harm associated with a divergence from policy. The view of officers on this balance is set out within the report.</p>
<p>KVRA continue to be unhappy with the way in which the comments from the KVRA have been represented as responses from individuals given that they represent the combined local community.</p>	<p>This is noted and it is certainly acknowledged that KVRA represent a number of local residents rather than being comments from one individual.</p>
<p>That one key objection in the Barrett House petition has not been discussed in the report, relating to the displacement (by block C) of the access road to Varley House from a position away from buildings to one right outside Barrett House windows. It is highlighted that those flats already have "Central Street" on their other side.</p>	<p>It is acknowledged that the access road to the car parking area will be moved to a location in front of Barrett House and that this will result in a degree of impact due to the activity associated with vehicles. A landscaped frontage has been incorporated along this road, and levels of use are not likely to be significant. Nevertheless, a degree of impact will occur.</p>
<p>KVRA remain unhappy with the pre-application consultation that was undertaken, considering that it is not in line with requirements. They consider that the application provides no evidence of community support but shows that the applicant has failed to secure trust from the local community.</p>	<p>It is noted that the KVRA remain unhappy with the pre-application engagement process that was undertaken. The Local Planning Authority must consider the application having regard to adopted policy and guidance and the recommendation that has been made is based on this.</p>
<p>That the KVRA consider that the impacts on daylight and sunlight are excessive.</p>	<p>These impacts are discussed in the main report (below).</p>
<p>That the final sentence in paragraph 2 of the main report refers to the site allocation map and has no relevance to the development of Blocks C and E, and could be misleading.</p>	<p>It is not considered that Paragraph 2 is misleading as the extent of the site allocation is clearly set out within this paragraph.</p>
<p>That the justification for scale are externally driven and ignore the mental and physical wellbeing of estate</p>	<p>The layout, design and scale of the proposal is discussed in detail in the main report, and officers do not agree</p>

regeneration and the estate's sense of place. That the location per se does not justify intensification, with higher PTAL necessary for car-free development but does not provide justification for a given density.

that this ignores the mental and physical wellbeing of existing or future residents, or the sense of place.

Concern was raised over the restricted fire escape from the disused car park area which is proposed to be reutilised. It was noted that the current physical escape route is up 21 steps, culminating in a narrow exit at the base of the tower, partially blocked by a pillar. The objection notes that this arrangement is hardly safe even for an able-bodied person, still less so for someone with impaired mobility. Concern was raised that the Health and Safety Executive and London Fire Brigade have not had access to information to assess the safety compliance of this area and the applicant wishes to defer the issue to Building Regulations. In addition, it was noted that this is considered to be a land use matter and therefore should be considered in the determination of the application.

Beyond assessment of the Health and Safety Executive and the planning assessment using policy D12, there is legislation which ensure that the development is appropriately constructed, and fire safety assessments are carried out for the existing buildings.

The detailed requirements for fire safety of existing buildings are a matter for the Fire Risk Assessment regime within the Regulatory Reform (Fire Safety) Order 2005 including where applicable the Fire Safety (England) Regulations 2022 and Section 156 of the Building Safety Act 2022, which came into effect from the 1st October 2023 with the changes affecting all buildings and premises that are in the scope of the Regulatory Reform (Fire Safety) Order 2005. The detail of this legislation would go beyond the considerations within a planning assessment.

The agent has confirmed further fire design details would be set out in a design fire strategy report or Design Note where applicable and necessary in subsequent reporting on for example; any additional exits & widths, fire suppression system, smoke ventilation, fire alarm, emergency lighting where applicable. The matter of existing fire exit signage, a reported locked exit, blocked by a pillar, is as stated above, for the Fire Risk Assessment regime of the existing building. The fire engineer for the applicant has been consulted and considers these changes to be feasible. The possible changes also would not materially affect the scheme if planning permission is granted. Therefore, in summary, the existing ground floor enclosed car park area is not currently in use, the appointed design team are aware and understand that to re-utilise the car park, the area will need to comply with Building Regulations (fire safety) and achieve Building Control approval prior to being

re-opened as a car parking facility.

When considering the legislation that would require the parking area to be brought up to an appropriate standard in terms of fire safety and the possible changes in its construction. It has been demonstrated that this area would not be unsafe once the development has been carried out and the other regimes would ensure that alterations are appropriately constructed.

Officers continue to recommend that permission is granted subject to the conditions set out within the report.

The original report (as published for the 18 October meeting) is as follows:

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.

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
Block A- Extra Care (Local Housing Allowance)	
1 bedroom flat (1 bed, 2 person)	18
1 bedroom flat (1 bed, 2 person)	18
2 bedroom flat (2 bed, 3 person)	4
Block B-General Needs (London Affordable Rent)	
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
Block C – General Needs (London Affordable Rent)	
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
Block E – General Needs (London Affordable Rent)	
1 bedroom flat (1 bed, 2 person)	1
3 bedroom flat (3 bed, 5 person)	8
Total New Units (Extra Care)	40
Total New Homes (General Needs)	99
Total Number of New Units	139

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 officers 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

<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 side 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: 07/11/2023

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

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 28th 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.
- 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

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

15 November, 2023
05
23/0024

SITE INFORMATION

RECEIVED	4 January, 2023
WARD	Brondesbury Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	2-78 INC, Clement Close, London, NW6 7AL
PROPOSAL	Demolition of one bungalow and various infill developments to deliver 21 residential units (Use Class C3) consisting of five separate developments of two terraces and three flatted blocks, with associated car parking, cycle storage, and enhancements to the Estate's amenity space
PLAN NO'S	Please refer to condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_163204</p> <p><u>When viewing this as an Hard Copy</u> _</p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "23/0024" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

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

Conditions

1. Three year commencement rule
2. In accordance with approved plans
3. Affordable housing
4. Water Consumption
5. Obscure glazing
6. Block F Balcony Screening
7. Drainage Strategy compliance
8. Tree Protection compliance
9. Ecology report compliance
10. Bin and cycle compliance
11. Communal external amenity compliance
12. Non-Road Mobile Machinery
13. Construction Method Statement
14. Construction Environmental Method Statement
15. External Materials
16. Hard/ soft landscaping and lighting details
17. Sustainability
18. Revised Preliminary Bat Roost Assessment/ further surveys to be submitted
19. M4(1), M4(2) and M4(3) compliance
20. Carbon offsetting payment

Informative


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

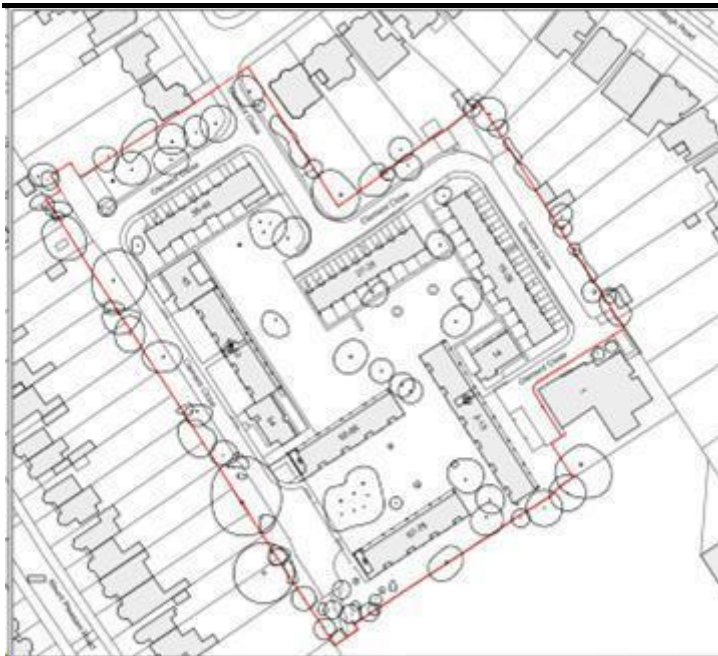
As set out within the draft decision notice

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

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

SITE MAP

	Planning Committee Map
Brent	Site address: 2-78 INC, Clement Close, London, NW6 7AL
	© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

PROPOSAL IN DETAIL

Demolition of one bungalow and various infill developments to deliver 21 residential units (Use Class C3) consisting of five separate developments of two terraces and three flatted blocks, with associated car parking, cycle storage, and enhancements to the Estate's amenity space

EXISTING

The site comprises a large residential estate on Clement Close Nos. 2-78 (33 houses and 56 flats) accessed via Milverton Road in Willesden. The estate comprises a mix of two and three storey flatted blocks, bungalows, and maisonettes. The estate is not within or near to a conservation area and is not listed or in close proximity to a listed building.

AMENDMENTS SINCE SUBMISSION

The application has been amended in response to feedback from council's internal consultations. Notably, this included concerns from the Urban design and the tree officer regarding the future maintenance of trees and block B. The Applicant was as such reviewed given these comments, with the total number of residential units reduced alongside several other resultant changes. These are summarised below,

- The overall proposal is reduced from 22 to 21 residential units consisting of five separate developments.
- Block A- Unit A6 is now revised to allow tree T1 to be retained. Elevations have been amended to ensure appropriate massing addresses the street to the south.
- Block B - is now omitted from the design to satisfy urban design comments in regards to scale and massing which would additionally retain T98 tree.
- Block D has been raised 300mm, to mitigate flooding, introducing a ramped access and as such elevations have been amended to ensure appropriate massing addresses neighbouring existing buildings. Block D, Unit D2, first floor terrace is also now within the 18m rule towards the direct habitable windows of Clement Close.
- Block E - Small secondary windows for unit E2,E3 towards existing No. 55-56 Clement Close as well as balcony treatment changes.
- Block F has been raised 300mm, to mitigate flooding, introducing a ramped access to unit F2. Elevations have been amended to ensure appropriate massing addresses neighbouring existing buildings. Additional 1.7m high screens for the balconies to satisfy 9m rule towards the garden boundary of neighbouring properties.
- Landscape enhancement throughout the estate with additional planting and trees as well as re-location of the 3 scattered playgrounds on two plots.

All technical reports have also been updated based on the reduction of units

SUMMARY OF KEY ISSUES

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

Representations Received: Representations were received from 68 neighbouring addresses, and a petition containing 267 signatures was received in response to the consultation. A number of issues were raised including impact on the principle of development within the estate, accuracy of the submission, impact on heritage assets, design and massing, trees, wildlife and ecology, flood risk, restrictive covenant of the land, highway safety concerns, vibration and noise. These objections are summarised in more detail below and discussed in the report.

Principle of Development: The Brent Local Plan and London Plan recognise the role of small sites which are often in suburban locations in the delivery of the new homes that are needed in the borough. The general principle of residential development is supported in this location, contributing towards the Council's housing targets. All 21 homes are intended to be delivered as London Affordable Rent and whilst planning policy requires 30 % of the homes to be Intermediate affordable housing, the harm associated with the absence of Intermediate housing is considered to be significantly outweighed by the benefits associated with the over-provision of London Affordable Rented homes. A condition is recommended to secure the provision of a minimum of 50 % of the housing as London Affordable Rented homes. 33 % of the homes would be family sized, exceeding policy requirements. Although Block D is proposed on the green communal open space of the scheme, it would account to around 7% of the central usable open space and the loss is mitigated through improvements to the open spaces in the size. The loss is considered to be considerably outweighed

by the benefits of affordable and family housing provision.

Highway impacts: The proposed homes would be within an area with Public Transport Accessibility Level (PTAL) of 2, which is considered poor. The proposal would reduce parking provision within the estate from approximately 105 spaces to c. 88 spaces (30 on the driveways of the existing houses and about 58 parallel parking spaces along the street) thereby bringing the estate into line with maximum standards. Using the car ownership data submitted, the development would be considered likely to generate demand for 79-80 parking spaces across the estate. As such, the provision of 88 spaces is considered to comfortably accommodate future demand, with surplus available for visitors. Bicycle parking arrangements are considered acceptable, with adequate long- and short-stay spaces shown for the new dwellings and surplus capacity proposed that existing residents can use.

Impact on neighbouring residential amenity: The proposal would not result in a significant impact on the residential amenities of neighbouring occupiers in terms of noise and disturbance, daylight and sunlight or overlooking to any immediate adjoining residential neighbours.

Design and appearance: The proposal is considered to represent a good standard of design within the site and would not result in harmful impact on the character and appearance of the estate and neighbouring sites.

Trees, landscaping and ecology: One Category B, 12 Category C and one Category U trees are to be removed to facilitate the development. There are concerns with Blocks A and C due to proximity to the boundary of the neighbouring properties tree's root protection areas. An arboricultural method statement has been submitted as part of this application demonstrating how damage to the offsite adjacent trees will be minimised. Overall any concerns are outweighed against the overall planning benefits of the scheme delivering additional housing within the Borough with high quality design. Landscaping and twenty new trees have been provided with a practical layout within the communal green areas and gardens. The proposal would have an Urban Greening Factor (UGF) score of 0.4, which would meet both London Plan and Brent Local Plan targets. An ecological impact assessment has been submitted as part of this application, with the recommended mitigation measures set out in this assessment to be attached as a condition of any permission.

Flood Risk: Some minor parts of the site lie within Flood Zone 3a for surface water flooding. The applicant has provided a Flood Risk Assessment with number of measures to be included ensuring that the development would be resistant and resilient to flooding. The drainage layout and the greenfield run off discharge rate to 1.06 l/s for the 1 in 100 year storm event per report has been deemed satisfactory.

RELEVANT SITE HISTORY

No relevant planning history.

CONSULTATIONS

Public Consultation

First consultation stage: January 2023

A total of 150 addresses within Clement Close, Mount Pleasant Road, Milverton Road, Aylestone Avenue and Chudleigh Road were initially notified of the development on 26/01/2023.

A Site Notice was displayed 03/02/2023

A Press Notice was published 02/02/2023.

A total of 68 written objections were received to the proposals at this stage, from adjoining residents and interested parties. The grounds for objection can be summarised as follows:

Comment	Officer response
Proposals represent an overdevelopment of the site and increased density which is out of keeping with the surrounding area	The principle of development is considered within paragraphs 2-8 of the report. However the sections on design and character (paras. 9-21), impact on neighbouring amenity (paras. 38-74) and the quality of residential

	accommodation provided (paras. 22-37) are relevant in setting out how the quantum of development is appropriate in this location.
Increase in social/ LAR housing will skew balance away from equal proportions of private: affordable, detrimental to desire for mixed and balanced communities	See paragraphs 7-8
Proposed housing not genuinely affordable at LAR levels	The proposed 21 units would be provided at LAR levels, which are considered to meet the definition of 'affordable housing' as set out within the London Plan and Local Plan. Proposed rent levels are also closely defined within the wording of condition 3.
Proposed height and massing of blocks too much, Block A should be reduced by one storey	See paragraphs 9-21
Proposals detrimental to character of Clement Close and surrounding area	See paragraphs 9-21
Loss of daylight and sunlight to adjoining properties from proposed development	See paragraphs 49-74
Loss of privacy and increased overlooking to adjoining properties and gardens on Mount Pleasant Road, Milverton Road and Clement Close	See paragraphs 44-48
Proposed development would be in breach of SPD1 in terms of separation distances, appearing overbearing and causing sense of enclosure	See wider discussion within paras. 38-74
Loss of privacy is a breach of Article 8 of the Human Rights Act	Impacts to privacy are discussed in more detail within the paras. outlined above.
Proposals would result in loss of trees within the site and impact on long-term health of remaining trees	See paragraphs 91-98
Proposals would result in increased traffic and parking pressures within local streets, and cause concerns around pedestrian and highways safety	See paragraphs 75-79
Proposed two-tier cycle stands difficult to use, not feasible	See paragraphs 80-81
Proposed development (especially Block C) would result in narrowing footpaths and restricting access for emergency and servicing vehicles to Estate, and harm to pedestrian safety	See paragraphs 82-83
Proposed would result in more crime within the Estate	The development has been designed with SBD principles in mind and is not considered likely to result in more crime.
Proposals would result in an increase in noise and anti-social behaviour	The development has been designed with SBD principles in mind and there are not considered to be any specific concerns in this regard. See paragraphs 116 for noise considerations.
Increased noise, dirt and dust during construction process	Most developments projects will involve some noise and disturbance and an element of disruption has to be expected within the construction phase. See para. 104 and 116 of the report. A Construction Environmental Management Plan would be required by

	condition before works commence. Excessive impact are managed through Environmental Health Legislation.
Proposals would result in increased refuse and litter generation	It is not considered that the proposals would directly result in any increase in additional litter generation. Refuse arrangements for the proposed additional units are considered acceptable and management of the site would ensure that these impacts are not excessive
Increased pressures on local services, including GP surgery, and infrastructure as a result of the increase in flats within Clement Close	The application site is in an area with a predominantly residential character. There are not considered to be any reasons to suggest local infrastructure capacity could not support additional residential homes here.
Detrimental impact on mental and physical health as a result of the proposals	See Environmental Health considerations section of report (paragraphs 113-122) regarding issues of noise, air quality impacts etc.
Ecological impact assessment out of date, particularly bat surveys, and impact of loss of trees etc on bat biodiversity	See paragraphs 99-103
Increased risk of flooding and drainage issues, as well as exacerbating issues of subsidence and ground stability	See paragraphs 105-112
Lack of proper participation, consultation and engagement with the local community regarding the proposals	The level of consultation with local stakeholders and interested groups as been set out within the Statement of Community Involvement section of the report.
Lack of notification and engagement with existing residents at No. 54 Clement Close, which is being demolished	The level of consultation with local stakeholders and interested groups as been set out within the Statement of Community Involvement section of the report.
Proposed development would result in an erosion of community spirit and cohesion	The nature and extent of proposals means there is not considered to be any direct impact on community spirit and/ or cohesion.
Lack of party wall/ fence agreements in place – Brent Council liable	This is not considered to be a material planning consideration.
Proposals represent a 'land grab' by the Council on greenfield space	The efficient use of land is encouraged by planning policy and the siting of the new development is assessed further below in paragraph 6. This issue is not considered to be a material planning consideration on which permission could reasonably be refused.
Impacts on service charge costs and ground maintenance	This is not considered to be a material planning consideration.
Proposals should include community garden/ space for fruit and vegetable growing	The proposal includes a range of improvements to the communal spaces and while the provision of growing space would be supported, it is not a requirement of planning policy for this proposal.
Removal of fire safety and evacuation area causes fire safety issues	See paragraphs 118-119 on fire safety. There is sufficient access and the layout is

	satisfactory to enable safe evacuation.
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An e-petition has also been submitted containing 267 signatures, objecting to the proposals. While the majority of those signing the petition registered from Brent addresses, there were some signatories with addresses outside of the Borough. A summary of the key concerns raised are provided below:

- Substantial loss of privacy for many residents of Clement Close and neighbouring properties;
- Substantial overshadowing of adjoining buildings;
- Loss of trees within Clement Close;
- Adequacy of parking/ loading/ turning and concerns around access for emergency vehicles;
- Increased road traffic within Clement Close;
- Substantial impact on visual amenity resulting from the layout and density of building;
- Loss of existing services;
- Lack of adequate consultation and information vague and inaccurate;
- Residents of No. 54 Clement Close unaware of proposals to demolish their home.

Officer comments: The concerns raised above are the same as those summarised in the main objections above. See summary of officer comments above which address these concerns and makes reference to relevant paragraphs in the main considerations where necessary.

Re-consultation on revised proposals: July 2023

The same 150 addresses (as well as all who had provided comments initially) were notified of amendments to the scheme by letter in July 2023. A total of 31 responses were received as a result of this exercise, the vast majority of those from previous respondents, re-iterating their initial concerns and that these had not been overcome by the amendments received.

Thames Water advised that they were unable to determine foul and waste water infrastructure requirements, but that a condition can be attached requiring this information to be submitted before works commence. requested condition be attached. TW do not permit building over or construction within 3m of water mains.

TW requires drainage strategy for foul and surface water containing points of connection in sewer networks, expected discharge rates and site drawings. This is considered acceptable to condition.

Environmental Health

Environmental health supports the application subject to a number of conditions relating to internal noise levels, construction noise and dust and air quality impact, and contaminated land. See detailed considerations section of report for further comments on these issues.

Statement of Community Involvement

The applicant's Planning Statement sets out the public consultation and level of engagement undertaken before submitting the application, as required through the Localism Act (2011). An online consultation was created on Brent Council's Public Participation Platform, which included a PDF version of the newsletter and a feedback form as a survey. A virtual exhibition video was also provided on the online consultation platform, which included a narrated video tour of the site and the proposed drawings.

A newsletter/ flyer was distributed to residents within Clement Close, Aylestone Avenue, Chudleigh Road, Milverton Road, Sidmouth Road, Mount Pleasant Road and Hanover Road notifying them of

the proposed scheme.

The applicant has stated that initial concerns from residents of Clement Close and surrounding streets were taken into consideration, with early concerns regarding loss of trees and green space, and over-development of the site, addressed in amendments to the scheme.

These consultation events are considered appropriate to the scale of the development (classified as a 'small major development') and reflect the recommended level of pre-application engagement set out in Brent's Statement of Community Involvement (July 2021).

POLICY CONSIDERATIONS

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

The development plan is comprised of the
London Plan 2021
Brent Local Plan 2019-2041

Key policies include:

London Plan 2021

SD1: Opportunity Areas
SD6: Town Centres and High Streets
SD7: Town centres: development principles and Development Plan Documents
SD8: Town centre network
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
G1: Green infrastructure
G5: Urban greening
G6: Biodiversity and access to nature
G7: Trees and Woodlands
S4: Play and informal recreation
S11: Improving air quality
S12: Minimising greenhouse gas emissions
S13: Energy infrastructure
S14: Managing heat risk
S15: Water infrastructure
S16: Digital Connectivity Infrastructure
S17: Reducing waste and supporting the circular economy.
S112: Flood Risk Management
S113: Sustainable drainage
T1: Strategic approach to transport
T4: Assessing and mitigating transport impacts
T5: Cycling
T6: Car Parking
T6.1 Residential parking

T7: Deliveries, servicing and construction

Local

Brent Local Plan 2019-2041

DMP1 – Development Management General Policy
BD1 – Leading the way in good design
BH1 – Increasing Housing Supply
BH2 – Priority Areas for Additional Housing Provision within Brent
BH4 – Small Sites and Small Housing Developments in Brent
BH5 – Affordable Housing
BH6 – Housing Size Mix
BH13 – Residential Amenity Space
BGI1 – Green and Blue Infrastructure in Brent
BGI2 – Trees and Woodland
BSUI1 – Creating a Resilient and Efficient Brent
BSUI2 – Air Quality
BSUI3 – Managing Flood Risk
BSUI4 – On-site Water Management and Surface Water Attenuation
BT1 – Sustainable Travel Choice
BT2 – Parking and Car Free Development
BT3 – Freight and Servicing, Provision and Protection of Freight Facilities
BT4 – Forming an Access on to a Road

The following are also relevant material considerations:

The National Planning Policy Framework (revised 2021)
National Planning Guidance

Brent SPD/SPG:

SPD1 Brent Design Guide 2018
Residential Amenity Space & Place Quality – SPD – 2023
Sustainable Environment & Development – SPD – 2023
Planning Obligations Supplementary Planning Document – June 2022
Brent's Waste Planning Guide 2015

DETAILED CONSIDERATIONS

Background

1. The proposed homes form a part of the Brent Council project that is aiming to deliver 5000 new homes over a five year period, 1000 of which are proposed to be delivered through the New Council Homes Programme. The aim of the New Council Homes Programme is to reduce the high housing waiting list and the number of residents living within temporary accommodation, by building new homes that meet the needs of Brent's residents. This site is one of the sites identified within the New Council Homes Programme to build on land already owned by the Council. The site for redevelopment of Clement Close, located 0.6 miles south of Willesden Green High Street and Willesden Green Underground Station. This is a Council-maintained housing estate currently comprising 88 units - made up of 32 houses (each with its own driveway) and 56 flats.

Principle of development:

2. Brent's Housing targets have significantly increased as part of London Plan (2021), with the target increasing to 2,325 dwellings per annum for the period 2019/20-2028/29 in Policy H1 of the London Plan recognising the increasing demand for delivery of new homes across London. Brent's Local Plan policy BH1 reflects this target as well.
3. Policy D3 of the London Plan requires developments to make the best use of land by following a design-led approach that optimises the capacity of the site, with development that is the most

appropriate form and land use for the site, with the policy recognising that small sites make a significant contribution towards increasing housing supply within London.

4. In response to the strategic policy position above, within Brent's Local Plan, the Council has set out priority areas for new housing under policy BH2. This policy identifies that new housing would be prioritised for growth areas, site allocations, town centres, edge of town centre sites, areas with higher levels of public transport accessibility and intensification corridors.
5. The above position is reinforced in policy BH4 of Brent's Local Plan. This policy relates to small housing sites and recognises that such sites can assist in delivering a net addition of self-contained dwellings through the more intensive and efficient use of sites. Such proposals will be considered where consistent with other policies in the development plan and within priority locations (i.e. PTAL 3-6, intensification corridors, or a town centre boundary). In these priority locations, the character of the existing area will be subject to change over the Local Plan period. Outside the priority locations greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easy accessible on foot when determining the intensity of development appropriate. The site lies within PTAL 2 and is not within a priority location for housing. As such, more emphasis needs to be placed on the character of the existing area in assessing whether such development is appropriate, and this is considered in more detail below. The intensity and scale of development is discussed in more detail, but in summary is considered to pay an appropriate regard to the existing character of the area.
6. It is acknowledged that the proposals would result in the loss of green space across the estate, particularly as a result of blocks A, D, C and F. These areas are considered to be of good value in terms of amenity space and serve important landscaping functions. As part of the proposal, approximately 376 sqm of green areas around the edges of the estate and also between blocks 2-13 and 27-35 Clement Close would be lost, of a total of 5,568sqm across the entire estate (representing approximately 7% loss). As part of the building design some of the landscaping would become private gardens of the houses. Policy BGI 1 for open space is of relevance as it requires any loss to be strongly justified against the benefits of the scheme. This relatively modest loss in quantitative terms is considered to be outweighed by the enhancements proposed to the retained open space, and the benefits of affordable and family housing provisions as there are still adequate levels of communal space for existing/proposed residents.

Mix of units and affordable housing

7. The proposals would provide 21 new dwellings (5 x 1-bed, 9 x 2-bed & 7 x 3-bed) in five blocks, an existing house would be removed (No.54); thus giving a net gain of 20 dwellings. Policy BH6 of the Local Plan seeks for 1 in 4 new homes in the borough to be family sized homes. This proposal puts forward 7 of its 21 homes as family homes (33%), and therefore complies with policy BH6.
8. 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

In this instance it is noted that the scheme is intended to be 100% affordable with rent at London Affordable Rent levels, which would exceed the 50 % required for the Threshold Approach. London Plan and Brent policy requires the provision of 30 % of the homes to be as Intermediate Affordable housing and the provision of all of the Affordable homes at London Affordable Rent levels would not be in full accordance with this policy. However, given the significant need for London Affordable Rent homes and the higher level of provision of Intermediate housing in some other schemes, this is considered to be acceptable, with the benefits of associated with the over-provision of London Affordable Rent homes considered to outweigh the harm associated with the absence of Intermediate homes. 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 % of the homes as London Affordable Rent.

Design and Character

9. The NPPF (2021) requires “planning policies and decisions should ensure that developments...are visually attractive as a result of good architecture, layout, appropriate and effective landscaping...permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions” (Paragraphs 127 and 130 of the NPPF, 2021)
10. Design should respond to contributing towards “a positive relationship between urban structure and natural landscape features...” Additional design guidance can be found in DMP1 (“Development Management General Policy”) and within the Councils SPD1 (“Design Guide for New Development”). Policy BD1 of Brent’s Local Plan reinforces the need for all new development 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.
11. Principle 3.1 of SPD1 requires new development to be of a “height, massing and façade design should generally respect the existing context and scale; facilitating good urban design”. Principle 3.2 also states that ‘development should ensure animated facades towards public routes and spaces, avoid blank walls and inactive frontage.’
12. The residential character of the estate and surrounding area is largely two to three storey town houses / apartment blocks, and a new three storey affordable housing block borders the southeast of the site.
13. This scheme proposes 21 new dwellings, designed as single, two and three storey buildings. Two terraces of houses proposed on the parking courts and open spaces along the north western and north eastern edges of the estate, a block of flats on the parking court/open space in the southwestern corner of the estate, a block of flats on the site of No. 54 and an extension to the block of flats at Nos. 2-13. The proposal would raise the number of dwellings on site to 108, from the existing 88.
14. Block A is proposed to be 5x 3 storey terrace patio houses with primary windows facing the existing street arrangement. This reflects the height of the existing opposite three storey town houses of No. 36-44 Clement Close, and would be on the edge of the site backing onto residential gardens of No.50 Milverton Road and 84/86 Mount Pleasant Road with a slight pitch roof to the rear. This design would unlock the narrow, rectangular grassed land across the existing street of the 3 storey town houses. The proposal is generally acceptable in terms of urban design and massing. A planting strip to the front of the dwellings would also be formed, acting as a defensible space for the privacy of interior spaces.
15. Block C is formed of four single storey patio houses with primary windows facing towards the street. The proposal would back on to the gardens of Chudleigh Road and Milverton Road, built on a narrow strip of green space directly across the street to No.15-26 Clement Close, which are also three storey town houses. The massing of these units is considered acceptable in this location as they would not be higher than the 3-storey blocks opposite the street, and not overly prominent above the rear garden fences of existing dwellings on Chudleigh Road and Milverton Road.
16. Block D is a three storey end of block apartment building adjacent to Nos. 2-13 Clement Close. It would be constructed on an area of green space, and would be one storey higher than the existing adjacent blocks. However, they would replicate the 3 storey townhouses surrounding the proposal. The proposal is acceptable in terms of massing as it is considered to book-end the apartment blocks, surrounded by 3 storey buildings and therefore not unbalancing the existing character or topography of the buildings. It is also shown to have balconies around the unit which are an acceptable feature as the current apartment blocks have existing outdoor corridor features with railings to the front facades.
17. Block E would be formed of also be three units on three storey apartment block extensions to the end of block 46-53 Clement Close (two storey) and in place of an existing bungalow No.54 which is also acceptable in terms of urban design with same features of Block D facing one another. It should be

noted that the existing bungalow does not have any design qualities to be preserved and its loss is deemed acceptable.

18. Block F would provide 5 units forming a three storey extension block of flats to the end of 67-78 Clement Close, located on a mix of parking and landscape area on the boundary with Queens Park Community School open space. The massing would be slightly higher than the existing three storey apartment blocks attached with similar front railing features with a set back on the last floor unit. The unit is raised by 0.3 metres from existing ground level due to flood risk mitigations.
19. In general, given that the existing site ranges in massing, it is considered that the proposed heights of single to three storey block of flats would relate well in terms of massing and scale in their locations and would not look out of context within the existing estate. Each building would have its own character, yet all are easily read as part of a unified whole of different parts of the site which are highly constrained.
20. SPD1 also states that building materials should be durable, attractive and respect local character. The use of durable and attractive materials is essential in order to create development that is appealing, robust and sustainable and fits in with local character. The Design and Access Statement outlines that the materials proposed would comprise of buff/brown brick, white for window edges and PPC standing seam roof in terracotta colour. Externally, the façade composition reflects the character of the surrounding brick area to some degree that creates a sophisticated proposal and as such the principle of the materials are acceptable.
21. Overall, the buildings would be of a high-quality design and contain elements of contemporary design creating positive architectural features. However, further details including samples of the external materials are recommended to be secured as a condition giving confidence that the scheme would deliver a high quality and robust building.

Standard of accommodation

22. To improve the quality of new housing, new development must meet with or exceed the minimum internal space standards contained within the London Plan policy D6 and the Mayor's Housing SPG. It goes on to say that all new homes should be provided with adequate levels of outlook, daylight and natural ventilation. which is supported by Council's Design guide SPD 1 (2018).
23. The submitted documents indicate that Block A1-A6 units (1x 3B5P x 4x3B6P and 1x2B3P) would meet the minimum space standards set out by the London Plan. All the units are shown to be dual-aspect receiving sufficient daylight and outlook. However, one double bedroom for units A3, A4 and A5 at first floor primary window would face the side flank wall of the units with a gap of 4 metres, which given the site constraints and overall quality of accommodation the outlook for one bedroom in the units are considered acceptable in this instance. The ground floor plans for dining and kitchen are open plan with windows on three sides providing adequate outlook for the internal spaces.
24. Block C would be 4x1bed 2 person units on one level meeting the 50 sqm requirement. The proposal would have primary aspect to the front and side creating dual aspect units.
25. Block D units (1x3b5P and 2 x 2b4p) are over three storeys and the family unit is at ground floor level providing 95 sqm, and 2 x 2-bed units of 70sqm at first and second floor levels respectively. The proposal provides good levels of outlook on all three sides, with dual aspect units provided and adequate level of accommodation.
26. Block E would provide 1x3B 5P and 2x 2B 4P unit on three floors which would require 86 and 70sqm respectively for interior GIAs. All the units have the benefit of dual aspect to the south, east and west of the site providing good levels of outlook and daylight.
27. Block F units 1x 2B3P and 1X 1B 2P and 3x2B4P on one level requiring 86 sqm, 50sqm and 70 sqm respectively. The units also appear to benefit from dual aspect properties with adequate outlook and daylight and appear to have an adequate standard of accommodation.

Floor to ceiling heights

28. London Plan policy D6 specifies that the minimum height should be 2.5 m and any internal floor space below 1.5 metres would not be counted unless they are used as storage. The national

standard sets a minimum floor to ceiling height of 2.3m for at least 75% of the gross internal area. The submission clearly shows the internal roof heights through sections and plans and these would meet the internal height requirements. Block C would be the only constrained unit in terms of internal roof which appears to have more than 2.3 metres headroom for 75% of the unit with higher internal ceiling height reaching 3.4 metres, which optimises daylight whilst also creating an interesting spatial relationship between the rooms.

Internal daylight and sunlight levels

29. The updated 2022 BRE 209 guidance provides two methodologies for assessing the internal daylight amenity to new residential properties. These assessment methods are known as 'Daylight Illuminance' or 'Daylight Factor'. The illuminance is calculated across an assessment grid sat at the reference plane (usually desk height). The guidance provides target illuminance levels that should be achieved across at least half of the reference plane for half of the daylight hours within a year. The Daylight Factor is a ratio between internal and external illuminance expressed as a percentage.
30. Levels of daylight and sunlight reaching the proposed units has been assessed using both methods outlined above. Given the neighbouring context is predominantly between 2-3 storeys, the report has limited the internal daylight and sunlight assessments to those rooms across the lowest level of the proposed accommodation. The daylight illuminance results demonstrate that all 8 (100%) of the proposed habitable rooms exceed the median lux targets for their specific room uses and therefore fully comply with the BRE guidelines and British Standard guidance criteria.
31. In respect of direct sunlight, the target is for the proposed unit to achieve at least 1.5 hours of direct sunlight on March 21st regardless of the orientation. Due to the layout and orientation of the proposed units in context with surrounding buildings, only five of the proposed units were tested in terms of sunlight, and a 100% pass rate was achieved when assessing the overall unit. The proposed kitchen/living/dining room of the ground floor unit to Block E would receive less than 1.5 hours (0.6) of direct sunlight, however this is considered to be mitigated by the 6 hours of direct sunlight enjoyed by the ground floor bedroom to this unit. Overall, officers consider that the scheme would achieve a high level of sunlight compliance, given the context of the site and unit layout.

Accessible Homes

32. As the development submission is major in scale (i.e. it proposes 10 or more units), the requirements of London Plan policy D7 will apply for ensuring a good level of accessibility in new homes. This means at least 10% of the flats must be delivered so as to be compliant with M4(3) of the building regulations. The remaining units must be delivered so as to be compliant with M4(2) of the building regulations. The supporting text of policy D7 states that in exceptional circumstances the provision of a lift to dwelling entrances may not be achievable. In the following circumstances and only in blocks of four storeys or less it may be necessary to apply some flexibility in the application of this policy.
33. As a small-scale development for each individual site, the provision of lifts in new apartment blocks was not deemed to be financially viable for the proposals, in terms of both construction cost and the impact of service charges on future occupiers. The scheme therefore provides a combination of dwellings that are compliant with Part M4(1), M4(2) and M4(3). In total there are eight M4(1) compliant dwellings which is 38% (Units: A2, D2, D3, E2, E3, F3, F4 and F5), ten M4(2) compliant 48% (A3-A6, B1, C1-C4, F1) and four M4(3) compliant 19% (A1, D1, E1 and F2). Aside from level access in some cases, all units meet all of the other criteria of M4(2) of the Building Regulations.
34. The above has also been achieved by step free level entrances and access to the patio gardens, doors and corridors compliant with the required widths, ground floor WCs, clear access zones within the bedrooms and other matters set out within the statement. On balance, the proposed units meet the specific criteria set out in Policy D7 where possible.

External amenity space

35. Policy BH13 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 50sqm for family homes located at ground floor level (three or more bedrooms) and 20sqm in all other cases.
36. 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.

37. 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.
38. London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. The minimum depth and 1.5 m is reconfirmed in the policy.
39. Moreover, the Council adopted the Brent Residential Amenity Space and Place Quality Supplementary Planning Document in June 2023. The SPD provides guidance on planning matters related to the provision of residential amenity space and public realm within developments. The schedule of the proposed amenity space for each unit is as below:

Unit Number	Policy requirement (sqm)	Proposed Area (sqm)	Shortfall (sqm)
A1 (2B3P Apt)	20	82	-
A2 (3B5P Duplex)	50	34.3	-
A3-A6 (3B6P House)	50	58.3 x 04	-
C1-C4(1B2P House)	20	30 (x04)	-
D1(3B5P Apt)	50	63.2	-
D2 (2B4P Apt.)	20	26	-
D3 (2B4P Apt.)	20	10.9	9.1
E1 (3B5P Apt.)	50	47.3	3
E2 (2B4P Apt.)	20	12.4	7.6
E3 (2B4P Apt.)	20	10.9	9.1
F1 (1B2P Apt.)	20	59.7	-
F2 (2B4P Apt.)	20	41.7	-
F3 (2B3P Duplex)	20	25.1	-
F4 (2B4P Duplex)	20	36.2	-
F5 (2B4P Duplex)	20	29.2	-

40. Overall, there would be a cumulative shortfall of short fall of approximately 28 sqm in external amenity space for the proposed units across the scheme. It should be noted that the front patios of the ground floor units D1 and E1 were not counted in the amenity space provision as they are not deemed as private, however they are of benefit to the units. The existing estate has around 5,570 sqm of communal usable amenity space between the 56 units, as the existing 32 houses have private rear gardens. As such the shortfall is considered to be negligible (an average of 1.3 sqm per flat) given the sizeable existing communal amenity space as a whole. Therefore, the scheme is considered to be acceptable despite this slight shortfall, meeting the broad objectives of policy BH13 policy and Brent's Residential Amenity and Place Quality SPD.

Impact on neighbouring residential amenity

41. SPD 1 states that the building envelope of all new development should be set below a line of 30 degrees (from the horizontal) from the nearest rear habitable room window of adjoining existing properties which would face towards the development, measured from height of two metres above floor level. Where proposed development adjoins private amenity / garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of two metres. With regard to privacy and overlooking, directly facing habitable room windows 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 room windows or balconies which would look towards those gardens.
42. Brent's SPD 2 1:2 rule states that the depth of any two storey extension is restricted to half the distance between the side wall and the middle of any neighbours nearest habitable room window (this includes kitchens but excludes bathrooms, storage cupboards etc), up to a maximum depth of 3m. If the habitable room has a bay window, the measurement must be taken from the main wall of the elevation, not any part of the bay window. This rule ensures that the loss of amenity and light to the neighbouring properties is kept within reasonable limits.
43. Objections have been received from adjoining properties within Clement Close, Aylestone Avenue, Milverton Road, Mount Pleasant Road and Chudleigh Road regarding the impacts of the proposed blocks on residential amenity, including a perceived loss of daylight and outlook, increased overlooking and an increased sense of enclosure to habitable rooms and rear gardens.

Compliance with the 30 and 45 degree rules and privacy distances

44. Block A is a three-storey terraced row, which unlocks a narrow, rectangular piece of land opposite No. 36-44 Clement Close, and the residential gardens of No. 50 Milverton Road and 84/86 Mount Pleasant Road to the rear. No.50 Milverton Road contains primary windows across its front elevation that look away from the site and across its rear elevation, that will have an oblique view of the scheme. There are also windows across the secondary flank elevation that will overlook the proposed block A. The blocks would look across No.36-44 Clement Close with less than 18 metres gap between them, however it is considered acceptable in this instance as this is the existing layout with the street. The ground floor windows also look towards the ground floor garages at 36-44 Clement Close. The proposed blocks A3, A4, A5 and A6 do not have any habitable rear windows towards No.50 Milverton Road and the shower room is proposed to be obscured glazed and high opening. Unit A2 has windows to the terraces at first floor and habitable room windows at second floor, however the terrace unit has a 1.7 metre high wall to the rear to protect the amenities of No.50 Milverton Road privacy and the second floor windows have 9 metres distance towards their boundary. Unit A2 would also have windows and terrace to the side towards No. 84 Mount Pleasant Road at first floor, however the terrace is designed to have 1.7 metre high wall and galvanised steel balustrades and as such there would be no detrimental impact on their amenities in terms of privacy. Block A would also meet the 45 and 30 degree rules towards the rear and side as per SPD 1 design guide requirements and as such the massing would not have overbearing impact on the neighbouring amenities.
45. Block C, similar to Block A, unlocks a narrow piece of land along the eastern boundary of the estate. A tapered massing with a single storey mono pitched volume, small windows on the Clement Close frontage and larger windows to bedrooms and living rooms facing the private patios of the rear. The units would also have less than 18 metre gap towards the 15-16 Clement Close, however acceptable in this instance as this is the existing layout of the street and most of the direct facing window for the units look towards the ground floor garages of the town houses. The Block would be adjacent to the boundary gardens of 31,29 Aylestone Avenue and 1-5 Chudleigh Road.
46. The proposed section and elevations confirm that the blocks comply with 45 and 30 degree rules measured from the rear boundary neighbouring gardens.
47. Blocks D and E deliver three storey apartment blocks adjoining existing blocks. Their massing meets both SPD requirements, with a step back at first floor level to reduce the impact of development and all balconies sensitively designed to avoid outlook from habitable rooms into adjoining properties.
48. Block D is adjacent to Block 2-13 Clement Close would maintain the 18 metre distance rule towards

the surrounding existing blocks. The unit is positioned on the North-south axis and is positioned to the west of 15-21 Clement Close and south of 29-32 Clement Close. This is discussed further within the daylight and sunlight section of the report below, although the proposed block is in compliance with the 25-degree rule when measured from the opposite block of flats and town houses. There are also 18 metres distance between the direct habitable room windows/terraces and surrounding block of flats and town houses.

49. Block E would have enough separation distance for outlook towards the proposed Block D and the houses on Mount Pleasant Road in compliance with SPD 1 design guide. Only concern would be daylight impacts towards No. 55-65 CC block, however, the side of Block 55-56 CC looking towards Block E appear to be secondary windows and entrances to the units and do not serve habitable rooms, hence there would be no significant detrimental impact on their amenities.
50. The massing of Block F, a three storey apartment building, responding to the existing deck access block it adjoins. The massing steps back at first floor level, and the rear elevations projecting only marginally beyond the line of the adjacent block to meet both SPD requirements.
51. Block F would project beyond the principal rear wall of 67-78 Clement Close by 2.2 metres for the terraces which is in compliance with Brent's 1:2 rule as the middle of the habitable rooms are approximately 4.7 metres away. The proposal wouldn't comply with 9 metre separation distance to the rear boundary from the proposed terraces, however it is considered acceptable in this instance as it would look towards the community school open space grounds. Units F4 and F5 have balconies to the rear and front with side high fences towards No.52 Mount Pleasant Road private gardens to protect their privacy. The scheme would marginally breach the 45-degree rule on the parapet section only from No.52 Mount Pleasant Road, which is considered negligible given the depth of the private garden and trees on their shared boundary.
52. Having regard to the above, it is considered that the proposed units would not have any adverse impacts on the existing residential amenity of the surrounding properties and existing blocks on site.
53. Objectors have set out that the proposal will result in a loss of privacy that would be contrary to Article 8 of the Human Rights Act. The following is set out within Article 8:

Right to respect for private and family life
1) *Everyone has the right to respect for his private and family life, his home and his correspondence.*
2) *There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*
54. The consideration of potential impacts to the privacy of nearby occupants are set out above. Compliance with the Council's guidance do not mean that a proposal will not have any impact on privacy, but rather establishes a framework for the consideration of impact, balancing benefit and harm. In this instance, the degree of harm to privacy is not considered to be significant, and the benefits of the proposal are considered to outweigh any harm.

Daylight and sunlight

55. The methodology and criteria used for these assessments is provided by Building Research Establishment's (BRE) guidance 'Site layout planning for daylight and sunlight: A guide to good practice' (BRE 209 3rd edition, 2022).
56. In terms of impacts on daylight and sunlight to neighbouring properties, the BRE guidance document recommends two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Also existing daylight may be affected if levels of No-Sky Line (NSL) within rooms are reduced to less than 0.80 times their former values.
57. In respect of direct sunlight and overshadowing, the 2022 BRE guidance recommends for a space to appear well-sunlit throughout the year, at least 50% of its area should receive two or more hours of sunlight on the 21st of March or a selected date between 1st of February and 21st of March with cloudless conditions. It is suggested that 21st March (equinox) be used for the assessment.

58. To assess impacts on sunlight to existing south facing windows and amenity spaces, assessment of Annual Probable Sunlight Hours (APSH) is recommended. Adverse impacts occur when the affected window receives less than 25% of total APSH including less than 5% in winter months and that the amount of sunlight, following the proposed development, is reduced by more than 4%, to less than 0.80 times its former value.
59. The assessment is for the overshadowing effects to neighbouring amenity areas and gardens, considering both the existing and proposed conditions. The assessment has considered all the closest neighbouring residential properties with windows overlooking the proposed development which are:
- 50 Milverton Road
 - 36 Milverton Road
 - 36-44 Clement Close (evens)
 - 30-31 Clement Close
 - 15-25 Clement Close (odds)
 - 55-66 Clement House
60. The following neighbouring properties either experience no material change as a result of the proposals or experience changes only affecting non-habitable space. As such the effects to these properties are therefore fully compliant with the BRE guidelines for daylight and sunlight: -
- 36 Milverton Road
 - 36-44 Clement Close (evens)
 - 15-25 Clement Close (odds)

50 Milverton Road (Block A impact)

61. The results of the Vertical Sky Component (VSC) analysis show that the primary windows across the front and rear elevations will retain levels within 0.80 times their former value and therefore fully meet the BRE targets. There is one window which experiences daylight losses above what are recommended, which is to the remaining ground floor flank window. However, this is considered to be a very localised loss which is heavily influenced by its location on the site boundary. This breach is considered exceptionally minor on the basis that the absolute retained VSC level is within 0.75 times the existing level and the retained VSC value is at 26.4%, which is considered to be excellent for urban locations.
62. The limited daylight effect upon this ground floor space is confirmed by the No Sky Line (NSL) analysis, which demonstrates that all habitable rooms remain virtually unchanged and meet the BRE targets, with no noticeable shift in daylight levels reaching these rooms as a result of the proposal. As such, the scheme is not considered to materially impact the pattern of use/ amenity of the room served by the flank window.
63. With regard to sunlight, Annual Probable Sunlight Hours (APSH) results show that the neighbouring windows with a southerly aspect and a view of the proposed Block A significantly exceed the BRE criteria of 25% APSH with at least 5% during the winter months, and therefore there would be no material impact on neighbouring windows at 50 Milverton Road.
64. Overall, this localised VSC effect is considered minor and appropriate in its context and acceptable in line with the specific flexibilities within the BRE guidance.

55-66 Clement House (Block E impact)

65. 55-66 Clement House is a 3-storey block of flats located to the south of proposed block E. The windows across the northern elevation are overhung by access decks and are thus significantly constrained in their existing outlook and daylight levels. The self-limiting design have secondary and non-habitable uses on this elevation.
66. The windows that look towards the proposed block E serve entrance hallways, bathrooms and small kitchens. The kitchens are c.10sqm in area and therefore are considered 'non-habitable' when referring to the Mayor of London's Housing Supplementary Planning Guidance and the main living spaces facing away from the proposals will be completely unaffected. The NSL results show that the proposed extension does not have a significant effect on the daylight penetration to this neighbouring

block with levels to all but one of the three kitchens within 0.80 times the existing value and therefore in accordance with the BRE guidelines. Whilst the remaining ground floor kitchen falls below the target, it does so marginally with the retained level at 0.73 times the existing levels.

67. When considering the VSC effects to this building with the overhangs removed, the results show that, were it not for the overhangs, the effects to all windows and rooms would satisfy the BRE targets. The overhangs to this secondary elevation inherently limit daylight to the spaces below, but the proposal is not considered to have a material effect on the amenity and use of these units.
68. Again, non-habitable rooms are not considered relevant for assessment under the BRE guidance and the primary living spaces will be unaffected by the proposed block E.
69. In terms of direct sunlight, the windows across the neighbouring elevation which look towards the scheme are not within 90 degrees of due south. As such, they are not relevant for sunlight assessment under the BRE criteria.
 - *30-31 Clement Close (Block D impact)*
70. These two mid-terrace properties are situated within a row of 3-storey dwellings, to the north of proposed block D. There are windows across the northern elevation that will overlook the scheme. The VSC results show that the first and second floor windows across these neighbours retain good levels of VSC at c.35%-37% and therefore exceed the BRE target value of 27%. Although the ground floor windows that experience a change below the proportional targets of 0.80 times the former condition contains multiple windows. Where rooms are served by multiple windows, paragraph 2.2.8 of the BRE guidance suggests that the weighted VSC reduction may be considered. On this basis, the weighted VSC shifts remain within 0.80 times the existing levels and thus in accordance with the BRE targets. The NSL analysis demonstrates that the scheme does not result in any material effects to any of the neighbouring rooms.
71. The windows across the southern elevation of these properties will retain good levels of sunlight in excess of the BRE guidance.

Overshadowing to neighbouring amenities

72. The results of our assessment indicate that 96% of the neighbouring garden will receive at least 2 hours of sunlight amenity on March 21st, with the proposal in place. As such, the overshadowing effect of the scheme is therefore fully compliant with the BRE criteria.

Summary

73. The scheme has been carefully developed to maintain good levels of separation from adjoining properties, with the proposed buildings either arranged adjacent to the existing housing units or including a sloped roof as a design response to the surrounding context.
74. There are isolated breaches of daylight targets where daylight levels fall below BRE targets, most notably a single ground floor window on the secondary flank elevation of 50 Milverton Road. However this window serves a room which benefits from other openings and therefore overall daylight levels to this room are not materially impacted. The impact is also exacerbated by close proximity of the window opening directly on the site boundary. The overall retained levels of daylight to 50 Milverton Road are considered to be acceptable.
75. There are also specific sensitivities in respect of windows at 55-66 Clement House, where these openings are positioned beneath overhanging access decks and are understood to serve 'non-habitable' kitchens. As such the proposal effects are not considered to have a significant impact on the daylight and outlook enjoyed by occupiers of these units.
76. Overall, the scheme is in line with the specific flexibility set out in the BRE guidance when the design of the neighbours leads to sensitivities.

Transportation considerations

Policy background

77. London Plan Policy T6 seeks to restrict car parking in line with existing and future public transport

accessibility and connectivity, and maximum parking allowances for residential development are set out in Policy T6.1. Brent's Policy BT2 sets out parking allowances to align with those of the London Plan.

78. Cycle parking spaces must be provided in compliance with London Plan Policy T5 in a secure weatherproof location and in accordance with design guidance set out in the London Cycling Design Standards. Bin storage should allow for collection within a 20 m carrying distance (or 10 m for larger Eurobins), and more detailed guidance on bin storage requirements is given in the Waste Planning Guide.
79. London Plan Policy T2 expects new development proposals to follow a Healthy Streets Approach and include an Active Travel Zone (ATZ) assessment, and Policy T4 requires Transport Assessments to be submitted.

Car parking

80. The scheme would permit up to 0.75 spaces per 1-/2-bed flat and one space per 3+bed under London Plan standards. The proposed 21 units would therefore increase the parking allowance of the estate from 75 spaces to 92.5 spaces.
81. The proposed development on some of the parking courts would reduce total parking provision within the estate from about 105 spaces to about 88 spaces (30 on the driveways of the existing houses and about 58 parallel parking spaces along the street), thereby bringing estate into line with maximum standards, which is welcomed.
82. To estimate actual parking demand, data from the 2021 Census shows car ownership for houses in the area averaging 1.17 cars/house, with flats now averaging 0.46 cars/flat (n.b. car ownership rates for houses are likely to be over-estimated, due to the inclusion of larger private properties along Milverton Road, Chudleigh Road and Aylestone Avenue in the Census output area).
83. The two census results show that the car ownership rate for houses in the area has increased between 2011 and 2021, whilst the ownership rate for flats has decreased. The overall change is relatively neutral though and using this data, the development would be considered likely to generate demand for 79-80 parking spaces across the estate.
84. The applicant's own overnight parking surveys of the area suggested that car ownership is actually somewhat lower, with the development expected to increase parking demand from 43 cars to 53 cars. Either way, the provision of about 88 spaces would be considered to accommodate future demand, with surplus available for visitors etc. The proposals would therefore accord with Policy T6 of the London Plan and Policy BT2 of the Local Plan.

Cycle parking

85. With regard to bicycle parking, each of the proposed houses within Blocks A and C are to be provided with individual bicycle lockers for two bikes, whilst shared stores are proposed for Blocks D, E and F. The indicated capacity of these shared stores is 46 spaces on a mixture of two-tier and 'Sheffield' stands. They would be more than capable of accommodating the minimum requirement of 22 long-stay spaces for the 11 flats within these blocks.
86. Bicycle parking arrangements are considered to be appropriate, with adequate long- and short-stay spaces shown for the new dwellings and surplus capacity proposed that existing residents can use, which is welcomed. Two external bicycle stands are also proposed alongside the stores for Blocks D and E to meet the requirement for short-stay visitor parking. The proposals therefore accord with Policy T5 of the London Plan and the London Cycling Design Standards.

Access and layout

87. Aside from the new footways, the alterations to the road layout are minimal, However, a turning head is shown provided in front of Block F and this is welcomed, as long as suitable lining and signing is provided to keep it clear of parked cars.
88. General access arrangements also remain as previously shown, with new 2m wide footways along the fronts of Blocks A and C and a turning head in front of Block F (which will require lining and

signing to prevent it being obstructed by parked cars).

Transport assessment and trip generation

89. Finally, the applicant's transport statement for the site has been updated. With one less dwelling proposed, the development is now estimated to generate 22 trips in the morning peak hour (8-9am) and 16 trips in the evening peak hour (5-6pm) by all modes of transport. Based on modal share data from the Census, 4-6 of these trips in each peak hour would be made by car drivers, which is again not considered significant enough to cause concern. Delivery trips have also been revised and are estimated to equate to three vehicles per day, which is also not significant. As such, the likely traffic impact of the proposal remains acceptable.
90. Overall, the council's transport officers are satisfied that the proposals would accord with all relevant London Plan and Local Plan policies, and supplementary documents.

Trees and Landscaping

91. Policy BGI2 (Trees and Woodlands) of the Local Plan 2019-2041 stipulates that development with either existing trees on site or adjoining that could affect trees will require the submission of a BS5837 or equivalent tree survey detailing all tree(s) that are on, or adjoining the development site.
92. The need to meet the Brent Local Plan Policy BGI1 Green and Blue Infrastructure in Brent and the London Plan's Policy G5 Urban Greening Factor of 0.4 must also be considered. Brent Local Plan Policy BH4 requires all minor development proposals to achieve an UGF score of 0.4 on site. This score needs to be demonstrated through a landscape masterplan that incorporates green cover into the design proposal. It should be accompanied by a score table measuring the UGF leading to better quality green cover on site.
93. The proposed blocks of A, C, D and F would be on existing soft landscaping areas on the edges of the site except Block D within the central communal open space. As part of the proposed blocks approximately 1,566 sqm of landscaping would be lost, however around 242 sqm would be within the middle communal open space of estate.
94. As part of the landscaping 20 trees have been proposed to replace the 14 lost on site. The rear gardens of the proposed dwellings would be permeable paving with boundary shrubs, plantings and climbing plants. There are also enhancements on the corner block of No.36, strip of landscaping in front of No. 27-35 as well as playground areas.
95. The proposed landscaping includes play facilities for children and seating areas enhancing the existing play area as well as creating an additional small play area between 55-66 and 78-67 Clement Close which would provide adequate natural surveillance in line with London Plan policies and Brent's amenity SPD.
96. Based on the submitted Landscape Design Report, the UGF score of 0.407 is achieved which would meet Brent Local Plan policy BH4 target and London Plan policy G5.
97. An Arboricultural Impact Assessment (AIA) has been submitted with the application. There are a number of mature trees on the site which will be impacted by the proposed development, particularly those being affected by the proposed Block A. In total one Category B, 12 Category C and one Category U trees are to be removed to facilitate the developments.
98. Block A involves the removal of 6 Category C trees, including 1 category B tree and works within the Root Protection Areas of a number of other trees growing adjacent to the site; T10, T11, T12, T7, G6, T12, T13, T14 and G15. The Category B T1 Ash tree is proposed to be retained and the scheme has ensured that there is no excavation for patios or hard standing within the RPA of this tree. The removal of 6 trees (T2, T3, T5, T8, T9 all category C trees and T4 a category B Ash and working within the Root Protection Areas of a number of other trees growing adjacent to the site; T10, T11, T12, T7, G6, T12, T13, T14 and G15 which likely would have an effect on the character of the area viewed from the corner of Milverton Road adjacent to number 50.
99. Block C would impact on RPA's of T96, T92, T91 and T87 will mean these trees will be damaged by the proposals and it will need to be demonstrated how damage to the offsite adjacent trees will be

minimised in an Arboricultural Method Statement and Tree Protection Plan.

100. T67 Norway Maple for Block D is proposed felled and T66 Contorted Willow is now not proposed to be impacted by the proposed development, the play area will still impact to some degree on T59 and T60 (both Cat B Silver Maples) so protection measures to be detailed and no dig construction methods detailed in an Arboricultural Method Statement and Tree Protection Plan. Block E would have no significant impact on trees.
101. As part of Block F, it is proposed to remove 6 category C small and young trees from this corner of the site. There are no objections to this in principle, and three smaller trees would be retained (T42, T44 and T45).
102. Although an Arboricultural Method Statement has not been submitted with the application, the council's tree officer has been consulted on the proposals and has reviewed the submitted AIA. Initial concerns were raised particularly with the proximity of works to the RPA of T1. These have been largely satisfied, however the arboricultural officer has requested to be involved closely in protection works for Tree T1, with specific measures to be put in place particularly around the construction of foundations for the boundary wall adjacent to 50 Milverton Road (i.e. in conjunction with Block A).

Ecology:

103. An Ecological Impact Assessment (EIA) has been submitted with the application and has been assessed by officers. The assessment includes reference to a desk survey, field survey, and the preparation of a preliminary (bat) roost assessment. Officers consider the EIA to have been conducted to an appropriate standard.
104. With regard to the preliminary bat roost assessment (PRA), both dusk and dawn re-emergence surveys were carried out and these indicated that most of the existing buildings were unlikely to have bat roost potential, though there were some with a low probability for roost potential. Both evening emergence and pre-dawn re-entry surveys were therefore conducted in September 2021. Low levels of activity by two species of bats, the Common Pipistrelle and the Soprano Pipistrelle were detected as commuting and foraging, but not roosting on the site.
105. The EIA states that should site preparation and construction activities commence more than 18 months from the latest date these surveys were undertaken (September 2021), the proposals should be subject to an updated PRA and further evening emergence / pre-dawn re-entry surveys as required (taking place between May and September). Given the low potential for bat roosts identified in the initial surveys, officers consider that it is appropriate for a condition to be attached requiring these surveys to be conducted and submitted to the Council for approval before any works on the relevant parts of the site. This is considered to meet Government guidance (issued by Natural England and DEFRA) in terms of appropriate conditions to mitigate the impact of development on bats.
106. With regard to other species, habitats on site were found to comprise of grassland, considered to be in 'poor' condition for assessment purposes and some scattered trees and areas of shrubs. Some trees are proposed for removal as part of the partial redevelopment.
107. Constraints and limitations of the survey are considered within the EIA, with section 5 considering the specific ecological constraints and opportunities of the site. In terms of Biodiversity Net Gain, the report has provided recommendations that would be secured as part of landscaping condition such as use of native species or species of benefit to wildlife within any proposed landscape scheme to provide foraging opportunities for birds, bats, invertebrates and bird and bat boxes above ground level. As well as the specific condition on bat surveys outlined above, a further condition is attached to ensure the mitigation measures outlined in the report are secured as part of the development.

Construction Environmental Management Plan

108. Details and specifications for practical measures intended to avoid or minimise adverse effects on biodiversity during the construction process is required which is attached to this application. A Construction Environmental Management Plan (CEMP) is therefore attached a condition of any permission, which would be produced and implemented to allow the proposed development to be constructed whilst minimising impacts on any retained habitats on site and within the local area.

Environmental impact, sustainability and energy

Flood risk and SUDS

109. London Plan policy SI13 states 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.
110. Policy BSUI3 sets out that within a flood zone a flood risk assessment is required in line with the standing advice from the EA that required flood risk assessments for vulnerable developments within a flood zone. This should demonstrate that the development would be resistant and resilient to all relevant sources of flooding including surface water.
111. The design and layout of proposals requiring a Flood Risk Assessment must contribute to flood risk management and reduction and:
 - a. minimise the risk of flooding on site and not increase the risk of flooding elsewhere;
 - b. wherever possible, reduce flood risk overall;
 - c. ensure a dry means of escape;
 - d. achieve appropriate finished floor levels which should be at least 300mm above the modelled 1 in 100 year plus climate change flood level;
112. In addition to the above, in relation to surface water drainage, policy BSUI4 sets out that 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.
113. Some parts of the site where block F is located lies within Flood Zone 3a for surface water flooding. In support of the application a Drainage Strategy has been prepared by Watermans. The report sets out the details of the greenfield run off calculations. As part of this, rainfall is proposed to be attenuated through the introduction of a green roof reducing the existing brownfield runoff rate as far as practicably possible in this area, thereby alleviating this flood risk. In addition, it is proposed to raise the ground floor finished floor levels to 300mm above existing ground level to provide further mitigation.
114. The West London Strategic Flood Risk Assessment (SFRA) indicates that the Site sits within a region known to have had between 21 – 40 known instances of sewer flooding within a four postcode area. However, any above ground flooding that could occur as a result of exceedance or blockage of the local sewer networks expected to be localised. Due to the nature of any sewer flooding following the natural topography, much like the surface water flooding, the proposals to raise the ground floor levels by 300mm for Blocks D and F is provided for additional mitigation against sewer flooding impacts. Any further mitigation for sewer flood risk is not considered to be required.
115. Green/brown roofs are proposed on Blocks D, E and F and on individual bin and cycle store areas for surface water discharge.
116. The drainage layout and the greenfield run off discharge rate to 1.06 l/s for the 1 in 100 year storm event per report has been deemed satisfactory. The submitted drainage strategy further explains how permeable paving, small rain gardens and bio-retention areas are proposed to be incorporated into the landscaping where possible to capture rain falling directly on the surface and deliver amenity, water quality and biodiversity benefits to reduce the risk of flooding. Water butts for irrigation from the roof to be re-used and reduced the reliance of the scheme on potable water has also been proposed. It is proposed to store rainfall within the sub-base of permeable paving across the development. A condition is recommended to ensure all these measures outlined in the drainage strategy are implemented within the scheme design before first occupation of the development, to ensure flood risk is adequately mitigated. On this basis, officers consider that the drainage strategy has been designed in accordance with Policy SI13 of the London Plan and Policy BSUI3 of the Local Plan, and is considered appropriate for the proposed development and commensurate for the size of the site.

Air quality

117. The proposed site is within an air quality management area and would require an air quality impact assessment prior to the approval of the planning application.
118. The assessment shall include the impact of the building works and operation of the development on

local air quality, as well as the impact of local air quality on future residents of the development. The assessment shall include mitigation proposals for any identified adverse impacts.

119. The application has submitted an air quality assessment which has been reviewed by Brent Council Environmental Health Officer which found the report to be satisfactory in terms of air quality. All approved mitigation measures shall be implemented in full, and this is ensured through the appropriate condition.

Construction Noise and Dust

120. As the development is within an Air Quality Management Area and located very close to residential premises, the demolition and construction would have the potential to contribute to background air pollution levels and cause nuisance to neighbours. As such a construction management plan condition is recommended with this application to minimise the impact on local air quality and protect the amenity of neighbours during construction.

Sustainable design and carbon reduction

121. London Plan Policy SI2 (Minimising greenhouse gas emissions) requires major developments to be net-zero carbon following the energy hierarchy: *Be Lean, Be Clean, Be Green, Be Seen*. London Plan Policy SI2 and Local Plan Policy BSUI1 Creating a Resilient and Efficient Brent also requires major developments to contribute towards decentralised energy system or proposed heating system is 100% renewable. The Council also adopted the Sustainable Environment and Development Supplementary Planning Document on 12 of June 2023 which provides guidance on range of sustainable development issues.
122. The application has submitted an energy and sustainability statement. The report confirms that development will satisfy the Council target for an on-site carbon saving of >35% relative to Part L 2013. Overall, the proposed energy strategy is considered consistent with the NPPF, London Plan and Local Plan policies. When implemented, the scheme would provide an efficient and low carbon development. A condition is attached to ensure that a financial contribution towards off-site carbon reduction measures within the Borough is made, in order to fully comply with London Plan and Local Plan policies.
123. This Sustainability Statement submitted provides an overview as to how the proposed scheme contributes to sustainable development in the context of the strategic, design and construction considerations. The sustainability statement also further recommends appropriate measures to be undertaken for Circular Economy strategies under paragraphs 6.31 to 6.34.
124. A range of sustainable design and construction features proposed include:
- Highly thermally efficient building fabric;
 - Highly efficient lighting;
 - Air Source Heat Pumps for space heating located on the roof of Block D,E and F.
 - Site wide carbon reductions >35% are estimated relative to Part L 2013.
 - Water saving sanitary fittings and appliances to deliver a water efficient development (<105litre / person / day);
 - Consideration of the principles of Secured by Design;
 - Efficient construction and operational waste management;
125. Overall, the proposals for the scheme are in line with the overarching principles of sustainable development as well as the policy requirements.

Water consumption

126. London Plan Policy SI 5 Water infrastructure and Policy BSUI4 (On Site Water Management and Surface Water Attenuation) requires proposals to minimise the use of mains water achieving water consumption of 105 litres or less per head per day. A condition is attached to this application to ensure the water consumption is within the limits.

Electric Magnetic Field

127. Block F is situated close to an existing sub-station and as such an EMF report has been submitted as

part of this application. The EMF readings have been taken at the distance from the substation where the residential dwellings will be. On average inside a home EMF levels are between 0.01 and 0.2 microteslas. The readings on the external façade of the homes have been measured to be similar with the highest being 0.67 microteslas. With the protection offered by the brick building of the residential dwelling the levels will reduce further. Therefore, the application is considered acceptable in this regard.

Fire Safety

128. Policy D12A of the London Plan now requires all minor development proposals to achieve the highest standard of fire safety and requires submissions to demonstrate that they:

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

129. In support of the application a Fire Statement has been submitted. The report outlines the fire safety strategy proposals for the proposed blocks and seeks to demonstrate compliance with the Building Regulations (generally in the form of the recommendations of ADB). The designs of the residential houses, such as internal travel distances or protected hallway etc, are compliant with ADB. Access and facilities for the fire service are also compliant. The report sets out that suitable measures are proposed such as internal protected stairs in all houses, and protected stairways in all apartment blocks, together with dry risers in Blocks D, E and F, in line with Building Regulation guidance. Sprinkler coverage isn't provided to the residential apartments as the heights are under 11m. The report provided would sufficiently outline the requirement of D12 policy above.

Noise

130. The council's environmental health noise team has been consulted on the application. would advise that the Planner ensures that the residential units are designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'. This is likely to ensure that the required sound insulation is in place for the purposes of reducing noise impact on occupants of the flats. The sound insulation should be designed to meet the standards of Building Regulations Approved Document E 'Resistance to the passage of sound'.

131. The applicant has submitted a noise assessment dated May 2022. The report demonstrates that noise levels are acceptable, subject to a condition to ensure that the design of the dwellings are suitable and ensuring that internal noise levels are in line with BS8233:2014.

Equalities

132. 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

133. Whilst the proposal results in some impacts such as the loss of trees and open space across the site, officers consider that taking the development plan as a whole, the proposal is considered to accord broadly with the development plan, and having regard to all material planning considerations, should be approved subject to conditions. The proposal would deliver 21 homes that would contribute

the Council's housing targets, and the limited conflict with policy would be outweighed by the planning benefits. The benefits of the scheme are considered to outweigh any less than substantial harm to the trees within the gardens of neighbouring properties.



Application No: 23/0024

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

I refer to your application dated **04/01/2023** proposing the following:

Demolition of one bungalow and various infill developments to deliver 21 residential units (Use Class C3) consisting of five separate developments of two terraces and three flatted blocks, with associated car parking, cycle storage, and enhancements to the Estate's amenity space

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

at **2-78 INC, Clement Close, London, NW6 7AL**

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

Date: 07/11/2023

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework 2021
London Plan 2021
Brent's Local Plan 2019-2021
Brent's Design Guide (SPD1)

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

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

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

1189-02-P-0001- Site Location Plan
1189-02-P-0010 - Existing site Plan
1189-02-P-0200 - Existing context elevations
1189-10-P-0100 - Existing ground floor plan
1189-02-P-0210 - Existing elevation Site A
1189-02-P-0220 - Existing elevation site B
1189-02-P-0230 - Existing elevation Site C
1189-02-P-0240 - Existing elevation Site D
1189-02-P-0250 - Existing elevation Site E
1189-02-P-0260 - Existing elevation Site F
1189-02-P-1000 REV A - Proposed ground and landscape Plan
1189-02-P-1001REV A - Proposed first floor site plan
1189-02-P-1002 REV A - Proposed second floor site plan
1189-02-P-1003 REV A - Proposed Site plan
1189-02-P-1010 REV A - Block A proposed ground floor plan
1189-02-P-1011 REV A - Block A proposed first floor plan
1189-02-P-1012 REV A - Block A proposed Second floor plan
1189-02-P-1013 REV A - Block A Proposed roof plan
1189-02-P-1020 REV A - Block B proposed ground floor plan
1189-02-P-1021 REV A - Block B Proposed First Floor Plan
1189-02-P-1022 REV A - Block B Proposed Second Floor Plan
1189-02-P-1023 REV A - Block B Proposed roof Plan
1189-02-P-1030 REV A - Block C Proposed ground floor plan
1189-02-P-1031 REV A - Block C Proposed roof plan
1189-02-P-1040 REV A - Block D Proposed Ground floor plan
1189-02-P-1041 REV A - Block D Proposed first floor plan
1189-02-P-1042 REV A - Block D Proposed Second Floor plan
1189-02-P-1043 REV A - Block D Proposed Roof Plan
1189-02-P-1050 REV A - Block E Proposed ground floor plan
1189-02-P-1051 REV A - Block E Proposed First floor plan
1189-02-P-1052 REV A - Block E proposed second floor plan
1189-02-P-1053 REV A - Block E proposed roof plan
1189-02-P-1060 REV A - Block F Proposed ground floor plan
1189-02-P-1061 REV A - Block F Proposed first floor plan
1189-02-P-1062 REV A - Block F proposed second floor plan
1189-02-P-1063 REV A - Block F proposed roof plan
1189-02-P-2000 REV A - Proposed context elevations
1189-02-P-2010 REV A - Block A proposed SE and NW elevations
1189-02-P-2011 REV A - Block A proposed NE and SW elevations

1189-02-P-2012 REV A - Block A proposed NE and SW elevations
 1189-02-P-2020 REV A - Block B proposed NE,NW and SW elevations
 1189-02-P-2030 REV A - Block C proposed SW and SE elevations
 1189-02-P-2040 REV A - Block D proposed NE,NW,SW elevations
 1189-02-P-2050 REV A - Block E proposed SW,SW and NE elevations
 1189-02-P-2060 REV A - Block F proposed NW,SW and SE elevations
 1189-02-P-3010 REV A - Block A proposed sections A-A ,B-B
 1189-02-P-3020 REV A - Block B proposed section A-A
 1189-02-P-3030 REV A - Block C Proposed section A-A,B-B and C-C
 1189-02-P-3040 REV A -Block D proposed section A-A and B-B
 1189-02-P-3050 REV A - Block E proposed section A-A and B-B
 1189-02-P-3060 REV A - Block F proposed section A-A, BB and C-C
 1189-02-P-4010 - Block A M4(3)
 1189-02-P-4011 REV A - Block A M4(1)
 1189-02-P-4012 REV A - Block A M4(2)
 1189-02-P-4020 REV A - Block B M4(2)
 1189-02-P-4030 - Block C M4(2)
 1189-02-P-4050 REV A - Block D and E M4(3)
 1189-02-P-4051 REV A Block D and E M4(2)
 1189-02-P-4060 REV A - Block F M4(2) and M4(3)
 1189-02-P-4061 REV A - Block F M4(1) and
 L-100 - Proposed Landscape Plan

Supporting documents

WIE18009-105-R-18-5-1-AIA Issue Final dated June 2023 – Arboricultural Impact Assessment from Waterman Ltd
 WIE18009-102-R-2-3-6-ECIA - Revised Ecological Impact Assessment (October 2023) from Waterman Ltd
 Landscape Design Report from Outerspace (Rev 005) dated May 2023
 WIE18009-100-R-5-7-1 Issue No. 7 dated 9th June 2023- Drainage strategy from Waterman Ltd
 WIE18009-100-R-5-7-1 Issue No. 7 dated 9th June 2023 - Air Quality Assessment from Waterman Ltd
 WIE18009-111-R-2.2.2 Issue 002 dated June 2023 - Noise risk Assessment from Waterman Ltd
 22-E043-003 V4 dated June 2023 - Sustainability Statement from Ensphere Group Ltd
 22-E043-002 V3 dated June 2023- Energy Statement from Ensphere Group Ltd
 4699 - Daylight and sunlight assessment from EB7 dated June 2023
 WIE18009.103.R.1.2.2.TS dated June 2023 - Transport Statement from Waterman Ltd

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

- 3 No fewer than 50 % of the residential dwellings hereby approved (calculated by habitable room or number of units) shall be provided as affordable housing in perpetuity, and shall be delivered at rent levels no higher than London Affordable Rented units, with rents set as follows;

(a) Up to 80% of the local Open Market Rent (including Service Charges where applicable); and
 (b) Excluding Service Charges, no higher than the benchmark rents published by the GLA annually in accordance with the Mayor's Funding Guidance.

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

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

- 4 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.

- 5 The windows on the north elevation of units A3,A4,A5,A6 and Units E2 , E3 on south elevation, Units F5 and F4 on south-west elevation shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.7m above floor level) and shall be permanently returned and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

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

- 6 The privacy screens to the first floor and second floor terraces of Block F units F5 and F4 on South-West elevation and Unit A2 on South-West and North-East/West the shall contain solid screening and shall not be less than 1.7 metres in height unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure a satisfactory level of outlook for future residents whilst maintaining a satisfactory levels of privacy for adjoining properties.

- 7 The works shall be carried out in accordance with the approved Drainage Strategy (WIE18009-100-R-5-7-1) prior to occupation of the development unless an alternative strategy is submitted to and approved in writing by the Council and thereafter implemented in full.

Reason: To ensure that risks from flooding are effectively mitigated

- 8 The works hereby approved shall be carried out in accordance with the Arboricultural Impact Assessment (WIE18009-105-R-18-5-1-AIA) in relation to the retained trees outside and inside of the site boundary. Works shall not be carried out other than in full accordance with the details approved, unless an alternative strategy is submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full.

Reason: To ensure that existing trees are safeguarded where they are to be retained during the course of construction works in order to ensure that the character and amenity of the area are not impaired

- 9 The measures and recommendations set out in the 'WIE18009-102-R-2-3-3-ECIA – Ecological Impact Assessment (dated June 2023) shall be implemented in full throughout the construction of the development.

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

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

Reason: To ensure a satisfactory standard of accommodation.

- 12 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/> "

Reason: To protect local amenity and air quality in accordance with Brent Policy EP3 and London Plan policies 5.3 and 7.14

- 13 Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.

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.

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

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

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

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

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

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

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

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

- 16 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 20 trees
 - II. A schedule detailing sizes and numbers of all proposed trees and use of native and/or wildlife attracting species as per the recommendations made within the Ecological Impact Assessment
 - III. Sufficient specification to ensure successful establishment and survival of new planting
 - IV. Details of all proposed hardstanding
 - V. Details of garden wall, fences or other form of boundary treatment to be provided within the site (including details of external materials and heights)
 - VI. Details of wildlife enhancements within the site as per the recommendation sets out within Ecological Impact Assessment, including the use of insect nest boxes/ dead wood piles, nest boxes for bird species on the building facade as well as on the retained and planted trees and bat boxes in areas of minimal light spill
 - VII. Details of specific infrastructure and/or apparatus forming the play spaces, within the communal open space
 - VIII. Details of cycle storage through the provision of secure, weatherproof cycle storage facility
 - IX. Details of any external lighting and overspill diagram
 - X. 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

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

Reason: To ensure a suitably sustainable development.

- 18 Before the commencement of development on the site (including site preparation and any demolition), a revised Preliminary Bat Roost Assessment (PRA) and further evening emergence / pre-dawn re-entry surveys as required at the appropriate time of year (May to September) shall be submitted to the Local Planning Authority for approval. The measures set out in this revised PRA shall be implemented in full throughout the construction of the development.

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

- 19 The development hereby approved shall be built so that four residential homes achieve Building Regulations requirement M4(3) - 'wheelchair user dwellings', ten residential homes achieve Building Regulations requirement M4(2) - 'accessible and adaptable dwellings', and the remaining homes shall be built to achieve Building Regulations requirement M4(1) - 'visitible dwellings', unless otherwise agreed in writing by the Local Planning Authority.

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

- 20 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 Energy Assessment.

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.

The applicant shall enter into a Memorandum of Understanding with the Local Planning Authority in order to provide appropriate offsetting measures for the development's carbon emissions as approved within the review of the Energy Assessment.

Reason: To ensure the development is in accordance with the principles of London Plan Policy SI 2.

INFORMATIVES

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

employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.

5 The submission/approval of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.

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

Monday to Fridays 08:00 to 18:00

Saturday 08:00 to 13:00

At no time on Sundays or Bank Holidays

Any person wishing to inspect the above papers should contact Neil Quinn, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5349

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

15 November, 2023
06
22/3124

SITE INFORMATION

RECEIVED	7 September, 2022
WARD	Barnhill
PLANNING AREA	Brent Connects Kingsbury & Kenton
LOCATION	Newland Court Garages, Forty Avenue, Wembley
PROPOSAL	Demolition of all garages on site to provide five new homes with associated cycle and refuse storage, resurfacing of Newland Court to provide shared vehicular and pedestrian surface, provision of on-street car parking along Newland Court, new refuse storage facilities to serve existing residents at Newland Court and all associated landscaping works (revised scheme)
PLAN NO'S	Please refer to condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_161793</p> <p><u>When viewing this as a Hard Copy</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "22/3124" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

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

Conditions

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

Informative

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

As set out within the draft decision notice

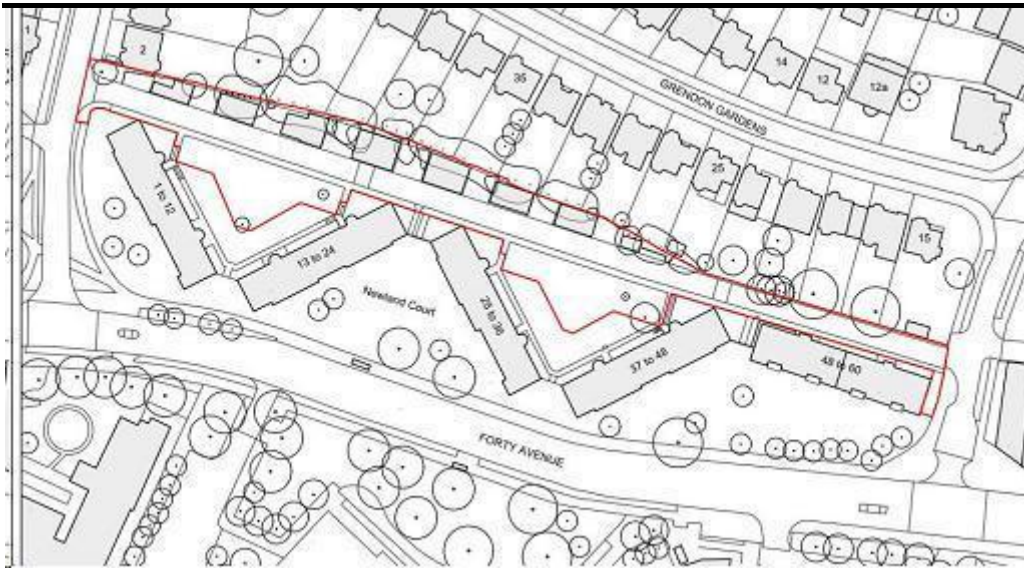
1. That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied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

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

SITE MAP

	Planning Committee Map
Brent	Site address: Newland Court Garages, Forty Avenue, Wembley
	© Crown copyright and database rights 2011 Ordnance Survey 100025260

This map is indicative only.



PROPOSAL IN DETAIL

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

Amendments since submission

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

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

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

EXISTING

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

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

SUMMARY OF KEY ISSUES

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

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

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

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

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

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

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

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

RELEVANT SITE HISTORY

No relevant planning history

CONSULTATIONS

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

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

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

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

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

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

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

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

<ul style="list-style-type: none"> grass starts taking away the green space. 12 parking spaces along the flats 49-20 by the barrier gate are moved from the south side by the pavement to North side which is against the shrubs and raised wall meaning that the cars have to let passengers such as elderly and kids on the road which is not safe. As such it is safer and more practical to have the cars parked on the south next to the pavement. The cars are also under the trees with constant sticky residue and bird poo damaging car paint works. Safety risks - Brent turning private road into a new one way public highways is a very dangerous move as it would be less than 5 metres wide and would encourage even more cars to use Newland Court as a cut through to avoid traffic on Forty Avenue which runs about 20 metres parallel with Newland Court. This would increase traffic flow and speeding vehicles. The pavements and swept path shown would reduce the parking space, access to bin collection, emergency services and security of properties on Grendon Gardens. The ambulances are regularly on the road and park between the garages. As such allocated car parking space is needed for emergency vehicles and refuse not to block the road. Will the parking spaces be pay and display or permit holders only each household for free as street permits are expensive and unfair on tenants. The application is in breach of Brent's Local plan BT2 Road Maintenance, Road Marking - There is no mention to reassure the maintenance of Security Measures , Monitoring of Parking Space Use, Better Lighting , Camera monitoring and overall Road Safety at all times during the day and Night 	
<p><u>Waste and bins</u></p> <ul style="list-style-type: none"> Bins are reduced from existing 14 which is short for 60 flats and we want them away from our urban green space due to stench. The bin are going to replace the plants next to flats 49-60 and the welcoming entrance of Newland Court with stinking bins instead. Also the bins would be used by people on Barn Rise and fly tipping already occurring on site. As such the bins are placed in an unsuitable place. Bin storage location and accessibility concerns for residents with mobility issues 	<p>The four bin stores are located along Newland Court and are accessed from the street at ground level. The location of the bin stores is compliant with recommended travel distances from residents' properties to bin stores (maximum of 30m excluding vertical travel) as set out in BS 5906 'Waste management in buildings'. Additionally, the four small stores are located to minimise the visual impact to residents and would enhance the existing circumstances on site with bins location on the existing green communal space and entrances. The total provision of waste and bin would comply with BS 5906 'Waste management in buildings'.</p>

Impact on neighbouring properties

<p><u>Separation distances:</u></p> <p>No consideration has been taken towards the existing residents of Newland Court as the 18m overlooking rule has been halved. Brent Council's new plans states the overlooking distance is 10m but we have measured several times and the 2 angled out buildings that are closest to the new</p>	<p>Please refer to remarks on paragraphs 44-48.</p>
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houses measure 7m, 8m and 9m from the windows. The Design and access statement on page 25 is not the same as page 16.

Flooding and Drainage

Flooding and drainage:

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

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

Other matters

General queries for up keeping of the estate

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

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

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

Community engagement

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

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

Brent's Statement of Community Involvement

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

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

Internal consultation

Local Lead Flood Officer - no objections raised.

Environmental Health - no objections subject to conditions.

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

POLICY CONSIDERATIONS

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

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

London Plan 2021
Brent Local Plan 2019-2041

Key policies include:

London Plan 2021

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

Local Plan 2019-2041

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

The following are also relevant material considerations:

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

DETAILED CONSIDERATIONS

Background

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

Principle of development

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

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

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

Mix of units and affordable housing

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

Design and character

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

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

Relationship with Barn Hill Conservation Area

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

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

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

Standard of accommodation

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

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

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

Daylight and sunlight of the proposal:

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

Accessible Homes

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

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

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

External amenity space

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

Neighbouring Amenity

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

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

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

Daylight and sunlight

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

- 37-48 Newland Court

Daylight neighbouring properties

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

Sunlight neighbouring properties

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

Overshadowing to neighbouring amenities

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

Summary

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

Highway and Transport:

Car Parking

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

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

Highway works along the access road

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

Cycle Parking

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

Refuse

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

Flooding and Drainage Considerations

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

Trees

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

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

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

Landscape

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

Ecological assessment

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

addressed from the start of the development process.

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

Fire Safety

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

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

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

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

Environmental impact, sustainability and energy

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

Construction Environmental Management Plan

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

Equalities

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

Conclusion

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



Application No: 22/3124

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

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

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

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

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

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

Date: 07/11/2023

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

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

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

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

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

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

Supporting documents

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

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

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

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

annually in accordance with the Mayor's Funding Guidance.

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

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

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

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

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

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

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

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

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

Reason: To ensure that risks from flooding are effectively mitigated

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

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

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

Reason: To ensure a satisfactory standard of accommodation.

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

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

Reason: To ensure a satisfactory standard of accommodation.

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

Reason: To protect local amenity and air quality.

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

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

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

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

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

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

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

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

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

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

upon wildlife.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INFORMATIVES

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

Monday to Fridays 08:00 to 18:00

Saturday 08:00 to 13:00

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

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

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

15 November, 2023
07
23/0841

SITE INFORMATION

RECEIVED	16 March, 2023
WARD	Kingsbury
PLANNING AREA	Brent Connects Kingsbury & Kenton
LOCATION	1 Hillside, Kingsbury, London, NW9 0NE
PROPOSAL	Retrospective application for retention of single storey rear extension with patio and hip to gable roof extension with rear dormer and three front rooflights to the existing dwellinghouse including proposed construction of new two storey dwellinghouse adjacent to 1 Hillside with rear dormer and juliet balcony roof extensions, new front rooflights, subdivision of rear garden, front boundary treatment, relocation and extension to vehicle crossover for off-street car parking spaces, associated landscaping, cycle and refuse storage
PLAN NO'S	in Condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_164107</p> <p><u>When viewing this as an Hard Copy</u> .</p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "23/0841" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

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 / documents
3. No use of flat roof of extensions
4. Removal of permitted development rights
5. Restriction of water consumption
6. Implementation of car parking, cycle + refuse storage
7. Implementation of rear gardens
8. M4(2) compliance
9. Submission of details for external materials
10. Submission of soft and hard landscape details

Informatives:

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

SITE MAP

	Planning Committee Map
Brent	Site address: 1 Hillside, Kingsbury, London, NW9 0NE
	© Crown copyright and database rights 2011 Ordnance Survey 100025260

This map is indicative only.



PROPOSAL IN DETAIL

This application seeks the retention of the single-storey rear extension with raised patio and hip to gable-end roof extension with rear dormer and three front rooflights to the existing dwellinghouse. The application also proposes the construction of a new two-storey dwellinghouse, adjacent to No. 1 Hillside, which would also have a rear dormer with Juliet balcony roof extensions, new front rooflights. As well as, the subdivision of the rear garden, new front boundary treatment, relocation and extension to vehicle crossover for off-street car parking spaces, associated landscaping, cycle and refuse storage.

EXISTING

The application site relates to a two-storey semi-detached dwellinghouse, located on the western side of Hillside, Kingsbury. The site is not located within a conservation area, nor is it in proximity to a listed building. The site is in a residential area.

The existing dwellinghouse (No. 1 Hillside) is currently undergoing building works to include a single-storey rear extension and other roof extensions and alterations. The application site also includes land to the north which is within the ownership of the applicant but outside the curtilage of the existing dwellinghouse.

SUMMARY OF KEY ISSUES

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

Representations Received: Representations were received from eleven individuals raising objections in response to the consultation. A number of issues were raised including the principle of development, accuracy of the location map / site boundary, accuracy of the drawings submitted, design, impact on trees, impact on the highway safety, and non-compliance with planning policies. These objections have been summarised in more detail in the 'CONSULTATIONS' section (below) and further discussed in this report.

Principle of Development: Brent Local Plan (Policy BH4) and London Plan recognise the role of small sites in the delivery of the new homes that are needed in the borough. The general principle of residential development is supported in this location, contributing towards the Council's housing targets.

Design and Appearance: The proposal is considered to represent a good standard of design within the site, relates well to the existing context and would not result in harmful impact on the character and appearance of the local area.

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

Highway Impacts: The application proposes two off-street parking spaces (one per dwelling). As such, the proposed development is not likely to result in overspill parking on the surrounding streets. Refuse and cycle storage would also be provided.

RELEVANT SITE HISTORY

Relevant planning history

App Type	Householder	Ref	22/1934
Decision	Granted	Date	22/07/2022
Description	Part single and part two storey side and rear extensions and hip to gable end roof extension with rear dormer window, Juliet balcony and three front rooflights to dwellinghouse		

CONSULTATIONS

Initially, 31 nearby properties along Hay Lane and Hillside were notified by letter of this proposal on 24/03/2023 together with The Friends of Eton Grove Park.

Reconsultation

On the 04/04/2023, new neighbour consultation letters were sent out as the location map and block plan for the application had been revised.

On the 06/07/2023, new neighbour consultation letters were sent out as the description of the proposal and the drawings (including the red boundary line of the location map) had been revised.

On the 17/07/2023, new neighbour consultation letters were sent out as the application site boundary line had been updated, in line with the Title Plan and ordnance boundary survey (OS map) plans submitted. Subsequently, the existing and proposed drawings have been amended to reflect the boundaries within the submitted OS location plans.

Cumulatively, objections were received from eleven individuals have been received (some of which submitted multiple objections). The reasons for objection have been included in the table below.

Reasons For Objection	Officers Comments
Principle of new dwelling lying outside a priority area for new homes within policy BH4	This has been discussed in the ' <i>Principal of Development</i> ' section of this report (below).
The existing plans were incorrect	Site visits were carried out in July and September, which show the single-storey rear extension present; therefore, the existing plans are considered to be accurate.
Works have already begun on site	It is noted that some works to the property have already started. This has been included in the description of the development.
Inaccurate application site boundary / Land Registry / OS Map	It is noted that the initial red-line boundary around the application site was drawn incorrectly. This has been addressed with revised plans and new consultation letters were sent. The site boundary reflects land registry plans, despite being in a different location from the existing boundary fence.
Erection of boundary fence (hoarding)	The application site has a hoarding licence [28931] for a 3.3m by 6.6m fence around the front/side of the site from July 2023. There is an extant consent for extensions to the existing house, and the erection of hoardings associated with works does not normally require planning permission.
Removal of trees along the site boundary / loss of green space	This has been discussed in the 'Tree Considerations' section below.
CIL Calculations	Officers will calculate the CIL contribution associated with the development, and this will be assessed and monitored by the Council's CIL Team.

Inaccuracies on the application form	The inaccuracies on the application form have been noted. However, the loss of the landscaped area to the north of the curtilage of the existing dwellinghouse has been assessed within the remarks section below and this application does not seek to remove any trees.
Previous applications were not consulted on	All of the required consultations were carried out correctly for the previous applications.
Non-compliance with BH13 – Residential Amenity and guidance set out within the Residential Amenity Space SPD	The changes to the amenity space have been discussed in the ‘ <i>External Amenity Space</i> ’ section in this report (below). The removal of external access to the rear garden of No. 1 Hillside is not a concern, as the occupiers would still have internal access to their rear garden.
The proposed new dwelling would be built up to the boundary	The proposed plans show that all of the proposed works would be within the application site boundary, which is acceptable. An informative would be added to the decision notice to remind the applicant that all works would need to be kept with the site boundary for clarity.
Impact on character of the area	This has been discussed in the ‘ <i>Design, Character and Impact on the Streetscene</i> ’ section of this report (below).
Transparency of planning applications	It is noted that parts of the initial application were found to be incorrect. However, all inaccuracies have been resolved and the application re-consultation letters were sent. The original objections submitted in April 2023 remain on the Council's website and have not been removed.
Parking / other concerns raised by the Transport Team	These have been discussed in the ‘ <i>Parking</i> ’ section of this report (below).
No information about Urban Greening Factor	Further information regarding the urban greening factor was requested. This has been discussed in the ‘ <i>Urban Greening Factor</i> ’ in this report (below).
No energy strategy	The application has not submitted an energy strategy. However, as this is minor application there is no requirement for an energy strategy.
Missing consultations	The consultation was undertaken in line with statutory and local requirements and all comments that were received have been taken into consideration. No comments have been deleted from the system.
Impact water pressure	The proposed additional dwelling is not likely to materially affect water supply or pressure.
Decrease the value of neighbouring properties	The issue of value is not a material planning consideration.

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) and Brent Local Plan (2019-2041).

Key policies include:

London Plan (2021)

Policy H1 Increasing Housing Supply
Policy D6 Housing quality and standards
Policy D7 Accessible housing
Policy D12a: Fire Safety
Policy H1 Increasing housing supply
Policy G5 Urban greening
Policy G6 Biodiversity and access to nature
Policy SI 13 Sustainable drainage
Policy T5 Cycling
Policy T6 Car parking
Policy T6.1 Residential parking

Brent Local Plan (2019-2041)

DMP1 - Development Management General Policy
BD1 – Leading the Way in Good Urban Design
BH1 – Increasing Housing Supply in Brent
BH4 – Small sites and small housing developments in Brent
BH13 – Residential Amenity Space
BGI1 - Blue and Green Infrastructure in Brent
BGI2 - Trees and Woodland
BSUI4 - On-site Water Management and Surface Water Attenuation
BT1 - Sustainable Travel Choice
BT2 – Parking & Car Free Development

Other material considerations

The following are also relevant material considerations:

- National Planning Policy Framework (2023)
- National Planning Practice Guidance

Supplementary Planning Guidance / Documents:

SPD1 –Brent Design Guide (2018)
SPD2 –Residential Extensions Design Guide (2018)
Residential Amenity Space and Place Quality Supplementary Planning Document (2023)
Sustainable Environment and Development Supplementary Planning Document (2023)
Domestic Footway Vehicle Crossover Policy (2018)

DETAILED CONSIDERATIONS

Proposal in Detail

1. The application is seeking planning permission for the retention of the single-storey rear extension with patio and hip to gable-end roof extension with rear dormer and three front rooflights to the existing dwellinghouse at No. 1 Hillside.
2. The proposal also relates to the erection of an attached two-storey dwellinghouse with associated landscaping works and off-street parking, to the north of No. 1 Hillside.

Retention of works to No. 1 Hillside

3. Household planning application [22/1934] granted planning permission for part-single and part-two-storey side and rear extensions, a hip to gable-end roof extension, 1x rear dormer with Juliet balcony and three front rooflights to the existing dwellinghouse, in July 2022. It is noted from the site visit that works have commenced with the property undergoing the hip to gable roof extension, rear dormer window, front roof lights and single storey rear extension. Whilst these works are similar to the works as approved under 2022 consent, with the addition of the new dwellinghouse to the side of the property, the two storey side and rear extension that was approved under 2022 consent could not be implemented. As such, a full assessment for the retention of the works to the host property has been made below.

Single Storey Rear Extension with Patio

4. SPD2 generally allows single-storey rear extensions on attached houses of up to 3m in depth from the existing rear building line of neighbouring properties. Up to 6m in depth may be acceptable where the extension is set in from the side by 1m for every 1m of additional depth. Roof heights should not exceed 3m for a flat roof including parapets, an average of 3.5m for pitched roofs and infill extensions on side boundaries should be no higher than 2m high on the boundary.
5. The existing ground-floor plan shows the host property benefits from a single-storey rear extension, with a rear depth of 4.5m. It is noted that the adjoining property No. 2 Hillside also benefits from a single-storey rear extension, which has a depth of 1.5m from the original rear elevation of the dwellinghouse. Consequently, the rear extension at No. 1 Hillside would protrude 3m past the existing rear elevation of No. 2 Hillside and therefore is compliant with SPD2. The existing ground-floor plan shows the rear extension has a width of 6.1m and enlarges the kitchen / living/ dining room. The extension features include rear bi-folding doors, which provide access to the raised patio and 2x rooflights. The proposed external materials could be conditioned to match the existing dwellinghouse. The proposed elevations show the rear extension as built has a flat roof with a height of 3.3m to 3.5m from the natural ground level. This height does exceed SPD2, which supports a maximum height of 3m for a flat roof extension. In this case the neighbouring property (No. 2 Hillside) has an existing flat roof extension which is commensurate with the height of the extension as built at No. 1 Hillside, as well the site levels at No. 2 Hillside are slightly raised, which also helps in terms of off-setting any impacts arising from the roof height being over 3m high. Furthermore the depth is the same as approved under 2022 application and the height along the boundary with No. 2 Hillside would be approx. 0.1m lower than approved within 2022 consent.
6. The proposed plans show the rear patio would have a depth of 3m and a height of 0.3m. The proposed elevations show the application site slopes down towards Hay Lane. As such, the land at No. 1 Hillside is slightly lower than the site levels for No. 2 Hillside, which also has a patio area to the rear of their existing extension. The levels change mitigates any potential impact the rear patio at No. 1 Hillside might have on the occupiers of No. 2 Hillside. Furthermore, a patio of upto 0.3m high could be constructed under permitted development.
7. Overall, the rear extension broadly complies with SPD2, and where it does not the site circumstances have been given due consideration and on balance, it is not considered the additional height above 3m would have an unduly detrimental impact on the residential amenity of the neighbouring property. It has also been designed to preserve the character and appearance of the host property and surrounding area and therefore considered acceptable.

Hip To Gable-End Roof Extension with Rear Dormer and Three Front Rooflights

8. Hip-to-gable roof extensions are generally permitted unless there is an existing two-storey side extension with a hipped roof. The host property does not benefit from a two-storey side extension; therefore, the retention of the existing hip to gable-end roof extension is acceptable in design terms.
9. SPD2 generally permits rear dormers, which can be the full width of the original roof plane. They should be set down from the ridge by at least 0.3m and set up from the eaves by at least 0.5m. Dormers that project onto or over a rear projection are not normally permitted.
10. The rear dormer (as built) has a depth of 3.1m, total width of 5.3m and a height of 2.5m. The proposed elevations show a set-up of 0.5m from the eaves and a set-down of 1m from the ridge of the main dwellinghouse roof. The dormer features include 2x rear windows. Three front rooflights are proposed (there are currently two present on site). The elevations show that all proposed materials will match the existing dwellinghouse and would be used as an additional bedroom with en-suite shower-room. Whilst

the roof tiles are grey concrete tiles rather than more traditional red plain tiles, replacing roof tiles could be undertaken through permitted development. It is therefore not considered that the works would be harmful to the character of the area.

11. Overall, the proposed roof extensions to No. 1 Hillside comply with SPD2 and would be acceptable in terms of its impact on the residential amenity of the neighbouring properties. It has also been designed to preserve the character and appearance of the host property and surrounding area and therefore considered acceptable.

Erection of attached two-storey dwellinghouse

Principle of development

12. The London Plan Policy H1 sets out a new target of 2,325 new homes per year and this is reflected in Policy BH1 in Brent's Local Plan (2019-2041). London Plan Policy D3 Optimising site capacity through design-led approach requires all developments to make the best use of land by optimising the capacity of sites. Policy H2 of the London Plan relates to small sites (below 0.25 hectares in size) and requires Boroughs to pro-actively support well-designed new homes on small sites to assist in meeting housing targets. In response to this strategic policy, Brent has set out its own policy on small housing sites under policy BH4 of the Local Plan (2019-2041). In line with Policy H2, Brent Local Plan Policy BH4 Small sites and small housing development in Brent supports the delivery of self-contained dwellings on small sites below 0.25ha or 25 dwellings through intensive and efficient use of sites.
13. In line with the National Planning Policy Framework (NPPF) (2023), gardens are excluded from the definition of previously developed land. This does not mean that no development can be carried out within rear gardens, but that Local Planning Authorities should include policies that resist inappropriate development of residential gardens. As mentioned above, Policy BH4 of Brent's Local Plan relates to small housing sites and recognises that such sites can assist in delivering a net addition of self-contained dwellings through the more intensive and efficient use of sites. Such proposals will be considered where consistent with other policies in the development plan and within priority locations (i.e. PTAL 3-6, intensification corridors, or a town centre boundary). Outside of priority areas, greater weight will be placed on the existing character of the areas, access to public transport and a variety of social infrastructure easily accessible on foot when determining the intensity of development appropriate.
14. The application site has an existing PTAL 2 and is therefore not within a priority location (PTAL 3-6) for additional housing provision as referred to in policy BH4. This does not mean that new housing is not promoted in such areas, but rather than when considering proposals for housing, "greater weight will be placed on the existing character of the area, access to public transport and a variety of infrastructure easily accessible on foot when considering the intensity of development appropriate" as set out in policy BH4. While the site is in close proximity to the Hay Lane Neighbourhood Parade and is served by the 204 bus route, it is considered appropriate for the intensity of development should reflect the existing character of the area. The proposal would result in an additional dwelling of the same form and scale as the existing dwelling on the site and would be in keeping with the character of the area, in line with the requirements of policy BH4. The proposal would retain the main dwellinghouse at No. 1 Hillside (as recently altered) and subdivide the original side and rear gardens to provide an attached two-storey detached dwellinghouse, containing four bedrooms. The principle of intensifying the site for increased residential development is considered acceptable in line with the above policy, and taking account of the established residential character, which would be respected.

Standard of Accommodation

15. Policy D6 of London Plan sets out standards for housing quality. It requires new homes to be of high-quality design and provide adequately sized rooms with comfortable and functional layouts. Policy D6 also requires new housing developments to maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings.

Internal Amenity Space

16. The proposed plans show 4x double-bedrooms for 8 people, across three floors, which requires 130sqm of gross internal amenity space (GIA). The proposed GIA of 143 sqm would be compliant with policy D6 of London Plan.
17. It is considered that the proposal would provide a high standard of accommodation for the future occupants

of the proposed dwelling, with a layout that closely mirrors the host property (No. 1 Hillside).

18. The proposed ground-floor plan shows 1x bedroom with en-suite shower-room that faces towards the street and large living and dining room, which overlooks the rear garden. The proposed first-floor plan shows 2x double-bedrooms, with 1x bathroom and small home office. The proposed second-floor would provide another double-bedroom with en-suite shower-room.
19. It is considered that the proposed internal layouts are well-planned and net internal areas are indicated on all plans, with sufficient space for storage (although not indicated on the plans).

Bedroom Size

20. In order to provide one bed-space, a single bedroom has a floor area of at least 7.5sqm and is at least 2.15m wide and to provide two bed-spaces, a double (or twin bedroom) has a floor area of at least 11.5sqm. All of the bedrooms meet the minimum floor-space requirements.

Ceiling Height

21. The proposed section shows the floor to ceiling heights would range between 2.4m and 3m. The ground floor would have a floor to ceiling of 2.6 m under the two-storey elements of the house and 2.4 m in the single storey projecting element. The first floor is shown to have a floor to ceiling of 2.43 m, as is the majority of the loft floor. The need (for design reasons) to respond to the height and proportions of the existing house result in some very minor shortfalls below the 2.5 m height. While the house would not more achieve the policy D6 target of having more than 75% of the floorspace with a height of 2.5m, the shortfall is very minor (7-10 cm) and is not considered to result in a poor standard of accommodation.

Accessibility

22. Occupier access to the proposed building is provided from ground-floor level, through a central core. In line with London Plan Policy D7, the proposal would need to be delivered to an M4(2) level of fit out, as defined within Part M of the Building Regulations and a condition is recommended regarding this. This policy is used to ensure that step-free access is provided between the street to new developments and that the new dwelling would meet the needs of occupants with differing needs, including some older or disabled people and to allow adaptation of the dwelling to meet the changing needs of occupants over time.

External Amenity Space

23. Policy BH13 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 50sqm for family housing (homes with 3 or more bedrooms) located at ground floor level, and 20sqm in all other cases.
24. The BH13 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 20sqm or 50sqm of private space is not achieved due to site constraints. 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.
25. 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.
26. London Plan Policy D6 specifies that where there is no higher local standard, a minimum of 5sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The minimum depth and 1.5m is reconfirmed in the policy. Whilst Brent's local standard is more stringent, as discussed above, there is also an expectation that the core requirements of D6 would be met alongside achievement of Brent's BH13 policy.
27. The proposed dwelling would require 50sqm of private external amenity space, as per policy BH13. The

proposed site plan shows a triangular-shaped rear garden with 46.5sqm with a side garden of 32.1sqm, resulting in a total of 78.6sqm. Both of which would be accessed from the ground- and is considered to provide an acceptable provision of private external amenity space. Though the side garden would have more limited use due to its size and unconventional shape, but it could still function as an amenity space. With regard to the existing dwelling (No. 1 Hillside), the rear garden space would be reduced from approx. 125sqm to 77sqm, which is still sufficient in size for a 3-bed single-family dwellinghouse.

28. Overall, the proposed external amenity spaces are compliant with BH13 and the quality of the private external amenity spaces are considered to be acceptable for both the existing and future occupiers of the site.

Design, Character and Impact on the Streetscene

29. 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 DMP1 requires the scale, type and design of development to complement the locality. Policy BD1 of the Local Plan stipulates that innovative contemporary design will be supported where it respects and complements the historic character but is also fit for the future. All new development must be of the highest architectural and urban design quality. Additional design guidance can be found within the Council's SPD1 - Design Guide for New Development.
30. The properties along Hillside are typically characterised by detached and semi-detached properties, which are set-back from the road behind front gardens/driveways. It is noted that the application site slopes down towards Hay Lane. The proposed elevations show the new dwelling would replicate closely the design, character and appearance of the host property, with red bricks on the ground-floor, rendered walls and a grey roof tiles. As such, the proposed dwelling would complement the design and appearance of the attached and nearby properties and would be in-line with the front building line. As such it would integrate well into the existing street. The proposed site plan shows the development would also mirror the front forecourt of the attached neighbour with 1x off-street parking space, cycle parking, bin storage and some soft-landscaping. The proposed site plan shows a maximum depth of 4.4m to the side boundary, which provides sufficient space for the development to appear less cramped on the site. The main entrance to the new dwellinghouse is proposed to be positioned in a logical and legible location.
31. SPD1 highlights the importance of the use of durable and attractive materials is essential in order to create development that is appealing, robust, sustainable and fits in with local character. The proposed external finish of the buildings would be constructed with red brick (below the window-line) with grey roof-tiles, white painted rendered walls and black uPVC windows and doors. The proposed materials would reflect the character of the attached property (No. 1 Hillside) and surrounding area. Further details of external materials could be conditioned in the event that consent was forthcoming. The proposed design is considered to be acceptable, as it would relate well to the surrounding context and prevailing character of the area, with matching windows and similar facades.
32. Overall, the proposed development is considered to comply with the Council's policy and guidance on design impacts and would not result in harm to the character and appearance of the application site or wider streetscene, which is acceptable.

Impact on Residential Amenities of Adjoining Occupiers

33. It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. Local Plan Policy DMP1 seeks to ensure new development does not unacceptably increase neighbours' exposure to noise, light and general disturbance.

Privacy & overbearing appearance

34. Any development will need to maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in the Brent Design Guide SPD1. Separation distances of 18m between habitable room windows and 9m to existing private rear boundaries should be maintained in order to ensure privacy for existing and new residents.
35. The proposed site plan shows No. 1 Hillside would have a maximum depth of 20.7m from the rear elevation of the host property to the rear boundary and a maximum of 13.5m from the proposed rear elevation of the new dwellinghouse to the rear boundary. This depth would decrease to less than 3m

along the northern end, but views into the neighbouring site at ground floor level would be restricted by the boundary fence. At first floor level this would increase to a minimum distance of 7.5m to the boundary with Father O'Callaghan Centre, increasing to 17.6m. Whilst a small element of the proposal would fall short of 9m distance set out within SPD1 by upto 1.5m, given that the new home would overlook a non-residential site, it is not considered that the proposal would result in an unacceptable relationship, or unduly compromise any redevelopment of the adjoining site. To the north of the application site is the four-storey block of flats; Hindhurst Court, on the opposite side of Hay Lane. The proposed dwellinghouse would be over 32m away from these flats. To the east of the application site is No. 36 Hay Lane, which is a two-storey detached dwellinghouse. The proposed front windows would be approx. 20m to the dwellinghouse on the opposite side of Hillside. To the south of the application site is No. 2 Hillside, which is the attached two-storey dwellinghouse. As mentioned above, the proposal does not propose any side window facing towards No. 2 Hillside. The proposed upper-floor rear windows are not considered to result in an increase in overlooking of the neighbouring properties' gardens or habitable room windows, in comparison to the existing first-floor windows at No. 1 Hillside.

36. The proposed elevations show a 1.7m high fence along the application site boundaries and between the rear gardens. Given the siting, site levels and the separation distance between the properties, it is considered that the proposal would not result in an unacceptable level of overlooking or loss of privacy to the neighbouring properties.

Light & outlook

37. To ensure light and outlook to existing properties is not significantly affected; proposed buildings should sit within a 30-degree line of existing habitable room windows and a 45-degree line of existing private rear garden boundaries. 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. The neighbouring property at the rear of the site is not residential in nature. As such, there is no requirement to apply the 30 or 45-degree line rules, as set out within SPD1, as these requirements would not be applicable in this instance. Overall, the development would not be harmful from a residential amenity perspective, given the surrounding context of the site.

Parking, Access and Refuse Storage

38. Hillside is a residential cul-de-sac where on-street parking is generally unrestricted and the road is wide enough to park both sides. The application site contains a +3 bedroom dwelling with a 2.2m wide crossover on the northern edge leading to a long driveway for 3 or more vehicles.

Car Parking

39. Parking standards are given in Appendix 4 of the adopted Local Plan, which for residential use requires compliance with Table 10.3 of the London Plan. As the site has low access to public transport (PTAL 2), a maximum of one space is permitted for the existing property. The existing long driveway for three or more vehicles significantly exceeds parking standards. The proposed new dwelling will also have a parking allowance of 1 space, giving a total allowance of 2 spaces for the site as whole.
40. The removal of the long driveway and proposed provision of one space per house will eliminate the overprovision of parking within the site, so is welcomed in principle.
41. The application seeks to retain the existing crossover to provide one parking space for the new dwellinghouse. This parking space will be at a 90-degree angle to the carriageway and will have a depth of 4.8m
42. The new 2.4m crossover on the southern side, to serve the existing house will provide one parking space for the existing dwelling. The crossover is not quite at the edge of the site, and this is assumed to be because of the location of the existing street tree. The crossover is proposed at 2.4m wide in line with the crossover policy. The parking space would need to be 4.8m deep.
43. Officers in Transportation have requested that a front boundary wall within 0.6m of the crossover to prevent illegal crossing of the footway and the wall should be no higher than 0.85m to provide pedestrian visibility. As the hard standing falls towards the highway a drainage channel connected to a soak away should also be provided. Such details could be conditioned to any forthcoming consent.

Cycle Storage

44. Cycle storage requirements are set out in table 10.2 of the London Plan. The scheme proposes two cycle spaces per dwelling within both the proposed front gardens. This complies with cycle parking standards set out in the London Plan.

Bin Storage

45. Residential households will require 240l of residual waste, 240l of dry recycling and 23l of organic waste bins per household. The proposed site plan shows a bin storage area, along the central boundary of the site, containing 4x bins (2 per property), enclosed in housing, which is satisfactory in design terms.

Soft Landscaping

46. The Council's adopted BT2 requires a minimum of 30% of forecourts to be covered in soft landscaping to improve natural drainage. The proposal includes approx. 15.5sqm of soft landscaping, within the front forecourt (which is approx. 61.4sqm overall), resulting in approx. 25% coverage. Whilst it is under 30% sought within the policy, the front gardens also need to accommodate bin and bicycle storage, together with an off street parking space, which limits the scope to provide soft landscaping. It is therefore recommended that further details are conditioned as part of the landscape scheme to maximise the amount of soft landscaping whilst balancing this with the need to provide bin and bike stores and off street parking.

Impact on existing landscaping and trees

47. As discussed above, part of the application site is currently in use as a green space that forms part of a vegetated verge that faces onto Hillside and Hay Lane. Part of this green space lies within the ownership of the applicant but sits outside the existing curtilage of the dwellinghouse. The application seeks include this piece of land within the curtilage of the new dwellinghouse (and thus change its use into a residential use) and separate it from the wider landscaped verge (adopted highway land) with a new boundary fence. It is acknowledged that the landscaped verge may have some local value in visual amenity terms, but does not fall within the boundaries of a designated public open space, nor is it a designated site of ecological importance. The benefits of delivering a new family sized home within the Borough is considered to outweigh the limited harm associated with the loss of part of the landscaped verge.
48. A large proportion of this land would remain as amenity space for the new dwellinghouse and shown to contain soft landscaping. Opportunities to provide native planting and wildlife friendly planting could be secured by condition to promote biodiversity enhancements within the site.
49. It is noted that from earlier google images that two trees have been removed within the landscaped verge close to the former boundary of the curtilage of No. 1 Hillside. Neither of the trees are protected, and there would therefore not be a requirement to re-provide these trees as part of this application.
50. It is noted that a number of trees still exist within the adopted highway land of the landscaped verge. Whilst the scheme has potential to impact on these remaining trees, it is noted that the earlier 2022 scheme for a two storey side and rear extension could also impact on the existing trees. No Arboricultural Impact Assessment was required for the 2022 consented scheme, and therefore in this instance, the tree officer has advised that they do not consider it necessary to require one for this case. They did however raise concerns with the potential impact of the new crossover sited close to the street tree outside 1 Hillside, and further details of the location of the access and crossover would be secured within the landscape condition.
51. It is also noted that a temporary hoardings license has been granted by the Council's Highways Team in relation to a temporary hoarding within the landscaped verge that forms part of the adopted highway land together with a temporary crossover. The license requires the land to be restored to grass once the works have been completed and the hoarding removed and the temporary crossover reinstated to pavement.

Urban Greening Factor

52. Policy BH4 of the Local Plan require developments to contribute to Urban Greening and a target Urban Greening Factor (UGF) of 0.4 is recommended. The application has been accompanied by some details of the UGF targeting a score of 0.4. However, no urban greening masterplan was submitted to support the targeted score of 0.4. It is recommended that given the scale of the development proposed it is

recommended that further details are secured via condition.

Flood Risk and Drainage

53. BSUI3- Managing Flood Risk states that proposals requiring a Flood Risk Assessment (FRA) must demonstrate that the development will be resistant and resilient to all relevant sources of flooding including surface water. The application site does not fall within a Floodzone; therefore, a flood risk assessment is not required. The site does however lie within a Critical Drainage Area (not one designated by the Environment Agency). Policy BSUI4 sets out that 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. The proposal would include areas of soft landscaping and soakaways for the driveways.

Fire Safety

54. Policy D12A of the London Plan now requires all development proposals to achieve the highest standard of fire safety and requires submissions to demonstrate that they:

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

55. No information has been provided to demonstrate compliance with this policy. Nevertheless, given the scale of the proposal for 1x new dwellinghouse and its location next to the road frontage (Hillside), it is considered that such matters could reasonably be achieved through building control regulations.

Sustainability

56. Local Plan Policy BSUI4 applies substantial weight for minor developments to seek to reduce potential overheating and reliance on air conditioning system through good design. For residential development, a Water Efficiency Assessment will be required providing evidence the development will meet the target of 105 litres or less per head per day, excluding an allowance of 5 litres or less per head per day for external water use, which is recommended to be conditioned to any forthcoming consent.

Equalities

57. 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

58. The proposal is considered to accord with the development plan as a whole, having regard to all material planning considerations. It is noted that the floor to ceiling heights would fall marginally below policy targets, but the degree of shortfall is such that the quality of accommodation is not compromised. The proposal would deliver the provision of one new family-sized home, contributing positively towards the Council's housing targets. The design of this new dwelling is appropriate for the location and would be in keeping with the established character of the street. Retention of the built extensions to 1 Hillside would not harm neighbouring amenity, and relate well to the character of the host property and surrounding area. Whilst the proposal does not clearly set out whether the scheme would achieve an UGF of 0.4 in

line with policy BH4 (as no UGF masterplan has been submitted), the benefits of the scheme including the delivery of a family sized home would outweigh any limited harm in conflict with this policy.

59. Planning permission is therefore recommended to be granted subject to conditions.



DECISION NOTICE – APPROVAL

Application No: 23/0841

To: Mr Reilly
RPR Planning Ltd
RPR Planning Studio
42 Rutherford Way
Bushey Heath
Hertfordshire
WD23 1NJ

I refer to your application dated **16/03/2023** proposing the following:

Retrospective application for retention of single storey rear extension with patio and hip to gable roof extension with rear dormer and three front rooflights to the existing dwellinghouse including proposed construction of new two storey dwellinghouse adjacent to 1 Hillside with rear dormer and juliet balcony roof extensions, new front rooflights, subdivision of rear garden, front boundary treatment, relocation and extension to vehicle crossover for off-street car parking spaces, associated landscaping, cycle and refuse storage

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

at **1 Hillside, Kingsbury, London, NW9 0NE**

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

Date: 07/11/2023

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework (2023)
The London Plan (2021)
Brent Local Plan (2019-2041)
Supplementary Planning Document 1 – Brent's Design Guide (2018)
Supplementary Planning Document 2 – Residential Extensions Design Guide (2018)
Domestic Footway Vehicle Crossover Policy (2018)
Planning Obligations SPD (2022)

- 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 and documents:

Location Map (1:1250)
PL-100 - OS Map & Block Plan (1:200)
PL-101 - Existing & Proposed Ground-Floor Plans
PL-102 - Existing & Proposed First-Floor Plans
PL-103 - Existing & Proposed Loft Plans
PL-104 - Existing & Proposed Roof Plans
PL-105 - Existing & Proposed Front & Side Elevations
PL-106 - Existing & Proposed Rear & Side Elevations
PL-107 - Existing & Proposed Sections
PL-108 - Existing & Proposed Site Plans

Supporting Documents

Boundary Survey - 76235_SPSURVEY Rev.1
Design & Access Statement, prepared by RPR Planning

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

- 3 No access shall be provided to the roof of the single-storey rear extensions, by way of window, door or stairway and the roof of the extension hereby approved, shall not be used as a balcony, terrace or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

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

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

- 5 The development hereby approved shall be designed so that mains water consumption for the new dwelling 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 development hereby approved shall not be occupied unless the car parking, vehicular access to the highway (completed at the applicant's own expense), cycle storage and refuse stores have been completed, in full accordance with the approved drawings and the facilities shall thereafter be made available to residents of the development and shall not be used other than for purposes ancillary to the dwellinghouses hereby approved.

Reason: To ensure a satisfactory standard of accommodation.

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

Reason: To ensure a satisfactory standard of accommodation.

- 8 The new dwellinghouse hereby approved shall be built to achieve Building Regulations requirement M4(2) - 'accessible and adaptable dwellings'.

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

- 9 Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development (excluding any demolition, site clearance and the laying of foundations). The work shall be carried out in accordance with the approved details.

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

- 10 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 new dwellinghouse (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 including the use of native and/or wildlife attracting species
- II. Details of all proposed hardstanding
- III. 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 details of pedestrian visibility splays (2m x 2m above a height of 0.85m) at the vehicular accesses
- IV. The provision of 2 car parking spaces (each measuring 4.8m deep x 2.4m wide), including the size and siting of the parking area, defined points of access (including an assessment of the location of the new crossover in relation to the street tree on Hillside) and the surfacing materials to be used together with drainage channel showing connection to soakaway,
- V. Details to maximise the urban green factor (UGF) for the site in line with policy BH4 of Brent's Local Plan 2019-2041, including the requirement to submit a UGF Masterplan
- VI. Details of cycle storage through the provision of 2 no. 1m x 2m lockers within the front garden,
- VII. Details of bin stores for each dwellinghouse within the front garden
- VIII. Details of any external lighting and overspill diagram
- IX. 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.

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 BGI2 of Brent's Local Plan (2019-2041).

INFORMATIVES

- 1 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>
- 2 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.
- 3 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

Any person wishing to inspect the above papers should contact Jasmin Tailor, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5341

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