



Planning Committee

Wednesday 13 March 2024 at 6.30 pm*

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

***Please note the start time for this meeting.**

This will be held as a physical meeting which all Committee members will be 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, Collymore, Dar, Ethapemi
and Kabir

Councillors

Kansagra and J.Patel

For further information contact: Adam Woods, Governance Officer
Adam.Woods@brent.gov.uk; Tel: 020 8937 4737

For electronic copies of minutes and agendas please visit:
[Council meetings and decision making | Brent Council](#)

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 7 February 2024 as a correct record of the meeting. | | 1 - 6 |
| APPLICATIONS FOR DECISION | | |
| 4. 163-165 Edgware Road, London, NW9 | Kingsbury | 11 - 54 |
| 5. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of the Chief Executive and Member Services or their representative before the meeting in accordance with Standing Order 60. | | |

Date of the next meeting: Wednesday 17 April 2024



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided 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 7 February 2024 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

There were no declarations of interest made by Committee Members.

3. Minutes of the previous meeting

RESOLVED that the minutes of the previous meetings held on Wednesday 17 January 2024 be approved as a correct record of the meeting.

4. Deed of Variation – Fairgate House, 390 – 400 & 402 – 408, High Road, Wembley, HA9

PROPOSAL

Deed of Variation to the Deed of Agreement dated 3rd May 2023 under Section 106 under the Town and Country Planning Act, as amended, in relation to planning application reference 22 / 2225 to demolish the existing building and construct a building of part 13 storeys, part 17 storeys with purpose build student accommodation, communal facilities, flexible non-residential floor space (Class E), cycle parking, landscaping and associated works.

RECOMMENDATION:

- i) That the Committee resolve to enter into a Deed of Variation under Section 106A of the Planning Act to vary the Section 106 agreement associated with planning application reference 22 / 2225 and delegates authority to the Head of Planning and Development to agree the wording of the Deed of Variation.
- ii) The Deed of Variation would secure changes to the obligations secured through the legal agreement to require the payment of a financial contribution of £2.224 million (indexed from date of decision) towards the provision of additional low-cost rented Affordable Housing (within Use Class C3) and would remove the requirement to provide on-site Affordable Student Accommodation.

Victoria McDonagh, Development Management Area Manager for North Planning Team, introduced the report and set out the key issues. Members were advised that the application the proposal related to had been subject to a Section 106 Agreement

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that secured a number of obligations, and the matter presented to Committee related to a deed of variation to make changes to some of those obligations. The changes would include the removal of the requirement to provide any on-site student bed spaces at affordable rent levels, and instead secure the provision of an off-site affordable housing payment in lieu, of £2.224m. This payment in lieu was to be used for the provision of the off-site delivery of additional low-cost affordable housing within the Council's administrative area. The variation would also mean there would be associated changes to the early-stage review mechanism and the introduction of a late stage review mechanism to require a further payment in lieu towards off-site provision of affordable housing in the event that viability improved.

The Committee's attention was drawn to the supplementary report which summarised comments received from the Greater London Authority (GLA) on the proposed changes as part of the Deed of Variation.

The Chair thanked Victoria McDonagh for introducing the report. As there were no Committee questions raised at this point, the Chair invited Mr Steve Harrington (applicant) to address the Committee in relation to the application.

The following key points were highlighted:

- The applicant began by informing the Committee that the Phase 2 Scheme had passed through the Mayor of London's Office.
- There had been a worsening of market conditions since consent was first secured in May 2023, and there was a need to make the changes being proposed in order to guarantee the overall delivery of the scheme, which would be unviable if the changes were not made.
- A viability assessment had been submitted and fully scrutinised by Brent Council Officers and advisers. A range of scenarios and options had been tested within that, and the proposal for an off-site payment in lieu had been agreed as the only viable option.
- The developers were committed to delivering the whole of the project, and preparation works had already started with demolition due to commence imminently on 26 February 2024. The developers wanted to keep moving quickly through the construction works to finish by mid-2027, which would enable students to move in ahead of the academic year that followed.
- The applicant highlighted that in just over 3 years from now the public benefits of the scheme would have been delivered, which included a community hub space in the Phase 2 building which would be managed by the building operator but bookable and available for the community to use free of charge. There would also be a public space between the two buildings.
- The commercial / retail space in the Phase 1 building was not yet fully defined, but the rent on that space was set at approximately £26 per square foot, which equated to approximately £75k per annum on average, which was considered affordable and accessible when considered against other similar spaces within Wembley.
- The applicant informed the Committee that the development would generate in excess of £20million to the local area overall through Community Infrastructure Levy (CIL), the £2.224m payment in lieu, and other Section 106 contributions. There would be expenditure in the area during the construction phase equating to approximately £3m per annum, and expenditure relating to the students who would live in the area equating to approximately £4m per

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annum. In addition to that, 400 construction jobs would be delivered, and it was estimated that around 60 jobs would be made available once the scheme was operational across both phases, which would likely be filled by local residents.

The Chair thanked Mr Harrington for addressing the Committee and invited the Committee to ask any questions they had in relation to the information heard. The Committee had questions around the reason the development became unviable following approval, the use of the community hub space and jobs this would generate, the amendments to the Section 73 Agreement, floor space, and community benefits.

The following responses were provided:

- In response to why the deed of variation was being requested so close to the development's initial approval, the applicant explained that the land had been acquired in early 2022 when the Phase 1 application was first envisaged. The developers had gone through the planning process throughout 2022 with the aim of bringing the application to Committee in November 2022, when there had been changes to the political environment nationally that led to a substantial rise in interest rates. By the time the application was then agreed in May 2023, some of the agreements that had been in place in 2022 had run off course in relation to interest rates and project viability. The developers had then submitted a planning application to officers in 2023 for a number of design changes under Section 73 but it was clear almost immediately after permission was granted that there would be a need to come back to change aspects of the application due to viability of the project overall. As such, various scenarios were tested, including the scheme which had initially received planning permission, and the Deed of Variation was concluded to be the only viable option.
- The Committee asked the applicant about the jobs the site would generate and whether they would employ local tradespeople. The applicant confirmed that there were planning obligations in place to use local procurement, local supply chains and work with Brent Works to provide apprenticeships as part of construction. The construction of the buildings would generate around 400 jobs during the construction phase, and a further 60 jobs would be created when the buildings were operational. Both student buildings would have management teams within them, and the commercial / retail space would also provide a number of jobs on site.
- In response to queries about the management of the community hub, the applicant advised that the most cost-effective way to provide management of the hub without putting any charity or community group at risk was for the student building operator to manage the hub. There would be a booking system available through management for members of the community to book the space. Further details on that would come forward as the scheme developed.
- In relation to the completion date of mid-2027, the Committee asked whether this would be for both Phase 1 and Phase 2 sites. The applicant explained that the plan was to demolish the existing buildings on the Phase 1 site, move on to piling and making good the land on the Phase 2 site, then the buildings would begin to come out of the ground together with the intention to have everything available and operational at the same time in mid-2027.

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- The Committee asked about the Section 73 application to make amendments to conditions 2, 4 and 31. Members particularly wanted to know about the amendment to commercial floor space in condition 4 and the amendment to storey height in condition 31. In relation to condition 4, the commercial floorspace had allowances on the ground floor for planned space and, through efficiencies of the design, the developers had found a way to provide more commercial space, increasing it from 232 square metres to 348 square metres. The reason the floor space had increased was ancillary, such as plants that were considered part of that floor space which could be reassigned as commercial. In relation to condition 31, the applicant explained that the developers had added an extra half floor to one wing of the building, which took the height of that wing to 14 storeys from a previous height of 13. This addition, alongside looking at the mix of bedrooms, had generated an extra 10 student bedrooms, so the scheme had moved from 349 to 359 beds. In explaining this, the applicant confirmed that the viability assessment had appraised the scheme at 359 beds. There was no reduction in the size of accommodation for students, or the size of amenity space or bike provision.
- In response to how the community benefited from the development, the applicant advised members that the vision of the developers was to improve a part of the High Road that was tired. The developers were demolishing buildings that were end of life and putting new buildings back with a focus on the public realm. For example, there would be a new piece of public parkland which had been dedicated through a public right of way to the Council, there was the hub development and the community hub which was free of charge. As such, there was space for residents to enjoy inside and outside. There would also be uses on the ground floor commercial / retail space that would encourage community use.

The Chair thanked Mr Harrington for responding to the Committee's queries and proceeded to offer the Committee the opportunity to ask the officers any remaining questions or points of clarity they had in relation to the application. The Committee had questions in relation to the assertions in points 14 and 20 of the Committee report, whether the payment in lieu could be linked with a specific area or development, the timing of payments the Council would receive, use of commercial space if it was not lettable, confirmation that the payment in lieu could go towards traditional C3 dwelling houses, and whether the viability assessment took into account any revenue generated from short-term lets within the 14 weeks that the student bed spaces were not let out to students.

The following responses were provided:

- In relation to point 14 of the Committee report which stated that the greatest quantum of affordable housing would be provided by the deed of variation proposed, the Committee heard that the scheme had gone through extensive viability testing with 2 consultants. While doing a robust test of viability, Brent Council's consultants concluded that there was a deficit of £4.96m, which was under the gross development value profit of 15%, including the payment in lieu, which did demonstrate the maximum viable amount. In conducting those tests, there were a number of assumptions that were tested that could affect the outcome such as yield, finance rate, rent, operational costs, build costs, and benchmark land value.

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- Point 20 of the Committee report stated that the deed of variation was of greater public benefit from the C3 affordable housing the Council would get compared to the affordable student accommodation that was previously proposed. The Committee heard that there was a recognition of the London-wide need for student accommodation, and affordable accommodation as part of that, but the payment in lieu proposed instead gave the Council the capacity to provide money towards delivering additional low-cost affordable housing for residents within Brent. Brent had a significant housing need, with many people on the housing waiting list and in Temporary Accommodation. The payment in lieu would help with projects the Council had in the pipeline to get that additionality to increase the number of affordable homes the Council could deliver beyond what had already been secured on them.
- It was confirmed that the Council would receive the payment in lieu relatively early, within 12 months of material start. CIL payments would be made in instalments. CIL payments were based on floor space calculations at £40 per commercial square metre.
- In response to the Committee querying whether it was possible to make a condition to ringfence the payment in lieu to an area near the development or to a particular development, officers explained that the payment in lieu could not be secured to a particular project or geographical area due to the timings of when projects came through and whether they completed. There were a number of projects within the local area where that payment could potentially be of use, such as the Wembley Housing Zone, but officers would not want to secure it to a particular project or area at the outset as there was a risk of losing that money if the project did not go ahead.
- In response to a Committee query in relation to whether the payment in lieu could be made towards infill opportunities that had been put on hold due to a lack of funding, officers explained that this would not be possible. The payment in lieu could only be used to provide additional affordable housing. If a viability assessment had found that the Council could not deliver a project, then the payment in lieu could not be used to make that scheme viable. The payment in lieu was required to go towards schemes that were viable to go ahead to provide additional affordable homes within that scheme. Officers added that if a scheme had already secured 100% affordable accommodation then the payment in lieu could not be used towards that as it would not be seen as additional.
- In response to whether the commercial space could be turned into residential at any point if it was found to be hard to let, officers confirmed that planning permission would be required to do that.
- Members expressed disappointment that the payment in lieu equated to only approximately 5% of provision and requested assurances that every effort had been made to increase that, and that there would be a late-stage review mechanism in place. Officers assured the Committee that viability had been thoroughly tested and sensitivity tested, and this was the conclusion agreed on. The scheme would have a mechanism for both an early and late-stage review to further test viability. The early-stage review could be triggered if the development had not materially started within 24 months of consent, where viability could be reviewed and if it was found to have improved then the Council could secure a further payment in lieu. The late-stage review mechanism was triggered once the site had reached 75% occupation, which gave time for build costs to be known and key factors to be established so that the figures could be modelled for viability assessments. If the late-stage review

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found there had been an increase in finances and there was found to be a surplus then the Council could secure an additional payment in lieu for affordable off-site accommodation.

- Officers confirmed that the payment in lieu could be used for the provision of C3 additional low-cost rented accommodation. This would be defined in the legal agreement, which would add in the relevant definitions of dwelling houses and state that the developers were doing this payment towards additional C3 affordable homes as defined within the deed of variation. All references to affordable student accommodation would be removed as that was no longer applicable. The legal agreement would also add in the late-stage review mechanism and amend the early-stage review mechanism that was viability tested.
- The Committee asked whether the financial viability assessments had taken into consideration revenue generated from any potential short-term lets in the 14 weeks that students were not occupying the accommodation and the student let length of 38 weeks instead of a traditional 52 weeks. Officers explained that the viability consultants would be aware of the let lengths and were experts in how those models worked. The Phase 2 scheme was also robustly tested by the GLA.

As there were no further questions from members the Chair moved on to the vote. In establishing that one member had not been able to follow the entire discussion, it was agreed that they should not participate in the vote.

DECISION

Resolved to enter into a Deed of Variation under Section 106A of the Planning Act to vary the Section 106 agreement associated with planning application reference 22 / 2225 and delegate authority to the Head of Planning and Development to agree the wording of the Deed of Variation.

(Voting on the above decision was unanimous).

5. Any Other Urgent Business

None.

The meeting closed at 6:50 pm

COUNCILLOR KELCHER
Chair

APPLICATIONS FOR DECISION

Introduction

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

Material planning considerations

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

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

Provision of infrastructure

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

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

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

Further information

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

Public speaking

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

Recommendation

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

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

13 March, 2024
04
23/3365

SITE INFORMATION

| | |
|--|---|
| RECEIVED | 20 October, 2023 |
| WARD | Kingsbury |
| PLANNING AREA | Brent Connects Kingsbury & Kenton |
| LOCATION | 163-165 Edgware Road, London, NW9 |
| PROPOSAL | Redevelopment of the site for a basement (with small sub-basement for sprinkler pump and swimming pool plant room), ground plus five-storey building for an apart-hotel (152 rooms) with swimming pool and gym, a public house, co-working space and associated servicing, car parking (including accessible car parking), cycle parking and landscaping. |
| 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_166666</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 "23/3365" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab |

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to the application's referral to the Mayor of London (stage 2 referral) and the prior completion of a legal agreement to secure the following planning obligations:

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
2. Notification of material start 28 days prior to commencement.
3. Financial Contribution of £60,000 toward the provision of a Controlled Parking Zone in the local area
4. Financial Contribution of £24,500 towards off-site planting of seven street trees and their maintenance within the vicinity of the site
5. Training and employment of Brent residents - Prior to a material start:
 - to inform Brent Works in writing of the projected number of construction jobs and training opportunities and provide a copy of the Schedule of Works;
 - to prepare and submit for the Council's approval an Employment Training Plan for the provision of training, skills and employment initiatives for residents of the Borough relating to the construction phase and operational phase of the Development with a financial contribution towards any shortfalls in targets as set out within Brent's Planning Obligations SPD
 - financial contribution of £103,378 to Brent Works for job brokerage services
6. Energy assessment
 - Detailed design stage energy assessment. Initial carbon offset payment to be paid prior to material start if zero-carbon target not achieved on site (Estimated to be around £75,298.50).
 - Post-construction energy assessment. Final carbon offset payment upon completion of development if zero-carbon target not achieved on site (Estimated to be around £75,298.50).
 - 'Be seen' energy performance monitoring and reporting
7. Highway Works / Highway Related:
 - A Section 38/278 Legal Agreement to include minor amendments to the site layout to provide a 450mm kerbed margin along the western side of the car park, with 4m radius kerbs to Springfield Mount
 - Vehicular Crossover reinstated to footway
8. Indexation of contributions in line with inflation
9. Any other planning obligation(s) considered necessary by the Head of Planning.

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

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

Conditions

1. Three year rule
2. Approved drawings and documents
3. Maximum number of hotel rooms
4. Hotel use restriction
5. Public House and co-working restriction
6. Hotel occupancy restriction (90 days)
7. Provision of parking, cycle parking, bin storage etc prior to use commencing
8. Non Road Mobile Machinery

9. Obscured Glazed Windows
10. Provision of accessible hotel rooms
11. Compliance with Fire Statement report
12. Electric Vehicle Charging Points
13. Compliance with Odour Report
14. Compliance with Noise report
15. Compliance with ecological appraisal recommendations
16. Compliance with Coach Management Plan
17. Compliance with Travel Plan
18. Compliance with SuDS
19. Compliance with Delivery and Servicing Plan
20. Tree Protection Measures
21. Compliance long term parking

Pre-commencement

22. Construction Logistics Plan
23. Construction Method Statement including Dust Management Plan
24. Construction Environmental Management Plan

During Construction

25. Land Contamination Investigation, remediation and verification
26. Piling Method Statement
27. Sound insulation details
28. District heating network connection
29. Detailed sections, illustrating how specific elements of the facades to be constructed
30. External materials
31. Landscaping scheme
32. External lighting strategy

Pre-occupation

33. Plant Noise
34. Community Use Agreement
35. Wayfinding and Access
36. Accessibility Management Plan (hotel use)

Post completion

37. BREEAM certification

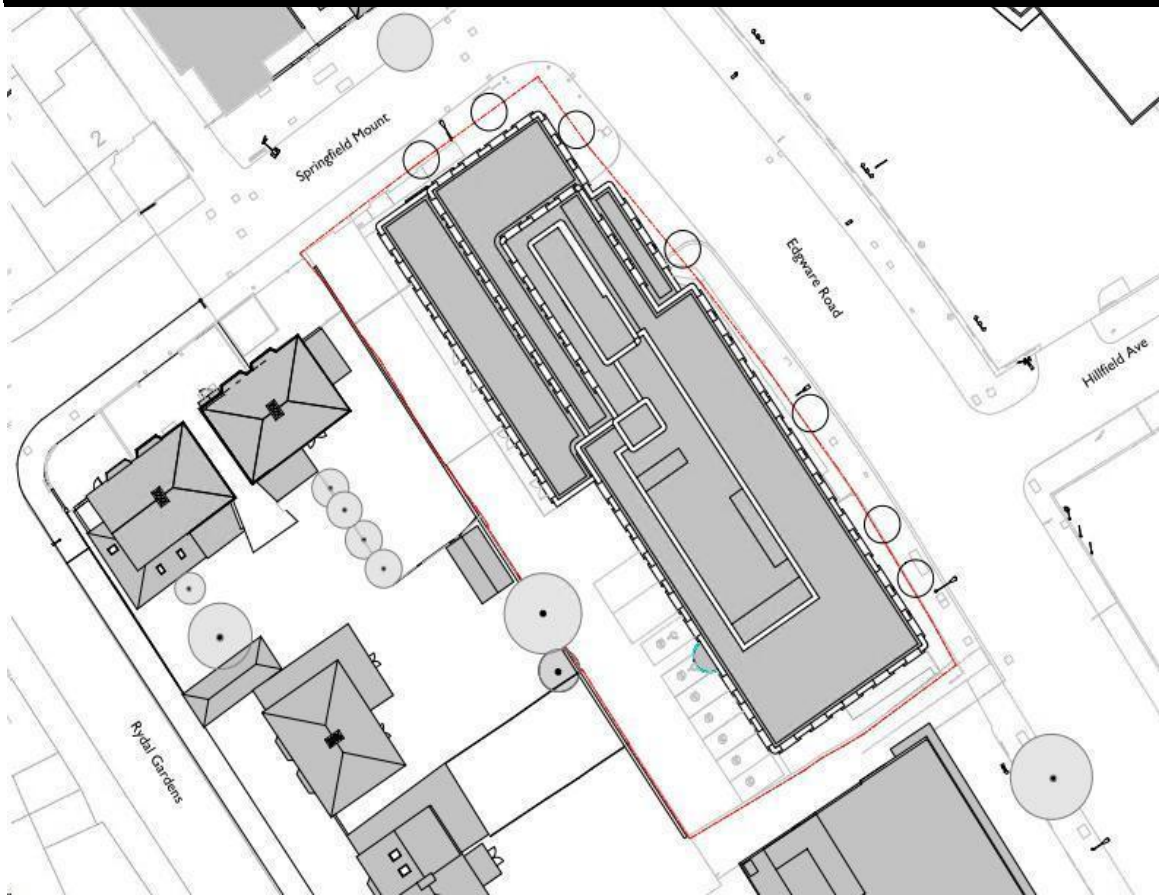
Informatives as listed in the Committee Report.

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

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

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



This map is indicative only.

PROPOSAL IN DETAIL

Demolition of all buildings on site and redevelop the site for a basement and sub-basement for a sprinkler pump and swimming pool plant, a six storey building for use as an apart-hotel comprising 152 apart-hotel rooms with associated hotel leisure facilities (a swimming pool and a gym), a public house and co-working space, associated servicing, 19 car parking spaces (with 2 accessible parking spaces), 13 long stay spaces and 22 short stay cycle parking and landscaping. A new sub-station is also proposed on site.

The proposed building will comprise the following:

Basement and Lower Basement

Swimming pool with steam room, sauna, gym and studio, changing rooms, first aid room, car parking spaces, including two car lifts, cycle parking and ancillary plant rooms

Ground Floor

Apart-hotel reception and lobby area and ancillary office space, a public house including kitchen and toilets, co-working office space including meeting rooms and cycle parking for public house and co-working uses, sub-station.

Externally car parking is proposed, including two accessible parking spaces and two car lifts with access to the basement.

First to Fifth Floors

152 Apart-hotel rooms including 16 accessible rooms with laundry rooms and a staircase on each level

Roof

A green roof is proposed across the extent of the roof and the lower roofs, along with solar panels and a screened external plant zone. This area would only be accessible for maintenance purposes.

Amendments since submission

Throughout the course of the application, one revision has been submitted which ensured that the windows to some rooms at first and second floor were secured as obscure glazed and non-opening up to 1.7m in height to ensure neighbouring properties privacy. This amendment was considered to be non-material and not warrant the need to carry out a re-consultation.

EXISTING

The application site is located on the junction of Edgware Road and Springfield Mount. It contains two buildings both of which are vacant. No. 163 Edgware Road was previously in use as a public house, operating as 'Black Leaf'. The applicant has advised that this building was last in use around 2019. No. 165 Edgware Road is a two-storey building that previously contained a ground floor florist retail unit and two first floor flats with an external access stairwell are in situ.

There is an additional building situated to the rear, which serves as a shed and is located close to the boundary edge with the gardens of Rydal Gardens.

Adjoining the site to the south is the Toyota Car Showroom (as identified within Brent's Local Plan site allocation BNSA6). Opposite the site within the London Borough of Barnet is a Lexus showroom. Both buildings are warehouses with mezzanine levels within and are predominantly glazed as they face Edgware Road.

The area is a mix of two-storey terraced blocks, with retail units located at ground floor and residential dwellings at first floor situated on Edgware Road, in addition to two-storey 1930's stock residential dwellings within the Springfield estate located to the rear and car showroom warehouses on Edgware Road.

The site is immediately adjacent to the Colindale/The Hyde Town Centre, with the boundary at No. 167

Edgware Road, on the corner with Springfield Mount.

The site does not fall within a conservation area and there are no listed buildings within the sites curtilage or within the immediate locality.

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: 36 neighbours were consulted as part of the proposal. In response 89 comments of objection were received and 7 comments supporting the proposal were received. The comments are detailed within the consultation section below.

Principle of redevelopment of the site: Proposed uses are supported in principle and considered to be in accordance with key strategic and local policies relating hotel and co-working uses, and re-provision of the public house. The regeneration of the site and the contribution that this will make in terms of the streetscene and to employment and other economic benefits associated with the hotel.

Design, layout and height: The building height proposed, is considered to be appropriate for this site between a town centre and intensification corridor. The heights and scale proposed would not appear out of context with the location. Ground floor uses and public realm enhancements will help to further activate this part of the Edgware Road. The hotel accommodation is sufficiently high quality and would meet the requirements of the future users.

Neighbouring amenity: As the report below acknowledges, there would be some impacts to neighbouring residential properties in terms of loss of light and outlook, BRE daylight and sunlight and overshadowing assessments have taken into account a number of nearby sensitive receptors. These assessments confirm these impacts would be minor in the majority of instances. The proposal would have a higher level of impact on some windows of some properties than others. However, the level of impact is not considered to be unduly detrimental given the urban nature of the site. The overall impact of the development is considered acceptable, particularly in view of the wider benefits of the scheme in terms of the Council's strategic objectives.

Highways and transportation: The scheme is to provide suitable provision of car and cycle parking and will encourage sustainable travel patterns, with a financial contribution secured towards the provision of a controlled parking zone in the locality. A number of highway works and public realm improvements would be secured as summarised within the Section 106 Heads of Terms above and detailed within the remarks section below.

Landscape, ecology, biodiversity and flooding/drainage: Seven new street trees are proposed part of the development and the UGF score is 0.31. While there is a net loss in the bio-diversity score within the application site, this impact would be mitigated by the provision of seven off site street trees to achieve an overall net gain in biodiversity. As these are located outside the application, an off site contribution has been secured for the provision of seven off site street trees within the vicinity of the site. Additionally, while flood risk is low, mitigation measures are proposed to ensure surface water run-off has been reduced.

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

Site Designations

| |
|--|
| Relevant site designations: |
| Adjacent to Colindale/The Hyde Town Centre boundary |
| Adjoining the site to the south is the Toyota Car Showroom (as identified within Brent’s Local Plan site allocation BNSA6) |
| Air Quality Management Area |

Land Use Details

| | |
|------------------------|-------|
| Site area (ha): | 0.2ha |
|------------------------|-------|

| Non-residential details: | | | |
|---------------------------------|------------------------|------------------|---|
| | Use Description | Use Class | Floorspace (m²) (Gross Internal Area) |
| Existing | Public House (163) | Sui-generis | 503m ² |
| | Retail (165) | E(a) | 137 m ² |
| | Dwellinghouse (165) | C3 | 97 m ² |
| Proposed | Hotel | C1 | 7,322m ² |
| | Co-working space | E | 332m ² |
| | Public House | Sui-generis | 492m ² |
| Total Proposed | | | 8,146m ² |

Parking

| | Car Parking Spaces (General) | Car Parking Spaces (Disabled) | % EVCP | Bicycle Spaces | |
|-----------------|------------------------------|-------------------------------|--------|----------------|-----------|
| | | | | Short stay | Long stay |
| Existing | 14 | N/A | N/A | N/A | N/A |
| Proposed | 19 | 2 | 20 | 22 | 13 |

Environmental performance

| | Policy target | Proposed |
|---|---|-----------------------|
| Energy | | |
| Percentage of on-site carbon savings beyond Part L of Building Regulations (2021) | 35% | 41% |
| Percentage of on-site carbon savings achieved through energy efficiency measures | Non-residential - 15% | 14% |
| Off-site reduction (%) and/or carbon offset contribution | Shortfall to net-zero | £150,597 |
| Unregulated carbon emissions | Major developments should calculate and minimise unregulated carbon emissions | Information submitted |
| Sustainability | | |
| BREEAM score | Excellent | Excellent |
| Urban Greening Factor (UGF) | 0.3 | 0.31 |

| | | |
|-----------------------------|----------|--|
| Biodiversity Net Gain (BNG) | Positive | Net loss in biodiversity on site but off-site contribution would be secured to mitigate an overall net gain in habitat units from 1.39 to 1.53 (0.14 increase) |
|-----------------------------|----------|--|

RELEVANT SITE HISTORY

No recent relevant planning history

CONSULTATIONS

Public Consultation

A total of 41 neighbouring properties within both London Boroughs of Brent and Barnet were consulted on the proposal on 10 and 11 November 2023 together with the Friends of Eton Grove Park for a 21 day period.

The application was also advertised by a site notice displayed on 16/11/2023 and in the local press on 16/11/2023.

In response to the consultation, 89 comments of objection were received and 7 comments of support.

| Objection | Officer Response |
|--|--|
| Design | |
| Proposal would represent an over development of the site due to its excessive heights, layout, siting and massing | This issue is discussed under 'Scale, height, massing and design of the development within its local context'. See Paragraph 30 to 57 below. |
| Proposal fails to represent an appropriate transition to nearby lower rise housing of Springfield Estate | This issue is discussed under 'Scale, height, massing and design of the development within its local context'. See Paragraph 30 to 57 below. |
| Land Use | |
| Proposal could be used for 'Temporary Accommodation' | The proposed use is as an apart-hotel (Use Class C1), and not as 'Temporary Accommodation' and the permission (if granted) would be subject to a condition limiting stays to a maximum of 90 days. A consent for a hotel use would not prevent occupation by someone who does not have a home. However, this is the same for any hotel or apart-hotel and the 90-day occupation limit is considered to be an appropriate measure in this instance. |
| There is an over-intensification of hotel uses within the locality | This issue is discussed within 'Principle of apart-hotel use'. See Paragraph 15 to 21. |
| There is no public benefits to the proposal | There are a number of benefits including the redevelopment of an under used site, improvements to the street scene, economic benefits (including construction and operational jobs) and the re-provision of the Public House. |
| Highway Impact | |
| Increased traffic congestion | This issue is discussed under 'Transportation Considerations'. See Paragraph 138 to 143. |
| Insufficient parking for the proposed hotel resulting in detrimental levels of overspill parking onto the surrounding road network | The number of car parking spaces are within the maximum parking standards set out within policy. In addition a contribution has been secured towards Controlled Parking Zone (CPZ) within the vicinity of the site. A Travel Plan has also been conditioned. Please see Paragraph 120 to 125 and 144 to 146. |
| Construction works will impact on neighbouring | Whilst there would be some disruption to local |

| | |
|--|--|
| residents/businesses due to construction traffic routes and noise pollution | residents during the construction period, a construction management plan and construction logistics plans are recommended to be conditioned to any grant of planning permission to minimise the impact of the construction works on local residents. |
| Impact on neighbouring properties | |
| Adversely impact on neighbouring residential properties through loss of light and sunlight, loss of outlook and increased overlooking/loss of privacy | This issue is discussed under 'Impact of amenities on neighbouring properties'. Please see Paragraph 70 to 118. |
| Other Matters | |
| Increased anti-social behaviour and fly-tipping | This issue is discussed under 'Layout and Quality of Accommodation '. Please see Paragraph 56. |
| Loss of property value | This is not a material planning consideration. |
| Concerns over poor air pollution | The application has been accompanied by an air quality impact assessment that concluded that the occupiers of the development would not be exposed to harmful levels of pollutants. Furthermore, the scheme has been designed to be air quality neutral in terms of building and transport emissions. Conditions are also recommended in relation to a construction management plan to cover matters such as dust from the construction works and for a condition to be secured on non-mobile construction machinery. |
| Increased noise pollution | This issue is discussed under 'Environmental Health Considerations'. Please see paragraph 158 and 159. |
| Loss of greenspace | The proposal would not result in the loss of designated open space. However, it would result in a net loss in biodiversity habitat units within the site, but this would be mitigated through off site tree planting to achieve an overall net gain in biodiversity. Ecological enhancement measures are also recommended within the landscape condition. Please see paragraphs 176 to 181. |
| Proposal would impact on local infrastructure such as public transport services that are already stretched due to development taking place in the local area | The potential need for infrastructure is identified by the Council within the Infrastructure Delivery Plan (IDP), 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. The scheme would be liable to pay Community Infrastructure Levy (CIL) that would be used to fund, in part or full, some of the infrastructure linked to the IDP. In terms of trip generation in relation to public transport, the scheme would result in less than one additional passenger per bus passing close to the site in each peak hour, so is not considered significant enough to cause any concerns with regard to public transport capacity |
| Increased pollution from the building emissions | The proposal has been accompanied by an air quality neutral assessment that has confirmed that the building emissions would be air quality neutral. This is discussed within paragraph 152 below. |
| Proposal would impact on utilities | Thames Water have commented on the proposal and have not raised objections subject to a piling method statement being secured. Impact on other utilities such as electrical cables would not be considered under the remit of the planning system. |

| | |
|--|--|
| Increased litter | This issue is discussed under 'Servicing and Access'. Please see paragraph 128. |
| Insufficient consultation undertaken for application | The consultation that was undertaken met both statutory and local requirements. Please see consultation section of report. |

The comments supporting the scheme cited the public benefit as a result of the gym/pool facilities and their community access use, co-working space, good design and bringing an underused site back into use as the reasons for support.

Statutory/ External Consultees

Thames Water – no objections raised in relation to either the surface water or foul water sewerage network infrastructure capacity or waste water network and sewage treatment works infrastructure capacity. They have however requested a condition be secured in relation to a Piling Method Statement.

Barnet Council - Objection: The proposed development would displace parking and increase pedestrian movements to and from the site due to no parking controls within LB Barnet. Concerns were also raised with pedestrian safety due to the absence of pedestrian safety improvements at key road junctions in the vicinity of the site.

In response to the above concern the impact of parking has been considered within paragraphs 120 to 125 below. Pedestrian safety has been considered within paragraphs 135 to 137, together with the highway works as set out within the heads of terms.

Internal Consultation

Environmental Health – no objections subject to conditions being secured in relation to a construction method statement, non-road mobile machinery, and land contamination conditions.

Environmental Health Noise Team: No objections subject to conditions being secured in relation to plant noise and the mitigation measures being secured in relation to internal noise levels.

Local Lead Flood Authority - No objections raised.

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

GG2: Making the best use of land
GG5: Growing a good economy
D3: Optimising site capacity through the design-led approach
D4: Delivering good design
D5: Inclusive design
D12b: Fire Safety
D13: Agent of Change
D14: Noise
S5: Sports and recreation facilities
E1: Offices
E2: Providing suitable business space
E3: Affordable workspace

E8: Sector growth opportunities and clusters
E10: Visitor Infrastructure
E11: Skills and opportunities for all
HC7: Protecting Public Houses
G5: Urban Greening
G6: Biodiversity and access to nature
SI1: Improving Air Quality
SI2: Minimising greenhouse gas emissions
SI3: Energy Infrastructure
SI4: Managing heat risk
SI5: Water Infrastructure
SI6: Digital connectivity infrastructure
SI13: Sustainable Drainage
T1: Strategic approach to transport
T2: Healthy Streets
T4: Assessing and mitigating transport impacts
T5: Cycling
T6: Car Parking
T6.4: Hotel and leisure use parking

Brent Local Plan 2019-2041

DMP1: Development Management General Policy
BP3: North
BD1: Leading the Way in Good Urban Design
BD3: Basement Development
BSI1: Social Infrastructure and community facilities
BE1: Economic Growth and Employment Opportunities for All
BE9: Visitor Accommodation and attractions
BHC5: Public Houses
BGI1: Green and Blue Infrastructure
BGI2: 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

Other material considerations

The following are also relevant material considerations:

National Planning Policy Framework
National Planning Practice Guidance

Council's Supplementary Planning Document 1 "Brent's Design Guide" 2018
Council's S106: Supplementary Planning Document 2022
Sustainable Environment & Development – SPD – 2023

DETAILED CONSIDERATIONS

Proposal and site context

1. The application seeks the proposed demolition of the existing buildings, including a public house, a ground floor retail unit and two residential flats at 163-165 Edgware Road, and their replacement with a 6 storey (plus basement and sub-basement) building including a gym with pool on within the basement, co-working space and a restaurant/bar area on the ground floor, and 152 apart-hotel rooms above.
2. The application site is not situated within a Growth Area or a site allocation as designated within Brent's Local Plan but is just adjacent to the Colindale/The Hyde Town Centre boundary.

Reprovision of the Public House

3. Policy BHC5 of Brent's Local Plan seeks to resist the loss of public houses unless it can be adequately demonstrated that the continued use as a pub or an alternative community facility is not economically viable. This protection is also supported by Policy HC7 of The London Plan which states that *'applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future'*.
4. The Council recognises the important role that pubs can have in contributing to the Borough's character and their role as community assets. While the existing Black Leaf public house/restaurant (use class Sui Generis) is not listed as an Asset of Community Value, Policy BHC5 sets out that marketing information would be required to justify its loss. The submission does not include marketing information to justify its loss and therefore the requirement to re-provide a replacement pub or an alternative social infrastructure use is necessary for the proposal to be considered acceptable.
5. The development includes the reprovision of a public house of a comparable size to the existing at ground floor level. The reprovision of a public house is welcomed, however, supporting paragraph 7.7.6 of London Plan policy HC7 identifies what makes a public house valuable in order to ensure the provision is acceptable.
6. The relevant criteria are set out below:
 - a) *The site does not fall within a Conservation Area.*
 - b) *The existing buildings on site are not locally or statutorily listed buildings.*
 - c) *The proposed public house use will obtain a licence for 'entertainment, events, film, performances, music or sport.'*
 - e) *The proposed public house includes a room which can be hired out by members of the local community.*
 - f & g) *The proposed public house will make a positive contribution to the night-time economy for both users of the building and by the local community.*
7. The Townscape and Visual Impact Assessment submitted with this application sets out that the existing Black Leaf building:

"is not of great architecture merit and does not have an active engagement with the street... The archaeological interest is low"
8. Given the public house is not within a conservation area and there are no listed buildings within the sites curtilage, criteria a and b of this supporting text are not relevant.
9. In terms of criteria's f and g, it is considered that the proposed public house would contribute towards the night-time economy and make a positive contribution toward the local community by virtue of providing activity in what is a currently an underutilised and vacant space.
10. Paragraphs c, d and e however explore what makes public houses represent social infrastructure and communities. In order for the proposed public house use to be considered acceptable, represent social infrastructure and not just a create a 'drinking establishment', the planning statement sets out that the public house would obtain a licence for 'entertainment, events, film, performances, music or sport' and ensure the inclusion of a room which could be hired by members of the community, this would be in addition to access to the use of the swimming pool and gym.
11. The protection of the existing social infrastructure and community facilities is supported through Policy BSI1 and given that the proposals would offer the provision of a community use area which would be secured through a condition subject of any grant of consent, the proposal to re-provide the public house is considered to accord with Policies HC7 of the London Plan and policies BHC5 and BSI1 of Brent's Local Plan.

Loss of the Residential Dwellings

12. The proposal seeks the demolition of the existing buildings on site, which include two residential units above the existing retail unit at No. 165 Edgware Road. The London Plan Policy H8 sets out that the *'loss of existing housing should be replaced by new housing at existing higher densities with at the least the equivalent level of overall floorspace'*. While the proposal would result in a net loss of residential

dwellinghouses, Brent's Policy BH10 sets out that the loss could be supported in exceptional circumstances where the proposals sought to provide social or physical infrastructure, which met an identified local need. While the proposal is not for the referred physical infrastructure, The London Plan had identified a need for Brent to deliver a minimum of 2,622 visitor accommodation bedrooms by 2040. It would therefore be considered that the provision of the 152 room apart-hotel would assist in the delivery of this target, of which site allocations on their own are considered unlikely to achieve.

Principle of apart-hotel use

13. Policy E10 (Visitor Infrastructure) sets out that 'London's visitor economy and associated employment should be strengthened by enhancing and extending its attractions, inclusive access, legibility, visitor experience and management and supporting infrastructure, particularly to parts of outer-London well connected by public transport'.
14. The proposal seeks to bring the site back into use through the development of a 152 room apart-hotel. Apart-hotels are defined within the London plan as self-contained accommodation (within Use Class C1), providing for short-term occupancy, with a concierge and room service. The London Plan supports hotels, particularly in outer London. In support of this policy, Brent's Local Plan at p. 6.4 identifies that 'The GLA has forecast future demand for serviced accommodation by borough, identifying a requirement for 2,622 net additional serviced accommodation rooms in Brent over the period 2015-40. Policy BE9 (Visitor Accommodation and attractions) of Brent Local Plan highlights that future hotel provisions would be encouraged in the two major town centre sites (Wembley and Kilburn). It is then specified that in addition to site allocations, hotels and other visitor accommodation will be appropriate in town centres in accordance with the sequential approach. The application site is not within a major town centre nor is the site allocated for hotel use. It is not within a designated town centre, but is adjacent to the Colindale Town Centre. A Hotel Needs Assessment (HNA) and Sequential Test has been submitted with this application which concludes that there is a need for this type of accommodation at this location and that there are no sites available.
15. The Hotel Needs Assessment with accompanying Sequential Test concludes the following:

'The project site will benefit from a prominent location with The Hyde area which offers a range of amenities (such as bars, restaurants and local services) which will enhance its appeal to visitors. In turn, the facilities proposed within the apart-hotel (public house, leisure club as well as adjoining co-working space) will create an active frontage onto Edgware Road and will be open to the local community...

There is a very limited supply of apart-hotels in the market area and the proposed apart-hotel will fill a market gap, fulfilling a need for longer stay accommodation which is a growth segment in the hotel sector...

Within Brent and Barnet there are a significant number of on-going proposed mixed-use regeneration projects which will support local accommodation growth in The Hyde, where there are relatively few hotels, and will help drive visitor demand to the area...

In addition, the proposed development will have a positive impact on the local economy with the creation of an estimated 39.1 FTEs and generating about £6.24m additional visitor expenditure in the local economy...'
16. The sequential test has been conducted on the basis that sites under 0.5 acres (approx. 2,000 sqm) in size would not be suitable to develop a similarly sized hotel, and they note that there are no available allocated sites identified within the Brent Local Plan which could be suitable for the proposed development. However, this may not take into account the height of schemes, and in tall building zones, it may be possible to provide a hotel/apart hotel on a site smaller than this. Nevertheless, the applicant has evaluated a number of smaller sites and officers have also evaluated other potential sites.
17. It is reported within the submitted hotel assessment that there are no sites allocated for hotel use. However, the Former Malcolm House site in Wembley is allocated for the following "Mixed Use with maximum viable light industrial / research & development floorspace with the remainder being of main town centre uses or residential". Town centre uses could include hotel use and the site is within the Wembley Major Town Centre. Permission was previously granted for the redevelopment of this site in 2008 to provide a 262 room hotel.
18. The Premier Inn site (opposite Wembley Park Station) is also identified within a site allocation for redevelopment for hotel or residential use. However, the hotel continues to operate on this site and it is therefore not available for development.
19. The submitted hotel assessment includes an assessment of other sites within the Wembley and Kilburn town centres as well as those within the nearby local centres (Colindale and Burnt Oak) and concludes

that there is no sequentially preferable sites that are suitable or viable for the proposal.

20. While it is considered that the former Malcolm House site is within a Major Town centre, likely to be suitable for a hotel / apart-hotel of this size and available for development (with the previous buildings demolished and the site cleared), the site allocation also identifies this site as suitable for residential use with an indicative capacity of 100 homes. It is also noted that there is a very significant need for visitor accommodation and a very limited number of sites are allocated or available for hotel use. On balance, the provision of a hotel in the location that is proposed is considered to be acceptable.
21. In conclusion, the Hotel Needs Assessment confirms that there is an identified need within this location for visitor accommodation, and while there is a sequentially preferable site in Wembley, this is considered to be acceptable on due to the need for additional visitor accommodation. It is also noted that the Wembley site is also allocated for residential use which could help to meet housing need, with an indicative capacity of 100 homes. Additionally, the loss of two dwellings is considered to be acceptable on balance, given the contribution towards the delivery of strategic visitor accommodation as set out within the London Plan and Brent's Local Plan.
22. The provision of a hotel use in this location is considered to strengthen London's visitor economy in line with Policy E10 and it would generate an increase of employment on this site, providing an offer of alternative accommodation. The HNA submitted with application identifies that 'the proposed development will have a positive impact on the local economy with the creation of an estimated 39.1 FTEs and generating about £6.24m additional visitor expenditure in the local economy' which would be welcomed.
23. The length of stay would be limited to a maximum of 90 days per occupant, which has been confirmed within the Planning Statement as the maximum time period sought. A planning condition would secure that residencies at the hotel accommodation of 90 days or more are to be prevented, to ensure that the use of the hotel accommodation would be fit for purpose.
24. The rooms are proposed with average bedroom sizes of 20sqm. The rooms proposed comprise of suite, studio and accessible rooms. The London plan requires that 10% of the new bedrooms should be wheelchair-accessible and the proposal is confirmed to include 16 new rooms which would accord with this part of the policy.
25. The proposal would create a redevelopment opportunity an area of land which is currently vacant. The accommodation is considered to offer a range of quality and accessible accommodation for visitors in an acceptable location. The proposal is considered to be acceptable subject to further design consideration set out below.

Principle of Co-worker/office space

26. Policy E2 of the London Plan seeks the provision of suitable business spaces, highlighting that development of Use Class B business uses should ensure that space are 'fit for purpose having regard to the type and use of the space'. The proposal includes an allocated area of co-working office space at ground floor level. The space is confirmed to be usable by anyone for work purposes, including members of the community or those occupying the apart-hotel rooms. The allocated area also includes meeting rooms which could be hired out by the community for meetings.
27. The provision of the co-working space at ground floor allows for façade activation through the glazed frontage along the Edgware Road and the corner of the building fronting Springfield Mount.
28. The inclusion of the office use which includes private meeting rooms, as well as individual working desks and lounge facilities, with toilets and stores would serve as a usable space for SME type uses, while also providing a level of articulation and passive surveillance to Springfield Mount. The proposed inclusion of co-working/office space is welcomed within the proposal and would work well with the apart-hotel use.

Relationship to its Neighbouring Site Allocation

29. The site is located adjacent to the Jemca Toyota car showroom (previously Volkswagen car showroom), 131-159 Edgware Road. This site has been designated within Brent's Local Plan as site BNSA6, which is allocated as having potential development potential for the provision of 28 residential homes. The development proposal has been designed to ensure that the redevelopment of this adjoining site would not compromise any further development at the site allocation, should consent be approved subject of this proposal. The proposal does not include any windows on the south elevation of the proposed building fronting the neighbouring site. While there are no windows present, the facades are appropriately articulated and would be visually enhanced when viewed from the site allocation both now and subject of

any future redevelopment of the site.

Scale, height, massing and design of the development within its local context

30. 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.
31. 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.
32. DMP1 states that development will be acceptable provided it is of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality. SPD1 states that development should respond to the local context and respect the existing character of the landscape, streetscape, and architectural environment. Policy BD1 of the Local Plan requires that all new development must be of the highest architectural and urban design quality. Policy BD2 states that a tall building is one that is more than 30m in height. Tall buildings are directed to locations shown on the policies map in Tall Buildings Zones. In intensification corridors and town centres outside conservation areas and areas of distinctive residential character developments of a general building height of 15 metres above ground level could be acceptable with opportunities to go higher at strategic points in town centres.
33. In all cases the tall buildings must be shown to be positive additions to the skyline that would enhance the overall character of the area. They should be of exceptional design quality, consistent with London Plan Policy requirements in showing how they positively address their visual, functional, environmental and cumulative impacts.
34. The site is not within or close to a conservation area and does not contain listed buildings. The proposal would result in the loss of the existing public house building for which there is no notable architectural merit for its retention, it is therefore not considered to be contrary to planning policy, providing a high-quality design solution is being provided in its place.
35. Whilst the building would not be defined as a tall building (as it is under 30m high) it is taller than the surrounding buildings which include low rise suburban housing and car show rooms. It is proposed at a height of 6 storeys above ground floor level (including the lift overrun proposes a height of approx.. 22.67m above ground level).
36. Whilst the site is not located within a Tall Building Zone, or within a within a town centre or along an intensification corridor, the site is however, sandwiched between a town centre, immediately to the north and an intensification corridor immediately to the south and therefore it is considered that there are other mitigating merits which may allow for support for a taller building along this façade.
37. The design of the proposal should represent a positive addition to both the streetscape and skyline that would enhance the character of the area. It is noted that there are numerous precedented developments along Colindale/The Hyde, which are also within the town centre, and while the height generally regarded as being acceptable in this area is limited to 15m, it is considered that greater height towards the levels proposed would require further justification, as set out below. The proposal and the accompanying submission drawings have demonstrated careful consideration of the impacts on dwellings to the rear, which have short gardens and minimal separation space with the development as proposed.
38. A Townscape and Visual Impact Assessment was submitted and considers the visual impact of the completed development on townscape character areas within a 1km radius of the site, existing and potential views within a 2km radius, and some longer distance views from points where the development was likely to be visible.
39. V1: Edgware Road, looking east towards the site. This view would be of medium value, experienced by road users and pedestrians in the area, and shows the relationship between the proposed development and the remainder of Edgware Road. The building would be visible in the middle ground, replacing the existing two storey building and two-storey public house. The increased scale of the built form would be a noticeable change in the view. However, the stepped heights of the building would mitigate the transitions from the smaller scale dwellings on Springfield Mount, the Edgware Road town centre parade and the Premier Inn hotel in the distance.
40. V2: Woodfield Avenue/Edgware Road, looking south towards the site. This townscape view if framed by the car yard across the road from the site and the commercial units to the west. The site is currently at a planning stage with London Borough of Barnet's Planning Department for the redevelopment of the site.

This view is of medium value and shows views in close proximity to the site and the relationship with the local streetscene. The building would form a prominent new feature in the centre of the view and demonstrates a stepped nature that falls towards the Springfield Mount Road which has a gradual height increase shown in the built form.

41. V3: Woodfield Ave, looking south towards the site. This townscape view offers an array of different building uses and spatial conditions that lack clarity in the urban form. The view is also dominated by the existing open car yard and lack of trees or landscaping in the area. This view would be of medium value, however, does not appear out of scale with the surrounding built form which includes the car yard and terraced town centre.
42. V4: Hillfield Avenue, looking south towards the site. This view is framed by existing development of the car dealerships present on both sides of the junction with Hillfield Avenue, fronting Edgware Road. This view is of medium value and shows the stepping up in scale from the car dealerships, there would be a noticeable uplift in the built form, however, the gradual stepping down towards the shopping frontage is observed. While it would be the tallest building in the skyline, the gentle rhythm is acceptable and the building does not appear overly dominating or overbearing.
43. V5: Edgware Road/Silkfield Road, looking north towards the site. The view is framed by large and prominent car dealerships in industrial type buildings on either side of the Edgware Road, offering little clarity to the established street pattern. The development is visible in the central point, and would not appear out of scale from this view as it would involve a gentle stepping up. The design of the building would add visual interest to an area of the Edgware Road dominated by lightweight industrial, steel type buildings with cars built up on the forecourts.
44. V6: Rushgrove Avenue/Crossway (near Rushgrove Park), looking north-east towards the site. This view is framed by existing housing either side, with the existing buildings not visible from this view. The ground level here is significantly lower than the application site and the proposed development is not visible from this view and as such there is no expected visibility of the site expected.
45. V7: Edgware Road, looking north towards the site. The view is framed by newer development on either side, with the existing building offering little clarity to the established street pattern. This medium view would appear in the background of the skyline and allows for a gradual stepping up in scale along the Edgware Road. It provides a clear linear route and the row of residential dwellings backing onto the site from Rydal Gardens is visible. The building is only noticeably larger in scale than the existing buildings and as such it is not considered to be overbearing and highlights the clear, linear nature of the road of which the developments building line follows.
46. V8: Edgware Road, looking south towards the site. This view is of medium value and is framed by existing commercial developments with residential flats above, offering visual connection and clarity to the established street pattern and to the proposed. The development is visible in the distance, at the end of an undulating three storey terrace of retail/residential, the proposed development allows for a gradual step up in scale and a visual break from the terrace, the windows proposed on this elevation assist in creating an area of interest with the windows following the fenestration broadly of the remaining streetscene. The Premier Inn hotel featured in the distance is presented in a similar scale as the height of the building as proposed and while it's a further distance away it assists in the building appearing appropriate in scale and massing.
47. V9: Springfield Mount, looking west towards the site. This view is of low value and is framed by existing two-storey, semi-detached housing stock on either side, with the existing building being very faintly visible.
48. The proposal is visible, however, given the distance, street trees and roofs of the existing dwellings it is not that visually prominent and it does not exceed the height of the rooftops from this higher ground level area and as such it is not considered to detract from the locality.
49. V10: Lodore Gardens, looking west towards the site. This view is of medium value and is framed by the existing two-storey semi-detached housing stock. The building is more prominent on the streetscene than V9, however, there are some street trees which have recently been trimmed and therefore do not have the same coverage as the trees situated on Springfield Mount. During the spring/summer months the development will have more coverage than the winter months. Overall, while the development is visible and does exceed the height of the rooftops of the dwellings on Rydal Gardens, it is considered that the

open space which backs onto Rydal Gardens does not aid in providing much additional buffer in the same way that the existing housing stock does.

50. V11: Goldsmith Avenue, looking north. This view is of low value and is framed by the existing residential buildings on Kingsbury Road. The development would not be visible from this view which is welcomed, however, it is acknowledged that the existing care home facility on the Edgware Road junction and Premier Inn are visible off centre of the view and these do not appear to be visually overbearing even at the heights significantly taller than the development from this viewpoint.
51. The assessment has demonstrated that there would be only minimal impacts on views of medium value within the surrounding area. While the building would be more noticeable in some views and would be a prominent feature in short-distance views, it would be seen within the context of other existing and emerging buildings within the closely located town centre and intensification corridor.
52. The submitted TVIA is considered to be robust and demonstrates that the proposal would be seen in the context of other tall buildings along Edgware Road, and it is therefore considered there would be no significant harm to the locality.
53. The proposed building is arranged in a mostly rectilinear form, with a clearly defined curved edge on the junction with Springfield Mount and Edgware Road. The edging to the building is replicated at every corner as it fronts this junction creating visual interest on this prominent corner. A service yard accessed from Springfield Mount is situated at the rear. The proposal is a 6-storey building (22.7AOD), with the majority of its massing directed towards the frontage of Edgware Road, with a reduced height to 4 storeys situated closer to the adjoining residential boundaries of Springfield Mount and Rydal Gardens.
54. Brent's SPD1 document advises that developments should have a clear base, middle and top. These elements are considered to have been defined well within the proposal. At the base, the Edgware Road frontage is defined by large brick arches that form entrances to the building. It is considered that these entrances are clearly defined and legible within the wider streetscape, responding to the human scale and creating a strong sense of arrival. The language of vertical brick piers that punctuate these arches is continued from the base to the middle forming a series of smaller brick arches surrounding vertically paired windows. At the top, this language repeats with the same scale of smaller brick arches surrounding vertically paired windows in groupings of two or three. Here, the arches rise above the parapet level to create a well-articulated crown to the building that provides subtle visual interest and helps animate the skyline.
55. The materiality submitted and set out within the Design and Access statement is considered to be high quality and principally features a linear layered mixed colour brick in Flemish bond. This is felt to harmonise the range of material characters across the surrounding area, and draws influence from the palette of warm, red tones found within the residential streets adjacent. The arches have been brought into the design replicating a number of the original entrance points to the dwellinghouses within the Springfield Mount estate. The delicate and curving brick surfaces sit seamlessly within the street scape, while the projecting horizontals and brick planters create a layered surface treatment to this development proposal.
56. The use of brickwork in the proposal is considered to be an effective approach when achieving a high-quality building. Further details on brick and any texture or detailing, particularly with the arches would be secured through a planning condition.
57. The height and massing within this area are broadly supported, however, the townscape-related analysis and daylight and sunlight assessments are discussed in more detail below, particularly in relation to the varying topography of the surrounding area and how this would integrate with the two-storey dwellings to the immediate rear.

Layout and Quality of Accommodation

58. The building façade is comprised of street level access points within the 'public house' through double doors in the centrally located hotel lobby. A secondary entrance providing access to the co-working space is situated on the corner with double doors from the Edgware Road façade. The co-working and hotel lobby back of house share a corridor which provides access to the rear service yard. The public house has its own private access points, however, can link internally within the building to the hotel lobby. To the rear of the building there are externally accessible switch rooms, substations, and cycle stores proposed. The internal floorplate of the connecting co-working and hotel usage incorporates the passenger, goods

and evacuation lifts, along with other ancillary toilets and storage units. The Public House has a kitchen and storage area, as well as an access to the external rear service yard. The corridor also allows for 'key-fobbed' stairwell access serving the apart-hotel use.

59. The proposed development includes an active frontage with glazing occupying the majority of the ground floor frontage, on the corner with Springfield Mount. As existing, large parts of the two-storey building and the public house are considered to have frontages that have recessing from the public highway which are considered to encourage and present opportunities for anti-social behaviour. As the set in's from the road are then sheltered by brick walls and gates, a harsh environment is created. As the sites have also been vacant for large periods of time at differing periods, the lack of activation in this location is exacerbated. There is a lack of windows to the buildings and the windows within the ground floor retail unit have roller shutters, which further restrict any activation on this boundary.
60. The existing public house also had windows, prior to the site hoarding being erected which had vinyl on them to limit viewlines in and out of the building. The proposal seeks to remedy all these poor practices for developments by including the maximum amount of active and glazed frontages for the public house, hotel lobby and co-working uses, which is welcomed. While there is a service yard and gate proposed to the rear, accessed from Springfield Mount, the mix of uses at the development and servicing required will see that this area does not fall redundant or out of use for long periods to allow for any loitering or anti-social behaviour to occur.
61. The apart-hotel use occupies the upper levels of the building, on the first floor 35 hotel rooms are proposed, these are accessed by lift core situated in the western end of the building. The rooms surround the lift core and are accessed via a hallway which stretches the length of the building. A secondary stairwell access to the east is included within the floorplate, this would reduce the distance travelled for some users should they wish to use the stairs.
62. On the second floor, there are 36 apart-hotel rooms, which have been laid out in a similar way to the first floor. On the third floor, there are 30 apart-hotel rooms and a green roof which is accessible from the main corridor for maintenance purposes. On the fourth floor, there are 30 apart-hotel rooms. On the fifth storey, there are 21 apart-hotel rooms, with two further green roofs to both the northeast elevation and the southwest elevation.
63. Each room is double occupancy and every floor has access to the 'goods lift', 'passenger lift' and 'evacuation lift', with two stairwells and risers. The largest of the rooms are the accessible studios which are shown to accommodate for disabled users through the provision of turning circles present in both the room and the accessible en-suite facility. The smaller more generic sized identified as studios/suite rooms are 20/21sqm and have a small kitchenette and en-suite toilet and shower.
64. Most rooms have windows to allow for daylight, natural ventilation, and outlook from the front or rear, however, there are thirteen rooms which have been included on the drawings as obscure glazed, given the potential concerns regarding outlook onto the residential neighbours gardens. Of these, at first floor level there are 6 rooms, however, all but one of these rooms have 2/3 windows allowing for a suitable level of light ensuring the room would not be dark and appear cramped. At second floor, there are 7 rooms and of these 4 are shown as connecting rooms and 2 have 2/3 windows per unit. As such, while outlook is not a requirement for apart-hotel rooms, it is considered that the rooms would not present a poor environment given the lack of outlook owing to the light provision. It should be noted that there windows are not proposed to the northwest elevations which would rely on outlook over the site allocation (BNSA6) which is welcomed.
65. Each room has a double bed, with storage, a shower and toilet en-suite and a kitchenette facility.
66. Inclusive access has been confirmed as integral to the design of the hotel. It has been confirmed that 10% (16) of the hotel rooms would be accessible in accordance with London Plan policy E10.
67. Within the basement and accessible through the hotel and co-working facility lift cores the swimming pool and gym facility is proposed, ancillary to the hotel use, however, with an option for community access. There are adequate changing facilities and showers included, along with a steam room, sauna and first aid and staff areas.
68. The basement also has provision of plant rooms for the hotel use, as well as additional plant room situated within the lower basement serving the gym and swimming pool facility.
69. The car park includes 12 parking spaces and is accessible through the car lift serving the ground floor and accessible from the rear of the service yard, accessed from Springfield Mount. 12 car parking spaces are proposed, in addition to cycle stores for the gym/pool use and refuse for the hotel, accessible from

the main stair core.

Impact on amenities of neighbouring properties

70. Local Plan Policy DMP1 seeks to ensure new development does not unacceptably increase exposure to noise, light and general disturbance. This is supported by SPD1. It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment.
71. Brent's Design Guide seeks to ensure neighbouring residential properties are not adversely affected by development through the application of the 30 and 45 degree rule. The building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of the adjoining existing property, measured from height of two metres above floor level. Where the 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. Development should ensure a good level of privacy inside buildings and within private outdoor space.
72. SPD1 recommends a minimum separation distance of 18m between directly facing habitable windows and 9m from habitable room windows to the boundary with private rear gardens.
73. At its nearest most point the southwest of the development at ground, first and second floors projects closer towards the shared curtilage boundary with a separation distance of 6.9m adjoining No. 1 Springfield Mount and Nos. 1, 3, 5, 7 Rydal Gardens properties gardens. The windows to these seven rooms which project closer to the boundary than the remainder of the rooms within the development at both first and second floor level, located on the western wing would be secured as obscure glazed and high opening only through condition. The drawings submitted indicate that the rooms will have obscure glazing through annotations. For the remainder of the windows serving the rooms, the building is sited an additional distance from the curtilage boundary allowing a distance in excess of 10.7m-11.1m, and as such meeting the SPD1 guidance. As the distance for guidance has been met for the remainder of the windows, there is no obscure glazing required for these rooms. At the third floor level there is a green roof which is accessible via maintenance only and as such, there would be no rise to overlooking, given the infrequent access to this green roof.
74. On the eastern wing of the building, the curtilage boundary which adjoins the residential gardens of properties along Rydal Gardens are a 10.7m - 11.1m distance from the windows serving hotel rooms which is acceptable and as above there is no requirement for these to be obscure glazed. For window to window distance at all levels of the development, the closest window serving a property on Rydal Gardens is included within a single storey rear extension which is in excess of 27m distance away, which given it exceeds the 18m distance requirement within SPD1 is therefore acceptable.
75. Given the ground level change from Springfield Mount dwellings and the application site on Edgware Road, the proposal would comply with the 45 degree rule and this has been demonstrated within the design and access statement.
76. When considering the impact of the proposal the 30 degree line measures whether the building proposed sits below a line measured from 2m above floor level from within the nearest habitable room window. The closest property's window by virtue of the single storey rear extension in situ is 1 Rydal Gardens which it has been demonstrated would meet the 30 degree line from a 2m internal height when assessed against the new development. All the remaining properties tested along Rydal Gardens have been confirmed to meet the 30 degree line and as such are acceptable and in accordance with the guidance.
77. A daylight and sunlight assessment in line with the updated BRE guidance has also been provided assessing the impact on neighbouring properties and this is discussed in more detail below.

Daylight and Sunlight

78. 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.
79. 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).

80. 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. In addition, 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.
81. 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.
82. 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.
83. 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.
84. Officers are satisfied that the report successfully identifies all neighbouring properties which could be affected by the proposed development, which are summarised as follows:
85. The assessment has considered all the closest neighbouring residential properties with windows overlooking the proposed development which are:
- 167 Edgware Road
 - 2 Springfield Mount
 - 1 Springfield Mount
 - 1 Rydal Gardens
 - 3 Rydal Gardens
 - 5 Rydal Gardens
 - 7 Rydal Gardens
 - 11 Rydal Gardens
86. Additional properties were considered for potentially being included within the assessment, however, the applicants' reasonably concluded that, owing to the distance of these dwellings from the site and their positioning to the north, no effects resulting from the development are considered likely and therefore a daylight and sunlight assessment of these schemes in the context of the proposed development are not considered necessary. Officers agree with this and consider the properties listed above to represent those which should be reasonably tested.

Assessment

167 Edgware Road

87. The first floor of this property is in residential use and of the 6 out of 7 habitable windows 86% met the BRE criteria. The remaining window experiences a relative VSC reduction of 22.7% and retains a VSC of 19.2%. The relative changes slightly exceeds the recommended 20% BRE, however, given the town centre location of this unit this is acceptable.
88. All of the habitable rooms tested meet the BRE criteria for NSL, ensuring these rooms would continue to have adequate levels of daylight amenity and would not be noticeably affected by the proposal.
89. Of the habitable rooms tested, all the southerly orientated rooms meet the BRE criteria for winter and

annual sunlight.

90. Overall, the proposal is not considered to have a noticeable impact upon the daylight and sunlight of the property.

2 Springfield Mount

91. This residential property is located to the north west of the development site. Of the 12 windows assessed, 10 (83%) would satisfy the BRE recommendations. The remaining two windows would experience relative changes that range from between 25.5-27.8% which are a minor shortfall of the BRE recommendations. Moreover, one of the windows which presents a shortfall is situated within a bay window, of which the remainder and the several others serving the same living, kitchen and dining area meet the guidance. As such, any loss of visible sky to this room is likely to be negligible.
92. With regard to the NSL daylight assessment, all of the habitable rooms tested would meet the BRE criteria and overall, the rooms in this dwelling would continue to have adequate levels of daylight amenity and would not be noticeably affected by the proposal.
93. For sunlight 3 of the 4 habitable rooms assessed would meet the BRE criteria for winter and annual sun. The remaining room is served by one of the windows overhung by the porch area and as such this is acknowledged by the BRE guidance as a feature that would tend to block sunlight. Nevertheless, the room would experience a relative change of 21.4% for winter APSH and 23.8% for total APSH and the room would only experience an absolute change in total APSH of 5%. Therefore the room would only be fractionally short of meeting the BRE criteria in terms of relative and absolute change.
94. Overall, the proposal is not considered to have a noticeable impact upon the daylight and sunlight amenity currently enjoyed by the property, and any reductions that exceed BRE guidelines can be attributable to the existing architectural features of the building (i.e. the porch overhang).

1 Springfield Mount

95. This property is situated directly on the north western corner of the site. In terms of VSC, the results show that of the 4 windows tested, 3 would satisfy the BRE criteria.
96. There is a window which directly overlooks the site and this window is confirmed to experience a VSC reduction of 41.2% and would retain a VSC of 21.3%. However, the window is understood to serve a space served by 2 other windows which meet BRE criteria. Considering the BRE guidance which sets out that an average weighting for VSC to assess the room as a whole can be used, the whole room would equate to a reduction of 20.04% and retain a VSC of 24.4%. Therefore the room as a whole would only be very fractionally below guidance in terms of both the relative and retained VSC levels.
97. For the NSL daylight assessment, all habitable rooms tested met BRE criteria for winter and annual sunlight.
98. Overall, the development is not considered to have a noticeable impact upon the daylight and sunlight amenity currently enjoyed by the property when considering the overall weighted VSC to the room served by one other window that falls slightly short of guidance.

1 Rydal Gardens

99. The residential dwelling is situated to the west of the site. With Regard to VSC, 5 windows have been assessed and of these only 1 would meet the BRE guidance. The remaining 4 windows would experience relative changes that range from 24.6-29.9% and would retain between 25.6-26.7% VSC. The level of relative changes is not uncommon with lower density sites. While there is a shortfall for windows met, the retained levels are within 1.5% of the recommended 27% VSC so are considered to retain adequate daylight levels that would exceed those typically seen in more dense, urban areas.
100. 2 of the 3 rooms would meet the recommendations for NSL, with the remaining room experiencing a relative change of 32.7%. However, this room is situated at the 1st floor and is in use as a bedroom, so while the room would experience a reduction, when considering the BRE guidance which advises that bedrooms 'are less important', considering the room would predominantly be in use at nighttime, the levels of sunlight for the room are not considered of the same importance as the main habitable rooms which are situated at the ground level and demonstrate compliance.
101. In relation to APSH, as the rooms are northerly orientated, the rooms have not been considered as part of this assessment.
102. Overall, while it is acknowledged that the development proposed may cause some change in the levels

currently received by this property, the occupants would be left with a level of daylight that is only slightly below the 27% BRE requirement and given the sites location close to an intensification corridor and the boundary with a town centre, the shortfall can be considered to be acceptable.

3 Rydal Gardens

103. As above, this property is also situated to the west of the site. Of the 4 windows assessed, 1 would meet the VSC BRE recommendation. The remaining 3 would experience relative changes that range from 25.9-27% and would retain between 22.5-26.8% VSC. As such, these would only be slightly short of the BRE recommendation.
104. 2 of the 3 rooms would meet the recommendations for NSL, with the remaining room experiencing a relative change of 34.9%, which while in excess of the guidance would be a bedroom and as such not a room used necessarily during the day.
105. With regard to sunlight, 1 room is southerly orientated and it would meet the BRE criteria.
106. Overall, while the effects of the development would cause some change in the levels currently received by this property, the occupants would be left with a level of daylight that would be suitable in this transition area, only falling slightly below the recommended 27%.

5 Rydal Gardens

107. The property is situated to the west of the site and has 8 windows. Of these 5 would meet the BRE recommendation for VSC. The remaining 3 windows would experience relative changes that range from 22.22-28.21% and would retain between 25.6-26.6% VSC. The level of relative changes is not uncommon when developing lower density sites. Additionally, the retained levels are within 1.5% VSC of the recommended 27% VSC so the property is only slightly short of the guidance and would retain the daylight levels that exceed those typically seen in more urban and dense areas.
108. 2 of the 3 rooms would meet the recommendations for NSL, with the remaining room experiencing a relative change of 25.5%. However, as above, as this room is situated at the first floor and in use as a bedroom, the guidance does not afford as much weight to it by comparison to a living area.
109. With regard to sunlight, one room is southerly orientated and as such comfortably meets the BRE criteria.
110. Overall, while the effects of the development may cause some slight changes in the levels currently achieved within this property, the occupants would still be left with a level of daylight that is only slightly below the recommended 27%.

7 Rydal Gardens

111. This residential property is also situated to the west of the site and has 7 windows. Of these assessed, 6 would meet the BRE recommendation for VSC. The remaining window would experience relative changes that range from 24.9% and would retain between 25.4% VSC. The window would therefore only be slightly short of meeting the BRE guidance in respect to both relative change and retained levels. It is also worth noting that this window serves a conservatory space, which is also served by two other windows and these comfortably meet the BRE recommendations, as such, when considering the overall weighted VSC, it would be met.
112. The NSL form of daylight assessment for the habitable rooms tested in this property would also be met for BRE criteria for winter and annual sunlight.
113. Overall, the proposed development is not considered to have a noticeable impact upon the daylight and sunlight amenity currently observed by the dwelling, particularly when considering the overall weighted VSC to the room served by one window that falls short of guidance would meet the BRE criteria.

Overshadowing to Neighbouring Amenity Areas

114. Several properties along Springfield Mount and Rydal Gardens were assessed. The areas in the existing/proposed table below relate to the percentage of space that receive 2 hours of direct sun on ground on March 21st.

| Property | Area in Existing | Area in Proposed | Percentage Change |
|----------|------------------|------------------|-------------------|
| | | | |

| | | | |
|----------------------------|------|------|------|
| 1 Springfield Mount | 70.8 | 70.7 | 0.1% |
| 3 Springfield Mount | 83.2 | 78.7 | 5.4% |
| 5 Springfield Mount | 62.6 | 62.6 | 0.0% |
| 7 Springfield Mount | 69.2 | 68.5 | 0.9% |
| 1 Rydal Gardens | 37.9 | 37.9 | 0.0% |
| 3 Rydal Gardens | 75.1 | 75.1 | 0.0% |
| 5 Rydal Gardens | 75.6 | 75.6 | 0.0% |
| 7 Rydal Gardens | 76.9 | 76.9 | 0.0% |
| 9 Rydal Gardens | 65.0 | 65.0 | 0.0% |

115. The results demonstrate that each garden would comfortably meet the BRE two-hour sun on ground criteria on March 21st, with either no change or only a very minimal change between existing and proposed areas receiving 2 hours of sun.

116. The effect of the proposed development on these spaces is therefore unlikely to be significant and should be sufficiently well sunlit throughout the year.

Conclusion

117. Overall, while there are some windows which do not achieve the BRE the scheme provides an overall high compliance with BRE guidance as a whole, and these results are considered to be acceptable given the context of the proposal that is located close to an intensification corridor and is on the periphery of a town centre. It is also worth setting out that the NPPF highlights a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site.

118. The properties that are mainly affected currently afford outlook over the existing low scale existing buildings on site. The overall benefits of the development which seeks to optimise the use of this underused brownfield site, including the delivery of new community use space would outweigh the limited harm identified above.

Transport Considerations

119. As existing there is space for 14 cars to park at the rear, accessed via 9.9m gates accessed from Springfield Mount. The frontage of the site is a London Distributor Road (Edgware Road) and a bus route. On-street parking and loading is prohibited from 7am-7pm, Monday to Saturday along the Edgware Road frontage. On Springfield Mount it is a residential access road with on-street parking which is prohibited at all times along the frontage, it is noted as being heavily parked at night. The site is situated within a low PTAL area with a score of 2.

Car Parking

120. Car parking standards in Brent are set out in Appendix 4 of the Local Plan. For hotels, this allows up to one off-street parking space per five bedrooms if justified by a Transport Assessment, giving a total allowance of 30 spaces for the hotel. For the workspace, the standards set out in Table 10.4 of the London Plan apply and this allows up to one space per 100sqm, giving an allowance of two spaces. If retail standards are applied to the public bar (on the basis it is not ancillary to the hotel), then a further six spaces would be allowed for this use. Up to 38 spaces would therefore be allowed in total.

121. The proposed provision of 19 spaces would therefore be well within the maximum allowance, so would be acceptable. The inclusion of two disabled parking spaces meets standards and the provision of seven electric vehicle charging points is welcomed. Passive provision should also be made to the remaining spaces.

122. Access to the twelve spaces in the basement will be via two car lifts. These can be expensive to provide and run, but there are no concerns in principle with the proposal, as they are shown set well away

from the public highway to provide plenty of space for cars to wait whilst using them.

123. The turn into the lifts at ground floor level is quite constrained though, so setting the lifts back one metre further from the western boundary would have been helpful, however, is not required.
124. Policy BT2 also requires consideration to be given to the impact of overspill parking on local streets though. In this case, it is noted that the site has a low PTAL rating and there is no CPZ in the area to prevent staff and guests parking in the heavily parked Springfield Mount.
125. To address this, a financial contribution of £60,000 is sought towards the costs of consulting on and implementing a Controlled Parking Zone in the area. If implemented, this would allow on-street parking in the area to be restricted to residents' permit holders only at certain times and thus prevent use by hotel staff and guests or co-working employees. This has been accepted by the applicant and would be secured within a Section 106 Agreement.

Cycle Parking

126. In terms of bicycle parking, the combined total requirement for the hotel, office space and bar would amount to 13 long-stay and 17 short-stay spaces. Separate internal stores for staff are shown for the hotel, offices and bar, with a total storage capacity for 13 bikes. A further eleven external stands for 22 bikes more than meets the short-stay requirement for visitors. Showering/changing facilities for office staff have also been shown. As such, bicycle parking requirements are met.

Servicing and Access

127. In terms of servicing, the hotel needs to be serviced by 8m rigid vans and the submitted Delivery & Servicing Plan confirms that the maximum sized vehicle that will visit the site would be 8m in length. This includes refuse vehicles.
128. Space is shown at the rear of the site for vans to turn and unload, with tracking provided to show that this is feasible. However, part of the turning/loading area sits beneath the upper floors of the building though, with a 3.87m headroom shown. This is sufficient for 8m box vans, but not for anything larger, such as refuse collection vehicles. As such, refuse is shown in the basement and would be collected by a private contractor and a refuse management plan would be conditioned to ensure that the hotel management would take responsibility for relocating the bins to the rear service yard on collection days.
129. Signage should be placed on the building to warn drivers of the low headroom and it is likely that refuse vehicles (and any brewery drays supplying beer barrels to the public bar) would need to reverse into the site from Springfield Mount). A condition securing further details of wayfinding will be attached to any subsequent grant of planning consent.
130. Given the multiple uses and occupiers of the site, it would mean that a Delivery and Servicing Plan would be useful to help manage the use of the loading area and a proposed plan has been submitted with this application. This sets out measures such as scheduling deliveries outside of peak hours, consolidating loads, promoting greener and non-motorised transport in order to reduce impacts with ongoing monitoring of delivery movements proposed, which is all welcomed. However, as the DSP predicts only eight weekly deliveries for the hotel, there should be plenty of spare capacity for other deliveries.
131. Brent's Local Plan also requires the provision of a coach parking space for every 75 hotel rooms, giving a requirement for two spaces in this instance. No coach parking is proposed though, with a Coach Management Plan having been submitted to confirm that any prospective coach bookings could be turned away.
132. Access via taxis would be required and they are also proposed to pick-up/drop-off from the rear car park which is also fine.
133. The proposed design of the access to the rear parking area is generally fine with the 5.25m driveway and the 1.45m footway widths being appropriate and allowing for two-way traffic flow. However, a 450mm kerbed margin would need to be added along the western side of the driveway to protect the boundary fence and 4m radius kerbs should be provided at the junction with Springfield Mount to assist larger vehicles in reversing into the site.
134. All lengths of redundant crossover to both Springfield Mount and Edgware Road will also need to be removed and returned to footway with full height kerbs at the developers expense.

Healthy Streets

135. A Healthy-Streets Style Transport Assessment has been submitted with the enquiry. This has considered the quality of pedestrian and cyclist facilities, along with accident data, for five key routes around the site connecting local stations, bus stops and shops. Of the five locations identified for improvements along these routes, three lie within the Borough of Barnet. Nevertheless, two locations (at the entrance to Colindale Retail Park and along Kingsbury Road northern footway) lie within Brent and the recommended improvements include the provision of tactile paving, tree planting, repositioned signage and reduced speed limits. The road accident history along these routes has also been considered, with 16 accidents (of which six resulted in serious injuries) having occurred over the five-year study period (2017-2021). This included a cluster of four serious injury accidents involving motorcycles at the junction of Edgware Road and Springfield Mount. Again, some of the recommended measures are along streets within Barnet's remit, but where they fall within Brent, improvements include the widening of footways at the junction of Hay Lane with Edgware Road, the signalisation of the Springfield Mount/Edgware Road junction and a reduction in speed limits.
136. Neither the Healthy Streets Assessment nor the accident study has referred to the absence of push-button pedestrian crossing phases at the signalised junction of Kingsbury Road/The Hyde/Rookery Way though, which is a key omission for partially sighted and mobility impaired people. However, the junction again lies within Barnet's remit.
137. This, along with other recommended improvements, can be considered for funding using any S106/CIL monies that might be secured.
138. In terms of trip generation, the Transport Assessment has estimated trips to and from the apart-hotel through comparisons with three other hotels across the UK (London, Brighton and Inverness). Ideally, the assessment would be based solely on London hotels, but it is accepted that there is a shortage of recent comparable survey sites in London.
139. The consultant has nevertheless undertaken a sensitivity test based on London hotels with low car parking ratios and comparable ancillary facilities (bar, gym etc.), which includes the consideration of older survey data. This has shown lower overall trip rates and on this basis, the analysis that has been undertaken using the three nationwide hotels is considered to be robust, particularly as apart-hotels are considered likely to generate lower numbers of peak-hour arrivals and departures than standard hotels.
140. For the co-working space, a first-principles approach has been adopted, whereby it is assumed that all 49 predicted employees would arrive in the morning peak hour (8-9am) and depart in the evening peak hour (5-6pm). These assumptions are considered to err on the high side, given that the presence of 49 employees in the workspace (295m²) would give a very high employment density of one person per 6m². It is also unlikely that all employees would arrive and leave in each peak hour. As such, this part of the assessment is considered to be very robust.
141. As no off-street parking is proposed for staff, it has been assumed that no car trips would be made for the co-working space, so the modal share has been manually adjusted to minimise car trips. However, this assumes that employees would not park on-street, but with no CPZ currently in operation, there is nothing to prevent employees from doing so. Adjusting the modal share to zero is not therefore considered to accurately represent the travel mode share at the present time, although the contribution requested above towards a future CPZ would help to address this in the long term.
142. On the basis of the above assessment, the development is estimated to generate 62 arrivals and 38 departures in the morning peak hour (8-9am), with 27 arrivals/81 departures in the evening peak hour (5-6pm). Of these, just 5-7 trips in each peak hour are estimated to be by car or taxi. If potential on-street parking by office staff is added, this may increase trips by about two further cars. However, the level of vehicular traffic likely to be generated is not considered significant enough to have a noticeable impact on the local highway network.
143. For public transport, between 51-58 trips are expected to be generated in each peak hour. This amounts to less than one additional passenger per bus passing close to the site in each peak hour, so is not considered significant enough to cause any concerns with regard to public transport capacity.

Travel Plan

144. A proposed Travel Plan has been submitted for the development, setting out a range of measures (information packs for guests and co-workspace staff, website information, promotional events, interest-free season ticket and bicycle purchase loans, bicycle hire and repair etc.) to discourage car use, plus a 5-year programme to monitor progress towards targets. A further measure that could be useful is a bicycle rental scheme for long-stay guests.

145. The principal target is to keep the modal share of trips by car drivers to no more than 5%, along with a reduction in taxi journeys and an increase in journeys by sustainable transport. Progress will be monitored through i-TRACE/TRICS compatible surveys undertaken within six months of occupation (when targets will be reviewed) and then in years three and five.
146. The Travel Plan is confirmed as meeting expectations and can therefore be secured for implementation in its current form.

Construction Management

147. Finally, an outline Construction Environmental Management Plan has been submitted. This includes information on proposed Traffic Management Measures. Deliveries are to be organised on a just-in-time basis to minimise on-site storage requirements and will be pre-scheduled between 8am-6pm on weekdays and 8am-1pm on Saturdays, but with a commitment to minimise deliveries between 8-9am and 3-5pm, so that the majority of deliveries are between 9.30am-3pm. Delivery vehicles, which will be FORS and CLOCS accredited, will be routed to and from the site via Staples Corner (M1/North Circular Road), and Edgware Road, between entering and leaving the site via the future access point to Springfield Mount with the aid of banksmen. Jet-washing equipment will be provided at the site access. As loading will be undertaken on-site, the construction works would have little direct impact on the public highway.
148. As such, the construction works are not considered likely to have a detrimental impact on the highway network, but a Construction Logistics Plan should be submitted for approval once a principal contractor has been appointed.

Transportation Summary

149. The proposal is considered to be acceptable from a highways and transport perspective, subject to the following conditions and financial contributions:

- A financial contribution of £60,000 towards the introduction of a Controlled Parking Zone in the surrounding streets;
- Minor amendments to the site layout to provide a 450mm kerbed margin along the western side of the car park, with 4m radius kerbs to Springfield Mount;
- Reinstatement of all redundant crossovers to the site to footway with full-height kerbs at the developer's expense;
- Submission and approval of further details of car park lighting to confirm it meets British Standards;
- Implementation of the submitted Travel Plan;
- Implementation of the submitted Delivery & Servicing Plan;
- Implementation of the submitted Coach Management Plan; and
- Submission and approval of a Construction Logistics Plan;

Environmental Health Considerations

Air Quality

150. London Plan SI2 seeks to tackle poor air quality and ensure development proposals do not lead to further deterioration of existing poor air quality.
151. Policy BSUI2 of Brent's Local Plan requires all major developments to be air quality neutral.
152. The application is a major development in an Air Quality Management Area. The applicant has submitted an air quality assessment. The report is of sufficient technical quality and the development is air quality neutral. The building and transport related emissions associated with the proposed development are both below the relevant benchmarks. The operational impact of the 163 – 165 Edgware Road development on existing receptors in the local area is predicted to be 'negligible' taking into account the changes in pollutant concentrations and absolute levels. Regarding suitability of air quality at the site for introducing new occupants, pollutant concentrations at the façades of proposed receptors are predicted to be well within the relevant health-based air quality objectives. On that basis, the users of 163 – 165 Edgware Road development should be exposed to acceptable air quality and the site is deemed suitable for its proposed future use in this respect. The statement has also set out a range of mitigation

measures to demonstrate an air quality neutral approach. These include measures for controlling dust and emissions created through the site management, preparation and maintenance of the site, operating of vehicles and encouragement of sustainable travel methods, waste management and additional construction management protections. Such measures would be secured through a construction management plan which includes a dust management plan.

153. Overall, the site is considered suitable for use and there will be no adverse impact on air quality. The proposed development therefore complies with the relevant local plan and London Plan requirements subject to conditions to secure mitigation measures set out above.

Land Contamination

154. The applicant has submitted a Phase 1 Geo-environmental Preliminary Risk Assessment. This report concludes that a number of historical and current potential sources of contaminants of concern have been identified both on site and in the immediate vicinity, there is considered to be limited potential for pollutants to be active upon completion of the redevelopment. This would be due to the cohesive nature of the geology and the proposed excavation of the basement across the majority of the building footprint.

155. As such further information will be requested via condition to ensure safe development and secure occupancy of the site in the form of a site investigation setting out remediation options and a verification report to confirm that such remediation works have been carried out.

Odour

156. The application contains a kitchen on the ground floor within the restaurant/bar along with kitchenettes within the rooms and co-working space. The applicant has provided a Ventilation and Extract Statement dated October 2023. The main kitchen includes a dedicated mechanical ventilation system including exhaust canopies with integral filters and kitchen exhaust flue, with the co-working space fitted with attenuated bellmouths at high level. The main kitchen follows guidance of DW172: Specification for Kitchen Ventilation Systems. As such, the documents demonstrate that consideration to the impact of the kitchens has been considered in line with benchmark standards.

Construction Management

157. The applicant has submitted an outline construction management plan and this does have controls to minimise noise and dust from the site during construction. However, it is also recommended that on-site plant and machinery must comply with the London Non-Road Mobile Machinery (NRMM) Low Emission Zone standards for Opportunity Areas and this will be secured through condition. Further measures to control emissions should be submitted during the construction phase must be incorporated into an Air Quality and Dust Management Plan (AQDMP), or form part of a Construction Environmental Management Plan, in line with the requirements of the Control of Dust and Emissions during Construction and Demolition SPG. However, the proposal has not indicated the type of piling proposed. A condition would therefore be required to secure a construction method statement.

Noise

158. London Plan Policy D14 states that where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles. Proposals should manage noise by promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

159. The applicant has submitted an RPS Noise Assessment dated 10/10/2023. This assessment does recommend mitigation measures to ensure that internal noise levels within the hotel bedrooms can be achieved. A plant noise assessment is also included within the noise assessment however the rated level is not in line with LB Brent guidance. As such, a condition securing further details of noise and associated ancillary equipment would be required through condition.

Lighting

160. The applicant has submitted an RPS Lighting Assessment which demonstrated that the lux levels at the facade of the nearest residential premises will be 0/26lux. The levels shown are acceptable and provided the lighting is installed as per the assessment there would not be any further requirement relating to lighting. The rear car park, service area and access drive are to be illuminated using eight

recessed wall-mounted 8.8W lanterns, plus two illuminated bollards in the undercroft area. However, the calculated average illuminance levels for the car park and access road vary from 3.4 lux to 5.4 lux, which falls short of the British Standard requirement of 10 lux. As such, further details relating to lighting would be required and secured through planning condition.

Fire Safety

161. Policy D12b of the London Plan (as well as the draft London Plan Fire Safety Guidance) requires all major development proposals to submit a Fire Statement which is an independent fire strategy, produced by a third party, suitably qualified assessor. The statement should detail how the development proposal will function in terms of:

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

162. The applicant has provided a Fire Statement which has addressed the above requirement, in accordance with policy D12B of the London Plan.

Energy

Sustainability

163. Planning applications for major development are required to be supported by proposals for sustainable design that accord with various policies in the Brent Local Plan and the London Plan. This is designed to demonstrate, at the design stage, how sustainable design and construction measures would mitigate and adapt to climate change over the lifetime of the development, including the use of sustainable drainage (BSUI4).

164. Major residential and non-residential developments are expected to achieve zero carbon standards, including a 35% reduction on Building Regulations 2021 Target Emission Rates (TER) achieved on site, in accordance with London Plan Policy SI2. Policy SI2 also sets out more detailed requirements, including the 'Be Seen' requirement for energy monitoring and reporting and (for proposals referable to the Mayor) a Whole Life Cycle Carbon Assessment). Policy SI4 requires the energy strategy to include measures to reduce the potential for internal overheating and reliance on air conditioning systems.

165. Any shortfall in achieving the target emissions standards is to be compensated for by a financial contribution to the Council's Carbon Offsetting Fund, based on the notional price per tonne of carbon of £95, or through off-site measures to be agreed with the Council. Policy BSUI1 also requires any proposal for commercial floorspace of over 1,000sqm to demonstrate that it achieves BREEAM Excellent standards. Given the size of the non-domestic floorspace, this would be a requirement of the development.

166. Policy SI2 also requires at least 15 percentage points of the reduction to be attributable to 'be lean' measures. An Energy Assessment is required, clearly outlining how these standards would be achieved and identifying, where necessary, an appropriate financial contribution to Brent's carbon-offsetting fund to compensate for residual carbon emissions.

Carbon Emissions

167. The applicant has submitted an Energy and Sustainability Statement.

168. The proposed development aims to be zero carbon and with 'Be Lean', 'Be Clean' and 'Be Green'

measures incorporated the remaining CO2 emissions for the scheme is set at 27.5 tonnes per annum. This demonstrates a total carbon emissions reduction of 41% when compared to the 2021 building regulations baseline. The Energy Strategy confirms that the remaining regulated carbon dioxide emissions (100%) for the proposed development (52.8 tonnes/annum) will be off-set through a payment in lieu contribution of £150,597 to Brent Council's Carbon Offset Fund. This is currently set at £95 per tonne of CO2 which is payable for a period of 30 years for the calculation of offset payments. A more detailed energy statement would be secured within the Section 106 Agreement.

169. The details of the energy efficiency improvements are as follows:

| | Regulated Domestic Carbon Dioxide Savings Part L 2021 | |
|---|--|----------|
| | Tonnes CO₂ per annum | % |
| Be Lean: Savings from energy demand reduction | 24 | 27% |
| Be Clean: Savings from efficient heat supply | 0.0 | 0% |
| Be Green: Savings from renewable energy | 12.9 | 14% |
| Cumulative on-site savings | 36.9 | 41% |
| Carbon Shortfall | 52.8 | |
| | Tonnes CO₂ | |
| Cumulative savings for off-set payment | 1,585 | |
| Cash-in-lieu contribution (£95/tonne) | £150,597 | |

Be Lean:

- Total savings from 'be lean': 24 tonnes / 27%
- The use of incorporating efficient fabric
- The use of natural ventilation,
- The use of efficient mechanical ventilation with heat recovery and high efficiency lighting

Be Clean:

- The London Heat Map shows no existing district heat networks with capacity for new connections
- The plant is configured to facilitate future connects to a District Heat Network

Be Green:

- Total savings from 'be green': 12.9 tonnes / 14 %
- On site renewable energy in the form of Air Source Heat Pumps providing space heating, cooling and hot water. It will also include a significant amount of photovoltaic (PV) panels on the roof.

Be Seen:

- The development will track and record the developments energy use to ensure the development's energy use can be monitored and tracked post completion

Sustainable Design and Construction

170. A number of the applicant's submission documents outline sustainability benefits which would be incorporated into the scheme.

BREEAM rating

171. As discussed above, the proposal achieves a BREEAM rating of 'Excellent' in terms of sustainable construction and fit out, to accord with Local Plan Policy BSUI1. A condition will require that a BREEAM post-assessment is submitted following first operation of the development to confirm that a minimum "Excellent" rating is achieved.

Urban Greening, Biodiversity and Ecology

Urban Greening and biodiversity

172. London Plan Policy G1 states proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network and London Plan Policy G4 supports the creation of areas of publicly accessible open space. Policy G5 requires major development proposals to contribute to the greening of London by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. The Major recommends a target Urban Greening Factor (UGF) of 0.3 for predominately commercial development. Local Plan Policy BGI1 supports meeting the UGF with emphasis on solutions to support biodiversity.
173. The applicant has calculated the Urban Greening Factor (UGF) score of the proposed development as 0.31, which exceeds the target set by Policy G5 of the London Plan.
174. The proposed development presents a well-considered approach to integrating green infrastructure and urban greening across the development which is supported. To the frontage and rear of the site proposed trees and climber and perennial planting proposed at ground and roof terrace levels. There are overhangs allowing for roof level green roofs which only have maintenance access. This supports multifunctionality, in accordance with Policy G1 of the London Plan. The management and maintenance of the areas will be subject to condition to ensure the spaces develop and thrive.
175. London Plan Policy G6 along with Brent Local Plan Policy BGI1 with set out that development proposal should aim to secure net biodiversity gain.
176. The existing site has a biodiversity score of 1.39 habitat units. The pre-development baseline for the scheme includes primarily hardstanding, with some vegetated features of higher quality (such as scattered trees, introduced shrubs and scrub). The habitat of highest value, pre-development are a series of trees on the eastern boundary of the site, scoring a total of 0.62 of the 1.39 units, pre-development. Only one tree is to be retained as part of the proposed scheme, with all other vegetation lost. The scheme as proposed includes a total of 0.48 habitat units. Although areas of planting are included within the scheme proposals (such as green walls and green roofs), when taking into consideration their desired condition, post-development, these deliver only 0.09 and 0.28 units respectively, less than that of the trees present, pre-development. This in turn has resulted in a net loss on site of -0.72 habitat units (or -52.17%). To mitigate the loss in habitat units within the site, seven trees which are proposed to be planted (these are indicatively shown on the site plan to include 5 along Edgware Road and 2 along Springfield Mount) which although are outside of the red line boundary for the site will still contribute to increased biodiversity, and achieve an over habitat score of 1.53 units (which is 0.14 higher than the baseline of 1.39 habitat units discussed above). This would achieve a net gain in biodiversity in line with policy BGI1. A contribution of £24,500 (£3,500 per tree) is proposed to be secured within the Section 106 Agreement to provide the seven street trees together with their maintenance within the vicinity of the site.
177. Notwithstanding the above, it is considered that post-development, the site will be of benefit to a range of species, such as birds, invertebrates and bats; and will (for these species, at least), be an improvement on the pre-development scenario. Detail relating to the proposed ecological compensation and enhancement actions in relation to habitat creation and management should be provided within an Ecological Management Plan (EMP) for the site which will be secured through planning condition. It is noted that any additional trees would further increase the biodiversity gain.

Ecology

178. The existing landscaping ecology on site is relatively poor, with the majority of the land covered with hard landscaping and areas to provide car parking at the rear. applicant has submitted a Preliminary Ecological Appraisal dated October 2023. This comprises a desk study, habitat survey and an ecological scoping survey. The survey was conducted on 16th February 2023. The ephemeral/perennial vegetation, and scattered trees peripheral to the site could offer suitable habitat to support invertebrates. The bramble scrub and scattered trees in the site periphery offer suitable habitat for common species of nesting birds. The report recommends that site clearance should be undertaken outside of the nesting bird season or after a nesting bird check by a qualified ecologist confirms the likely absence of nesting birds from areas of the site to be cleared.
179. The buildings on site were noted as having the potential to support roosting bats, and therefore, follow-up surveys are recommended, which would initially comprise a Preliminary Bat Roost Assessment (PBRA). This survey can be undertaken at any time of year, and involves a detailed internal and external survey, looking for evidence of bats (such as feeding remains, droppings, staining or bats themselves). Following this, it is possible that further emergence / re-entry surveys may be needed.

180. Evidence of use of adjacent land with access to the site by other mammals, including foxes, was identified. Recommendations to protect these species during both the construction and operational phases of the development have been made.

181. In addition to these mitigation actions, any areas of vegetation lost should be compensated for through the provision of enhanced wildlife friendly landscaping. This could include provision of: Biodiverse living roofs; Wildlife friendly landscaping; Vertical greening; Invertebrate habitat features including bee houses/log piles; and Bird and bat boxes. An Ecological Management Plan secured through the landscape planning condition should provide detail on all ecological mitigation and enhancement associated along with a Construction Environmental Management Plan (CEMP).

Trees

182. Policy BGI2 of the Local Plan 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. In the case of major development to make provision for the planting and retention of trees on site. Where retention is agreed to not be possible, 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. Replacement canopy cover will be measured as total canopy area of new trees at time of planting being equal to canopy area of existing mature trees proposed for removal.

183. One tree (T1)[category C] and one hedge group (H1)[category U] will require removal to accommodate the proposed development, these are indicated within the Arboricultural Impact Assessment as being of low arboricultural quality. Two further trees (T2 and T3) are also considered unsuitable for retention [Category U] within the proposed development, given their current conditions and lack of useful life expectancy.

184. The indicative tree planting plan shows the locations of 7 proposed new trees. As these are not within the site boundary, further details of the planting and a financial contribution subject of a s106 legal agreement would be required as part of any grant of consent.

185. A Hard and Soft Landscaping plan would be required to have maintenance of any onsite landscaping for a further 5 years.

Flood Risk and Drainage

Flood Risk

186. Policy BSUI3 of the Brent Local Plan 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.

187. A number of flood resilient measures are proposed given the risk of surface water flooding as noted above to the construction of the building and interior fit out. The report has also set out that given the site's location in Flood Zone 1 and relatively low risk of flooding from surface water sources with consideration of mitigation measures, and safe access and egress in the Medium Risk (1 in 100 year RP) Surface Water flood event, no full Flood Warning and Emergency Plan is required for the development proposals. The flood risk assessment has been reviewed by the LLFA who has confirmed that are satisfied with the finding of the report and the mitigation measures. Such details are recommended to be conditioned to any forthcoming consent.

Sustainable Drainage

188. Policy SI13 of the 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 of the Brent Local Plan relates to on site water management and surface water attenuation. It requires major developments to:

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

189. It should be noted that the West London Strategic Flood Risk Assessment shows a potential breach of the site boundary for surface water flooding in the 1 in 1000 year storm event. However, this is largely shown to be on the extent of the highways owned footway around the site as opposed to the private boundary. The flood risk from fluvial and tidal sources, surface water, sewers, ground water, flooding from artificial waterbodies and infrastructure failure is considered to be very low for this site.

190. Safe access and egress from the site are maintained when considered alongside all sources of potential flooding. The proposed development does not increase flood risk to the site or surrounding area and is considered safe from the risk of flooding for its lifetime.

191. A sustainable strategy has been developed and the SUDs hierarchy has been followed in order to employ the most suitable and practicable SuDS techniques to improve surface water run off rates from the site. Surface water run-off from the building is proposed to be reduced to 0l/s during wet weather flow and a maximum of 2l/s discharge during dry weather flow, via the use of an active (SMART) rainwater harvesting/attention system. This is deemed to be a significant betterment when compared to the existing below ground drainage arrangement.

192. Through the use of SuDS techniques, the surface water management of the proposed site will see a significant betterment from the existing scenario which is deemed to meet both the Local and National Policy.

193. The Local Lead Flood Authority has reviewed the proposal and considered that the sustainable drainage measures are acceptable and in accordance with policy BSUI4. Such details are recommended to be conditioned to any forthcoming consent.

194. Thames Water were consulted during the course of the application and confirmed that they would have no objections in relation to surface water drainage capacity or foul water capacity.

Employment and Training

195. Brent's Local Plan policy BE1 'Economic Growth and Employment Opportunities for All' states an Employment and Training Plan will be required for all major developments, to be prepared in partnership with Brent Works or any successor body.

196. A commitment to submit an 'Employment and Training Plan' to the Council for its approval prior to the material start of the development will be secured by way of a Section 106 obligation. This obligation is required of all major development schemes within the borough which comprise of 50 or more dwellings or at least 5,000sqm of floor space.

197. As set out in Brent's Planning Obligations SPD (2022), the obligations in this respect require that 1 construction job (for a minimum period of 26 weeks) for an unemployed Brent resident is secured per ten C3 homes delivered and per each 500sqm of commercial floorspace delivered, and that 50% of those jobs should be secured as apprenticeships for Brent residents, for a minimum period of 52 weeks. It also requires that a minimum of 20% of the operational phase jobs within commercial uses should be secured for Brent residents. The operational job requirements are set out in the Homes and Communities Agency Employment Density Guidance 3rd Edition (2015), requiring 1 operational job per 15-20sqm of commercial floorspace.

198. When applying these standards to the proposed development, it is projected that 16.3 construction jobs and 21.3 operational jobs to be secured for unemployed residents, with at least half of these jobs being in the form of apprenticeships for Brent residents. In addition, reasonable endeavours must be used to secure a minimum of 20% of jobs, one operational, for Brent residents. Projected construction and operational phase jobs shall be set out in an accompanying Employment and Training Plan, secured via s106 agreement.

199. The SPD also sets out a requirement for financial contributions to deliver support fees for each of the Brent residents' jobs to be secured. This contribution would be £103,378 for the construction and

operational jobs. This would also be secured within the Section 106 Agreement.

200. If the job targets are not met, an additional payment of £5,000 per the number of jobs below the target is to be secured to help secure other job opportunities for Brent residents. If the applicant fails to meet the job targets but can demonstrate that reasonable endeavours were undertaken to seek to meet the job targets, an increase in the base contributions will not be required. On the other hand, if the number of apprenticeship positions delivered for Brent residents exceeds the apprenticeship target, a reduction in the base contribution of £1,000 per additional apprenticeship would be applied.

Equalities

201. 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

202. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions and s106 legal agreement to secure the obligations as set out.

203. The mix of hotel, public house and co-working uses is considered to make efficient use of the land, which will regenerate the site which will provide a positive contribution to the streetscene and the positive employment and economic benefits associated with the hotel. The building is considered to have an appropriate scale and massing of proposed buildings would relate well to the existing site context. As the report acknowledges, there is expected to be some impacts on existing daylight and sunlight light conditions to existing residential dwellinghouses nearby. The impacts would be commensurate with development of this form and such impacts must be balanced against the planning benefits of the proposal. Overall, and on balance, the impacts associated with the development would it is considered be outweighed in this case by the benefits of redeveloping the site, economic benefits and public realm improvements.



DECISION NOTICE – APPROVAL

Application No: 23/3365

To: Mr Joyce
Brunel Planning
51 Queen's Road
Tunbridge Wells
Kent
TN4 9LZ

I refer to your application dated **20/10/2023** proposing the following:

Redevelopment of the site for a basement (with small sub-basement for sprinkler pump and swimming pool plant room), ground plus five-storey building for an apart-hotel (152 rooms) with swimming pool and gym, a public house, co-working space and associated servicing, car parking (including accessible car parking), cycle parking and landscaping.

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

at **163-165 Edgware Road, London, NW9**

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: 05/03/2024

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with the:-
National Planning Policy Framework
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):

Proposed Site

2201-SPP-ER-ZZ-DR-A-PL-00-0001 Proposed Location & Site Plan S4-P01

Proposed Plans

2201-SPP-ER-B2-DR-A-PL-20-1000 Proposed Lower Basement Floor Plan S4-P01
2201-SPP-ER-B1-DR-A-PL-20-1001 Proposed Basement Floor Plan S4-P01
2201-SPP-ER-0G-DR-A-PL-20-1002 Proposed Ground Floor Plan S4-P01
2201-SPP-ER-01-DR-A-PL-20-1003 Proposed Level 01 Floor Plan S4-P02
2201-SPP-ER-02-DR-A-PL-20-1004 Proposed Level 02 Floor Plan S4-P02
2201-SPP-ER-03-DR-A-PL-20-1005 Proposed Level 03 Floor Plan S4-P01
2201-SPP-ER-04-DR-A-PL-20-1006 Proposed Level 04 Floor Plan S4-P01
2201-SPP-ER-05-DR-A-PL-20-1007 Proposed Level 05 Floor Plan S4-P01
2201-SPP-ER-RL-DR-A-PL-20-1008 Proposed Roof Floor Plan S4-P01

Facade Details

2201-SPP-ER-ZZ-DR-A-PL-21-4001 Proposed Facade Typical Details - Sheet 01 S4-P01
2201-SPP-ER-ZZ-DR-A-PL-21-4002 Proposed Facade Typical Details - Sheet 02 S4-P01
2201-SPP-ER-ZZ-DR-A-PL-21-4003 Proposed Facade Typical Details - Sheet 03 S4-P01

Proposed Elevations

2201-SPP-ER-ZZ-DR-A-PL-25-3001 Proposed North Elevation S4-P01
2201-SPP-ER-ZZ-DR-A-PL-25-3002 Proposed South Elevation S4-P02
2201-SPP-ER-ZZ-DR-A-PL-25-3003 Proposed East Elevation S4-P01
2201-SPP-ER-ZZ-DR-A-PL-25-3004 Proposed West Elevation S4-P01

Proposed Sections

2201-SPP-ER-ZZ-DR-A-PL-26-2001 Proposed Section 1 S4-P01
2201-SPP-ER-ZZ-DR-A-PL-26-2002 Proposed Section 2 S4-P01
2201-SPP-ER-ZZ-DR-A-PL-26-2003 Proposed Section 3 S4-P01

Proposed Landscape

2201-SPP-ER-0G-DR-A-PL-90-1001 Proposed Landscape Ground Floor Plan S4-P01
2201-SPP-ER-RL-DR-A-PL-90-1002 Proposed Landscape Roof Floor Plan S4-P01

Proposed Schedules

2201-SPP-ER-XX-SH-A-PL-XX-6002 Proposed Scheme Area Schedule S4-P01
2201-SPP-ER-XX-SH-A-PL-XX-6003 Proposed Accommodation Schedule S4-P01

Design Statement

2201-SPP-ER-XX-DS-A-PL-XX-6001 Design and Access Statement S4-P01

Supporting Documents:

Design and Access Statement (SPPARC) - October 2023;
Flood Risk Assessment & Drainage Strategy (Elliott Wood) - October 2023;
Noise Assessment Report (RPS) - October 2023;
Fire Statement (OFR) - October 2023; Townscape Visual Impact Assessment (Stephen Levrant: Heritage Architecture) -October 2023;
Coach Management Plan (Vectos) - October 2023;
Travel Plan (Vectos) - October 2023;
Delivery and Servicing Management Plan (Vectos) - October 2023;
Urban Greening Factor Assessment (RPS) - October 2023;
Preliminary Ecological Appraisal (RPS) - October 2023;
Tree Protection Plan and Arboricultural Method Statement (Arboricultural Impact Assessment by RPS reference JSL4726_770 including Tree Protection Plan JSL4726_710)

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

- 3 The scheme hereby approved shall contain 152 rooms within the new apart-hotel, as detailed in the drawings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

- 4 The apart-hotel use hereby approved shall not be used other than for the purpose of a hotel use C1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written permission of the Local Planning Authority, with the exception of the ancillary use of the areas as shown in the drawings hereby approved as commercial space which may be used for those purposes within the hereby approved apart-hotel.

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

- 5 The development hereby approved shall contain 492sqm GIA of floor space which shall not be used other than as a Public House as detailed within the approved plans, together with 332sqm GIA of floorspace which shall not be used other than for a purpose as co-living workspace within use class E(g)(i) as detailed within the approved plans, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification).

First occupation of the apart-hotel shall not take place unless the public house has been completed and is ready for use and occupation.

Reason: In the interests of proper planning and to ensure the adequate re-provision of the public house and to provide employment floorspace within the borough.

- 6 No guest or customer of the apart-hotel use hereby permitted may occupy any part of the apart-hotel accommodation for a period exceeding ninety days (90) in any continuous period of six months. The operator of the apart-hotel shall at all times maintain an accurate register of the permanent addresses of all guests and of the dates of their occupancy of the accommodation. These registers shall be kept for not less than two years from the date of the last entry and shall be made available to be inspected by the Local Planning Authority upon reasonable demand.

Reason: To ensure use of the hotel accommodation is fit for purpose in accordance with Brent Policy BE9.

- 7 The car parking (including at least 2 blue badge parking spaces), cycle parking and the refuse

storage facilities as shown on the approved plans, or as otherwise approved in writing by the local planning authority, shall be installed and available for use prior to occupation of the development and thereafter retained and maintained as approved for the life of the development and not used other than for purposes ancillary to the occupation of the building hereby approved, unless alternative details are agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is fit for purpose and to encourage sustainable forms of transportation.

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

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

- 9 The windows situated on the south-west elevation facing the gardens of Rydal Gardens and Springfield Mount properties and serving rooms situated at first and second floor as annotated on the drawings titled "Proposed Level 01 Floor Plan" and "Proposed Level 02 Floor Plan" shall be obscured glazed and high opening only (1.7m above internal floor level) and shall be maintained as such for the life of the development.

Reason: To ensure that the privacy and amenity of the neighbouring sites is not compromised.

- 10 The development shall be built so that no fewer than 10% of the hotel rooms hereby approved are accessible rooms in accordance with the criteria set out in London Plan 2021 policy E10 (H)(1). These hotel rooms shall be maintained as accessible for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the hotel development achieves an inclusive design

- 11 The development hereby approved must be implemented in accordance with the provisions of the OFR Consultants Limited - Fire Statement (dated October 2023).

Reason: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

- 12 Prior to first occupation of the development hereby approved, electric vehicle charging points shall be provided to at least 7 of the parking spaces provided whilst the remaining spaces hereby approved shall be provided with passive electric vehicle charging facilities and the charging facilities and points shall be maintained for the lifetime of the development.

Reason: To encourage the uptake of electric vehicles as part of the aims of London Plan policy T6.1.

- 13 The development hereby approved shall be carried out fully in accordance with the recommendations and mitigation measures in the Ventilation and Extraction Statement - Meinhardt (dated October 2023), unless otherwise agreed in writing by the local planning authority.

Reason: To prevent any harm to occupants of the development or nearby residents.

- 14 The development hereby approved shall be carried out fully in accordance with the recommendations and mitigation measures in the RPS Noise assessment dated 10/10/23 unless otherwise agreed in writing by the local planning authority.

Reason: To prevent any harm to occupants of the development or nearby residents.

- 15 The development hereby approved shall be carried out fully in accordance with the recommendations in the Preliminary Ecological Appraisal - RPS (Dated October 2023) unless otherwise agreed in writing by the local planning authority.

Reason: To prevent any harm to protected species and habitats.

- 16 The Coach Management Plan shall be implemented in full from first occupation of the development unless an alternative or revised plan is submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full. The plan set out arrangements for the management of coach movements and parking on site, along with details of monitoring arrangements to address any issues associated with coach visits that do arise.

Reason: In the interests of highway safety

- 17 The Travel Plan prepared by Vectos (October 2023) hereby approved shall be implemented in full from first occupation of the development, unless an alternative or revised Travel Plan is submitted to and approved in writing by the local planning authority and thereafter implemented.

Reason: To prevent any harm to occupants of the development of nearby residents.

- 18 The development hereby approved shall be carried out fully in accordance with the recommendations and mitigation measures in the submitted Flood Risk Assessment and Sustainable Drainage Strategy - Elliott Wood (Dated October 2023), unless otherwise agreed in writing by the local planning authority.

Reason: To ensure adequate sustainable drainage of the site, in accordance with London Plan Policy SI13 and Brent Local Plan Policy BSUI4.

- 19 The recommendations within the Delivery and Servicing Plan (DSP) hereby approved shall be implemented in full from first occupation of the development. The plan set out measures to ensure that all delivery and servicing activities can be safely accommodated on site without adversely affecting the safety and amenity of residents or other users of the development.

All delivery and servicing activity shall be carried out fully in accordance with the approved details, unless an alternative or revised Delivery and Servicing Plan is submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full.

Reason: To ensure that all delivery and servicing activities can be safely accommodated on site without adversely affecting the safety and amenity of residents or other users of the development or conditions on the highway network.

- 20 The development shall be implemented in strict accordance with the Tree Protection Plan and Arboricultural Method Statement (Arboricultural Impact Assessment by RPS reference JSL4726_770 including Tree Protection Plan JSL4726_710) or subsequent approved revisions.

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

- 21 The development hereby approved shall be carried out fully in accordance with the detailed plans submitted showing the arrangement of the long term cycle parking/storage within the development hereby approved. All of the cycle parking within the development shall be made available for use prior to the first occupation of 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 building hereby approved, unless alternative details are agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is fit for purpose and adequately provides for and encourages uptake of cycling among building users.

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

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

Details of measures to be used to ensure that disruption to existing nearby residents is minimised as much as possible during the construction period (including demolition) shall also be provided.

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

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

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

23 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. In addition, measures to control emissions during the construction phase relevant to a medium risk site should be written into an Air Quality and Dust Management Plan (AQDMP), or form part of a Construction Environmental Management Plan, in line with the requirements of the Control of Dust and Emissions during Construction and Demolition SPG. The AQDMP should also be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be constructed in accordance with the approved Construction Method Statement, together with the measures and monitoring protocols implemented throughout the construction phase.

The development shall thereafter be constructed in accordance with the approved Construction Method Statement, together with the measures and monitoring protocols implemented throughout the construction phase.

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: Nuisance from demolition and construction activities can occur at any time, and adequate controls need to be in place before any work starts on site.

24 Prior to the commencement of the development a Construction Ecological Management Plan shall be submitted to and approved by the Local Planning Authority outlining measures that will be taken to minimise the potential impact of the construction phase of the development on the existing ecology of the site and off-site receptors, and to ensure works proceed in accordance with current wildlife legislation. The development shall thereafter operate in accordance with the approved document.

Reason: To ensure an acceptable impact on the surrounding environment during construction.

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

- 25 (a) Prior to commencement of development (excluding demolition of existing building) a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present within the site. 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 development 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 remediation required by the Local Planning Authority shall be carried out in full in accordance with the approved remediation works. Prior to the occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority (in writing through the submission of an application for approval of details reserved by condition) stating that remediation has been carried out in accordance with the approved remediation scheme and the land is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- 26 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water (in writing through the submission of an application for approval of details reserved by condition). Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement, unless otherwise agreed in writing by the local planning authority following consultation with Thames Water.

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

- 27 Prior to commencement of development (excluding demolition, site clearance and below ground works), a scheme of sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority. The insulation shall be designed so that noise from any proposed public house use does not adversely impact the hotel use hereby approved. The approved insulation measures shall thereafter be implemented in full accordance with the approved measures, unless otherwise agreed in writing by the local planning authority.

Reason: To protect acceptable local noise levels and to safeguard the amenity of future residents.

- 28 Prior to commencement of development (excluding site clearance and demolition works), details of how the development is designed to allow future connection to a district heating network should one become available, shall be submitted to and approved in writing by the local planning authority.

The development shall be completed in accordance with the approved details thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development is in accordance with the principles of London Plan Policy SI3 and Brent's Local Plan Policy BSUI1.

- 29 Prior to the commencement of works (excluding site clearance, demolition and below ground

level works) detailed studies shall be submitted to and approved in writing by the local planning authority which shall include detailed sections, elevations and where relevant technical specifications illustrating how specific elements of the facades will be constructed to include typical windows, parapets, soffits and the junctions between different materials. The development shall be carried out in full accordance with the approved details thereafter, unless otherwise agreed in writing by the local planning authority.

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

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

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

- 31 Prior to works commencing above ground on the development, a detailed landscaping scheme and implementation programme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall incorporate the hard and soft landscaping details proposed on the approved plans, as well as further details of, but not limited to the following:

- (a) Proposed materials for all hard surfaces and the permeable qualities;
- (b) Precise locations of all Sheffield cycle stands to be provided within the public realm for a minimum of 17 short-term cycle spaces;
- (c) Details and sizes of all raised planters, including any trellises;
- (d) Species, locations and densities for all trees, grass and shrubs
- (e) Proposed walls, fencing, screening treatment and gates and any other permanent means of boundary treatment/enclosure, indicating materials, position and heights;
- (f) Soil depth and composition on roof terraces, and details of plants and shrubs for these areas;
- (g) Details of biodiversity and ecology enhancement measures as set out within Preliminary Ecological Appraisal - RPS (Dated October 2023)
- (h) Details of measures to secure a minimum Urban Greening Factor of 0.3
- (i) Details of any external CCTV installations
- (j) A Landscape Management and Maintenance Plan setting out details of the proposed arrangements for maintenance of the landscaping, including management responsibilities.

The approved landscaping scheme and implementation programme shall be completed in full;

- (a) prior to first occupation or use of the building(s), in respect of hard landscaping components and boundary treatments;
- (b) during the first available planting season following completion of the development hereby approved, in respect of all other soft landscaping components.

It shall thereafter be mainlined fully in accordance with the approved Landscape Management and Maintenance Plan, unless otherwise agreed in writing by the Local Planning Authority.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- 32 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.

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

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

- 34 Prior to first occupation or first use, a Community Access Plan relating to the use of the Public House shall be submitted to and approved in writing by the Local Planning Authority. The Community Access Plan shall include details of rates of hire (based upon those charged at other public facilities), terms of access, hours of use, access arrangements and management responsibilities.

The approved Community Access Plan shall be brought into operation within 3 months of first occupation or use of the facilities and it shall remain in operation for the duration of the use of the Development.

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

- 35 Prior to the first occupation of the development a wayfinding a signage strategy should be provided to warn drivers of the low headroom heights and for navigation and access movements to the rear service year from Springfield Mount.

The Wayfinding Strategy and associated infrastructure shall be implemented in full prior to first use of the development.

Reason: In order to ensure that pedestrian, vehicular and disabled access routes are clearly legible, and in the interests of proper planning.

- 36 Prior to the commencement of use of the apart-hotel, an Accessibility Management Plan (relating to the hotel use) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be fully implemented as approved thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the hotel development achieves an inclusive design.

- 37 Within six months from practical completion of the non-residential floorspace hereby approved, a BREEAM Assessment and Post Construction Certificate, demonstrating compliance with the BREEAM Certification Process for non-domestic buildings and the achievement of a BREEAM Excellent rating, unless otherwise agreed in writing, shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the non-residential floorspace is constructed in accordance with sustainable

design and construction principles, in accordance with Brent Local Plan Policy BSUI1.

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 Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read the Thames Water guide 'working near our assets' to ensure your workings will be 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> Should you require further information please contact Thames Water.

Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water

Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

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

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

- 5 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 Nicola Blake, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5149