



Planning Committee

Tuesday 11 June 2024 at 6.00 pm

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

Please note 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
Chappell
Dixon
Johnson
J.Patel

Substitute Members

Councillors:

Agha, Bajwa, Crabb, Gbajumo, Mahmood,
Mitchell and Rajan-Seelan.

Councillors

Hirani and Kansagra.

For further information contact: James Kinsella, Governance Manager
james.kinsella@brent.gov.uk; 020 8937 2063

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Members' virtual briefing will take place at 12.00 noon.

Notes for Members - Declarations of Interest:

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

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

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

***Disclosable Pecuniary Interests:**

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

****Personal Interests:**

The business relates to or affects:

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

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

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

or

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

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

Agenda

Introductions, if appropriate.

ITEM	WARD	PAGE
1. Apologies for Absence and Clarification of Alternative Members		
2. Declarations of interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.		
3. Minutes of the previous meeting To approve the minutes of the previous meeting held on Wednesday 8 May 2024 as a correct record of the meeting.		1 - 10
APPLICATIONS FOR DECISION		
4. 23/3368 - Pavilion, King Edward VII Park, Park Lane, Wembley, HA9 7RX	Wembley Hill	15 - 40
5. 23/3833 - Tirzah Mansion, 26 Salmon Street, London, NW9 8PN	Welsh Harp	41 - 78
6. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Deputy Director Democratic Services or their representative before the meeting in accordance with Standing Order 60.		

Date of the next meeting: Wednesday 10 July 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 8 May 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 received.

2. Declarations of interests

Councillor Akram declared a personal interest in relation to Agenda Item 4 (22/3346 – 2-8 Sevenex Parade & 2A London Road, Wembley HA9), stating that as one of the councillors representing Wembley Hill ward he had been contacted by local residents regarding the application but had not engaged directly with them and had not yet come to a decision regarding the application and thus was attending the Committee with an open mind.

3. Minutes of the previous meeting

RESOLVED that the minutes of the previous meetings held on Wednesday 13 March 2024 be approved as a correct record of the meeting.

4. 22/3346 - 2-8 Sevenex Parade & 2A London Road, Wembley, HA9.

PROPOSAL

Demolition of existing buildings and erection of a six and part seven-storey building with basement level comprising residential flats (Use Class C3), ground floor commercial unit (Use Class E), associated communal space, landscaping and cycle and refuse storage.

RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to:

- i) The prior completion of a legal agreement to secure the planning obligations detailed in the Committee report.
- ii) The Head of Planning being delegated authority to negotiate the legal agreement detailed in the Committee report.
- iii) The Head of Planning being delegated authority to issue the planning permission and impose the conditions and informatives detailed in the Committee report.

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- iv) The Head of Planning being 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 being reached by the committee.
- v) The Head of Planning being delegated authority to refuse planning permission 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.

Nicola Blake, Principal Planning Officer, introduced the report and set out the proposal. Members were advised that the site was located within the boundaries of Wembley Town Centre and had been classified as a Secondary Shopping Frontage within the Wembley Growth Area.

The Chair thanked Nicola Blake for introducing the report and subsequently invited Mr Paul Brailsford (who had registered to speak as the Applicants Agent) to address the Committee.

The following key points were highlighted:

- Speaking on behalf of Daejan Investments Ltd (as part of the Freshwater Group of companies) he advised that the application represented the culmination of five years work between the applicant, officers and other consultees.
- The site was located within the Wembley Growth Area and was currently occupied by a predominantly single storey flat roofed building containing 8 small commercial units of which five were currently vacant and the leases on the remaining three were due to expire in December. As such the location was considered to be a significantly underused urban site in a highly sustainable location presenting a good opportunity for redevelopment.
- The site was also located within the Tall Building Zone bordered by numerous multi storey developments with the proposals height at seven storeys therefore felt to be acceptable in respect of the character of the wider surrounding area. In order to deal with level changes across the site the proposal involved two blocks, one at six storeys and the other at seven with recessed top floors and the building arranged in a "U" form around a communal courtyard garden with additional private amenity space also provided at fifth and sixth floor roof levels.
- As a result of the proposed landscaping the site had achieved an urban greening score of 0.3 and had also provided a biodiversity net gain.

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- The shape and mass of the building had evolved with reference to BRE guidelines in order to ensure that levels of daylight and sunlight within the new blocks were appropriate and the impact on neighbouring properties was minimised to ensure they were acceptable in the surrounding urban context.
- The scheme had been designed to provide 41 residential units (including 12 three-bedroom family units) which would all met the required national space standards. Three of the proposed residential units would comply with Building Regulations Part M4(3) and the rest with M4(2).
- Whilst a detailed financial viability assessment had concluded that the scheme could not deliver any affordable housing a late-stage review mechanism was due to be secured through the legal agreement in order to capture any off-site contributions in the event viability improved during the construction phase.
- In summing up, it was felt the proposal would result in the redevelopment of an underutilised site located in a highly sustainable location that had been designed to optimise housing delivery and with no outstanding technical objections it as hoped the Committee would resolve to grant planning permission in line with the recommendations in the officer's report.

The Chair thanked Mr Brailsford for addressing the Committee and invited members to ask any questions they had in relation to the information presented. Questions were raised in relation to the viability options considered, lack of affordable housing, internal and external daylight assessment and impact of the building on surrounding properties and existing commercial use on the site.

The following responses were provided:

- In response to a query regarding alternative options considered in relation to design of the proposal that may have improved viability and provided opportunities to include an element of affordable housing, such as the possibility of extending the height of the development, Mr Brailsford felt it important to recognise the constrained nature of the site and considerable effort already made to optimise design of the scheme in terms of the available building envelope and associated daylight/sunlight impact. Whilst seeking to provide the maximum development opportunity, including the provision of amenity space, there had been a need to balance the impact in terms of daylight/sunlight across the site and on adjacent properties against the overall scale, design and massing of the proposed scheme which had resulted in the assessment (supported he highlighted by officers) that an increase in height would not be appropriate given the overall build envelope.
- In terms of the existing commercial use of the site, confirmation was provided that the existing three commercial tenants within the current site had been contacted to discuss the availability and provision of space within the proposed new development but currently no expressions of interest had been received in terms of the potential offer.

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- In response to the concerns highlighted in relation to the lack of affordable housing within the development scheme, noting the proposed uplift in number of residential units by three since the application had originally been submitted, confirmation was provided that whilst delivering a marginal improvement these additional units had not been assessed as impacting on the overall viability appraisal for the scheme in relation to the threshold for delivery of affordable housing on site. A reminder was provided, that the viability assessment had been undertaken using independent advisors appointed by the Council with a late-stage review mechanism also to be secured that would ensure any off-site contributions towards affordable housing could be captured in the event viability was to improve.
- In response to further details sought on the removal of car parking provision at basement level within the proposed development members were advised this reflected current parking standards and the desire for the development to be car free.
- Returning to explore the issue of a potential increase in the height of the proposed development, members were reminded this had not been assessed as appropriate given the overall build envelope for the development and potential impact on the light environment both for units internally and for adjacent properties.
- In response to a query on the potential use of contributions relating to the late-stage review mechanism process and this being used to acquire units on site as a means of securing affordable housing provision, members were advised that this would involve the provision of a financial contribution which could then be used as required to secure the provision of additional housing units elsewhere within the borough, including through the use of Registered Providers. Whilst recognising the process, members felt this highlighted the ongoing difficulties faced by the Council in being able to secure additional units of affordable housing, given the current pressures on viability impacting on housing development schemes across the borough as a whole.
- In addressing the issue of the internal daylight/sunlight assessment and potential for this to be improved if the height of the building was to be extended members were again advised of the balance needing to be achieved in relation to minimising the impact of the scale, height and mass of the development so that it was not overbearing on adjacent properties. It was also pointed out that increasing the height of the development would also be likely to have minimal impact on the current internal daylight/sunlight assessment, especially when taking account of the overall design of the units and also benefits arising from the provision of private external amenity space with the current proposal therefore assessed as being acceptable in relation to levels of daylight and sunlight.
- As a final issue, responding to a query on the impact of light on adjacent properties arising from the development members attention was drawn to the

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assessment of the relationship between the proposed development and neighbouring properties included within the officer's report. This had included an assessment in relation to privacy and daylight/sunlight impact and had concluded that whilst not all would achieve the BRE compliance rate the results were considered to be acceptable given the urban context of the proposal, its location within the Wembley Growth Area and Tall Building Zone current levels of lighting and overall benefits of the development in relation to the provision of new commercial floorspace and residential homes (including family sized dwellings).

The Chair thanked Mr Brailsford for responding to the Committee's queries and then moved on to offer the Committee the opportunity to ask the officers any remaining questions or points of clarity in relation to the application. Members raised initial queries relating to affordable housing, the impact on internal daylight within the development, and on external daylight and sunlight. Having asked officers to elaborate on the proposal, especially in relation to policy compliance, additional details were also sought in relation to parking and transport, air quality, commercial impact, environmental and urban greening factor compliance and ownership of the development site.

The following responses were provided:

- On the issue of viability and affordable housing assurance was provided that the application had been assessed as compliant with policies H4, H5 and H6 of the London Plan and also policy BH5 within Brent's Local Plan. In outlining the policy requirements relating to the percentage of affordable housing to be delivered members were advised that the overall target was set at a strategic level rather than on an individual scheme basis. In terms of the policy requirements for individual schemes, where these did not meet the requirements the application would need to follow the Viability Tested Route, which it was confirmed had been undertaken for the application under consideration given it had not been possible to meet the required 35% threshold for affordable housing within the London and Brent Local Plan.
- In clarifying the Financial Viability Appraisal (FVA) process, confirmation was provided that the viability evidence provided was assessed on the basis of independent professional valuation advice. The original FVA submitted for the 38 units had (following challenge by the independent consultants) concluded that the scheme would generate a deficit of £2.13m. Following the revisions to the application and increase in number of units to 41 an updated FVA had been submitted. Once again, following challenge by the Council's independent consultants, the conclusion was that whilst more favourable the scheme was still projected to generate a deficit of £1.88m meaning the scheme had been assessed as not being able to reasonably deliver any affordable housing. In line with Policy, however, both an early and late-stage review mechanism were due to be secured within the Section 106 Agreement in order to capture any of site contributions towards affordable housing, in the event viability was to improve. On this basis the application had been assessed to be policy compliant.

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- In recognising the constrained size of the envelope for development of the site, wider context of the surrounding area and that the housing mix (in relation to number of family sized dwellings included) was policy compliant under Policy BH6 the application had been felt to achieve optimal use of the site.
- In relation to the height of the building, officers confirmed that the proposal was felt to be well designed in terms of the wider urban context of other buildings within the vicinity of the site. In terms of height and massing, whilst options to extend the height of the building had been considered the proposal in its current form was considered to be appropriate for the site, limiting the potential impact on neighbouring properties by satisfying the principles of SPD1 design guide.
- In terms of seeking to maximise potential development opportunities available through individual proposals at pre application stage, officers advised that whilst seeking to secure the maximum benefit in terms of each site these would also need to be balanced against the potential impact in terms of the surrounding area and planning policy context which were matters that would then need to be assessed by the Committee in seeking to reach any decision of specific applications.
- Moving on to consider the internal daylight/sunlight assessment officers outlined the tests used to calculate acceptable levels of internal and external day and sunlight based on targets within BRE guidance. Based on the rooms tested, confirmation was provided that an overall compliance rate of 66% in relation to the relevant assessment criteria had been achieved. Members were, however, advised that the rooms which had fallen short were either Living Kitchen Dining (LKD) rooms or bedrooms with it pointed out that LKDs often tended to be deeper within residential units in order to provide adequate and usable layouts. In order to offset this, the use of artificial task lighting was used and taking account of these factors a reduced alternative daylight target was available, which if applied to the LKDs would increase the overall compliance rate to 71%. In terms of bedrooms 7 out of the 12 tested achieved results of 43-49% against the 50% target, which members were advised was felt to represent a minor loss given the primary uses of these rooms.
- Taking account of London Plan policy D6, in seeking to maximise internal space standards balanced against the provision of single aspect units, members were also advised of the need to take into account the impact of the provision of balconies as an additional contributing factor to the daylight assessment with the compliance rate increasing to 91% without their presence. Officers were, however, of the view that the positive aspect of providing private external amenity space within the development was a significant benefit and therefore considered to outweigh the harm in terms of internal daylight levels. Following concerns expressed at the meeting regarding the potential impact of internal daylight on family and disabled

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residential units, officers advised (having referred to drawings presented at the meeting) that the spread of units affected was not based on tenure type and included a mixed spread of units across the development. The access being provided to a variety of amenity spaces throughout the site was also highlighted, with a majority of these meeting BRE guidance levels of sunlight and the levels of daylight and sunlight received by the new homes and amenity spaces within the development therefore considered to be appropriate for a scheme of the density presented and recognising the standard of residential accommodation proposed, in line with the objectives of London Plan policy D6.

- In terms of daylight & sunlight impact on neighbouring properties, officers advised that the scheme had been assessed as achieving high compliance against the standard measures included within the BRE guidelines. In terms of the Vertical Sky Component this had achieved a compliance rate of 95% with the No Sky Line daylight distribution assessment being 97% compliance and sunlight distribution assessment (Annual Probable Sunlight Hours) being 98% compliance. Whilst the results of the overshadowing to gardens and open spaces test had shown three neighbouring amenity spaces to not meet BRE requirements, members were advised that these spaces were located on the lower ground floor which had been compromised prior to proposed redevelopment of the site. Whilst recognising that some windows had not achieved BRE compliance (mainly located within 447 High Road) it was felt that the scheme provided a high level of compliance overall with the results considered to be acceptable given the urban context of the proposal (including current low scale of the existing buildings) and its location within the Wembley Growth Area, a town centre and Tall Building Zone with the overall benefits of the development (including new commercial floorspace and resident homes once again felt to outweigh the limited harm identified.
- In terms of the impact of the proposed development on existing commercial floorspace, officers acknowledged that the total commercial floorspace provision would be less than currently exists, with Policy BE4 (active commercial frontages, puts a positive emphasis on mixes of frontages in the area) and BH2 (Town centres with existing commercial floor space should make sure the same level of commercial space is provided) applying in this respect. In noting the constrained location of the workshop at the rear of the site, members were advised that although provision would not be on a like for like basis, the application had provided a commercial unit on the ground floor that would face onto London Road as an active frontage allocated for commercial uses within Use Class E. Overall, the proposed development was therefore felt to provide an acceptable town centre use on the ground floor of the building within the designated secondary shopping frontage complimented by the residential units within the building and town centre location. On this basis officers advised the overall benefits of the scheme had therefore been considered to outweigh the impact of not fully re-providing the existing commercial floorspace. Whilst recognising that the size of proposed development would fall under the minimum policy requirement to secure apprenticeship placements as part of any development

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scheme members nevertheless remained keen to encourage engagement with Brent Starts.

- In response to queries raised in relation to the owner and developer of the site members were advised that these issues were not matters that could be classified as valid or material planning considerations and therefore taken into account when assessing the application. Confirmation was, however, provided that completion of any S106 legal agreement in relation to the development (should consent be granted) would include a process of due diligence around site ownership, including reference to Land Registry checks.
- Alongside concerns which had been noted in relation to the reprovision of commercial floorspace, lack of affordable housing and internal daylight and sunlight assessment further details were also sought on the position regarding the urban greening factor (UGF), given the shortfall in minimum score identified as required for a scheme of the size presented. In response, members were advised that whilst a shortfall had been identified the proposed scheme would significantly improve the UGF compared to the existing situation with the site currently only consisting of buildings and hard surfacing. Details to maximise the UGF score within the site were also recommended to be conditioned as part of any consent with members keen to ensure the maximum contribution was achieved. As part of the sustainability and environmental improvements being sought reference was also made to improvements it was felt could be made in the external boundary features.
- Given reference made to the flood risk and drainage assessment, officers confirmed the inclusion of a recommended condition within any consent in relation to the securing of sustainable drainage measures and drainage maintenance plan.
- In terms of Air Quality, members were advised that this had been assessed as Air Quality Neutral taking account of dust and vehicle emissions during construction, building emissions and proposed heating system. Whilst required to be air quality positive rather than neutral officers advised that as a result of a change in the car free nature of the development along with the inclusion of Air Source Heat Pumps (alongside the Construction Management Plan) it was considered that reasonable measure had now been incorporated to mitigate any potential air quality impact.
- As a final issue covered, officer addressed issues relating to highways and transportation with it confirmed that the site fell within an area with a high PTAL rating and the development having been revised to a car free scheme including securing the removal of rights for any future residents to on-street parking permits. Given the lack of reference to the provision of e-cycle charging points within the proposals relating to cycle parking Members advised they would also be keen to ensure these safety concerns were addressed through the relevant condition as part of any consent.

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As there were no further questions from members the Chair then moved on to the vote.

DECISION

RESOLVED to grant planning permission subject to.

- (1) the completion of a legal agreement to secure the obligations and the conditions (as amended below) and informatives set out in the Committee report; and
- (2) the amendment of Condition 18 (hard and soft landscaping) to maximise opportunities to increase UGF to 0.4 in line with policy BH4 and condition 19 (cycle parking) to look at options for provision of e-cycle points.

(Voting on the above decision was as follows: For 5 and Against 3)

5. Any Other Urgent Business

None.

The meeting closed at 7.50pm
COUNCILLOR KELCHER
Chair

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APPLICATIONS FOR DECISION

Introduction

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

Material planning considerations

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

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

Provision of infrastructure

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

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

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

Further information

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

Public speaking

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

Recommendation

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

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

11 June, 2024
04
23/3368

SITE INFORMATION

RECEIVED	18 October, 2023
WARD	Wembley Hill
PLANNING AREA	Brent Connects Wembley
LOCATION	Pavilion, King Edward VII Park, Park Lane, Wembley, HA9 7RX
PROPOSAL	Demolition of existing pavilion and erection of building for indoor sports and fitness by Stonebridge Boxing Club (SBC) to include gym and sporting facilities, physio, ancillary office space, changing facilities and cafe
PLAN NO'S	See condition.
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_166669</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 "23/3368" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission.

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

Conditions

1. 3 years consent
2. Approved Drawings
3. Building Use
4. Tree Protection Measures
5. Ecology Measures
6. Bat Roost Survey
7. Materials
8. Landscaping Plan
9. Odour Control Equipment
10. Community Use Agreement
11. CCTV and Lighting
12. Travel Plan
13. Bicycle Storage
14. Secured by Design
15. Trees

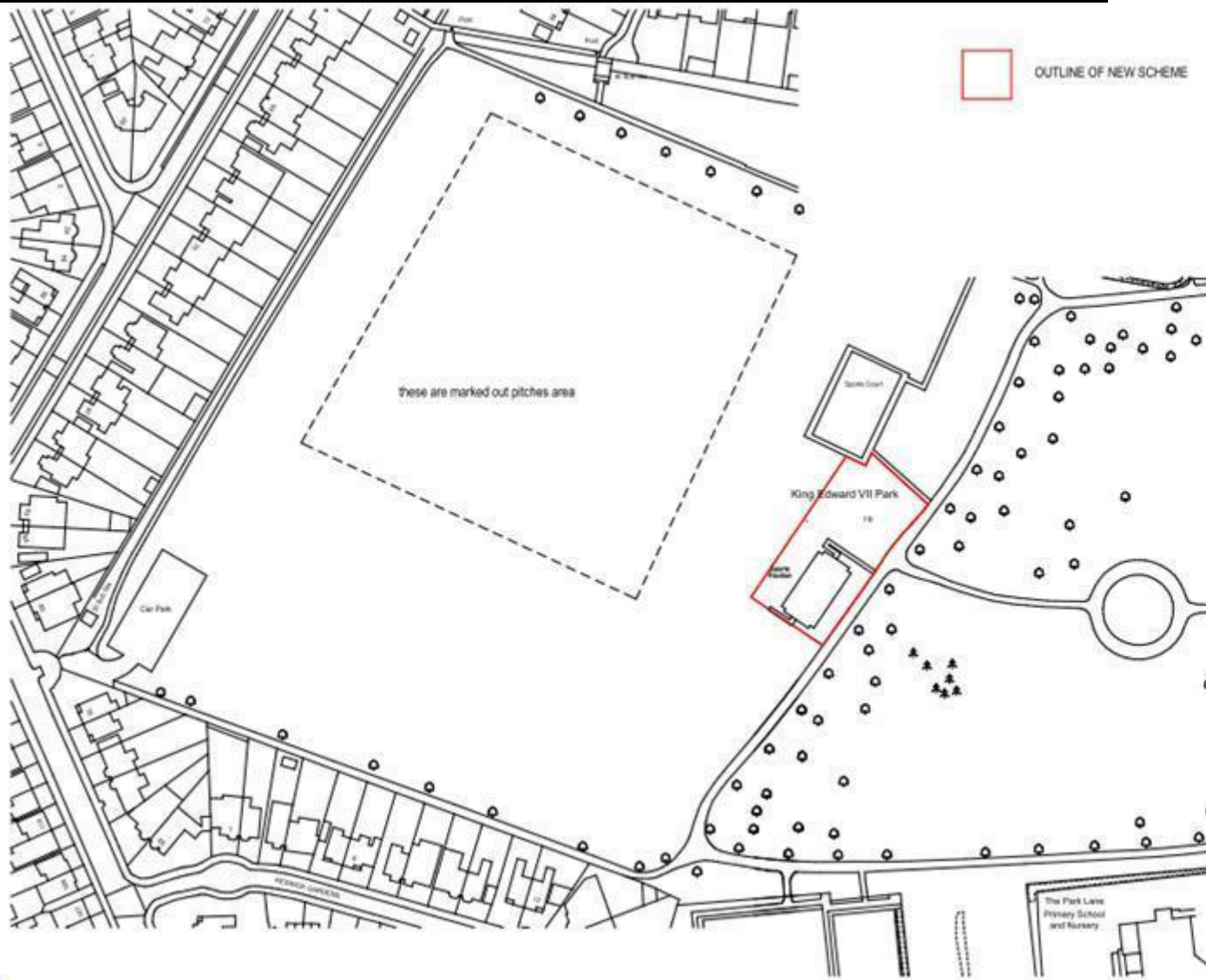
Informatives

1. CIL Liability
2. Site Ownership
3. Asbestos

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

SITE MAP

	Planning Committee Map
Brent	Site address: Pavilion, King Edward VII Park, Park Lane, Wembley, HA9 7RX
	© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

PROPOSAL IN DETAIL

The application seeks planning permission for the demolition of the existing pavilion building, and the erection of a replacement, single storey pavilion building for use by Stonebridge Boxing Club (SBC). Internally, it would include a gym and physio facilities, changing rooms and showers, and an ancillary office space. A small café would also be provided.

Associated works include the provision of 8x bicycle stands, 2x concrete and timber benches and the provision of replacement soft landscaping, gravel and hardstanding.

Amendments received during the course of the application

During the course of the application, the following amendments were requested by officers to respond to concerns regarding the increased size of the proposed building when compared to the extant consent and the proposed building's impact on the trees located to the north-east of the existing building.

- Reduction in the footprint of the proposed pavilion and associated store from 664.5sqm to 576.8sqm;
- Reduction in the proposed hardstanding from 735.5sqm to 265.77sqm and an associated increase in soft landscaping provision;
- Movement of the building further south-west by approximately 2m; and,
- Provision of 4 replacement trees.

EXISTING

The application relates to the sports pavilion building in King Edward VII Park in Wembley. The building is currently vacant but contains changing rooms, showers and a meeting room at ground floor, and an admin / common room at first floor, which is accessed externally via steps and a ramp. The building is set against a pathway leading through the centre of the park, which also provides access for maintenance vehicles. There are two entrances to the ground floor, on the northeast and southwest elevations and aligned with vertically with the ramp and stair landings on the first floor.

The site is not in a conservation area and the building is not listed. However the park is designated as Open Space and as a locally listed park. The pavilion is approximately 200m away from the main entrance to the park on Park Lane.

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: 26 properties were consulted on this proposal and 3 site notices were erected at the entrances to King Edward VII Park. Objections have been received from 23 individual people. Comments of support have been received from 66 individual people and one neutral has been received. The contents of these representations are summarised in detail below in the 'Consultation' section below. Consultees (internal and external) have provided comments, as also set out within the 'Consultation' section below.

Principle of the Replacement Pavilion Building: The loss of 842.57sqm of designated Open Space is considered to be acceptable (accounting for around 0.5% of the total park space). While the indoor sports and fitness uses are not open space uses, they support the provision of a café which would result in enhanced facilities to support the open space. Whilst Policy G4 presumes against any loss of protected open space, the planning benefits of the scheme including community access and a café as discussed within the remarks section below, would provide enhanced recreation facilities which would encourage and support the use of the park for outdoor recreation, are considered to outweigh the limited harm caused by the loss of open space. The consent would also be subject to a Community Use Agreement which would be secured by condition. The application therefore complies with Policies BSI1 and S1.

Design and Impact on the setting of the Locally Listed Park: Notwithstanding the increased bulk, the proposed pavilion building would represent an improvement over the appearance of the existing pavilion

building, which is not of special interest. Whilst the proposed footprint would be 82.3sqm larger than the extant consent (LPA ref: 22/2526), this could be supported by the reduced height of 5.83m and the pitching of the roof. The approach to materiality would strike an appropriate balance between robustness and visual amenity. Any perceived harm to the setting of the locally listed park would be balanced against the planning benefits of the proposal.

Neighbouring Amenity: The proposed development is located approximately 100m from the nearest residential premises. The overall impact of the development is considered acceptable in relation to neighbouring properties having regard to daylight, sunlight, outlook, privacy, noise, odour and lighting.

Highways and Transportation: No new car parking is proposed, so maximum standards set out within Policy BT2 of the Local Plan are complied with. If people do drive to the site, there is a public car park in the northwestern corner of King Edward VII Park that can be used. Nevertheless, based upon the trip generation information provided, the impact on parking would be negligible. 16 bicycle spaces would be provided which is almost double the minimum standards set out within Policy T5 of the London Plan. A Travel Plan would be conditioned to any consent which would encourage sustainable travel patterns in accordance with London Plan standards. Servicing to the cafe would not be intensive and could be managed by cargo bike from the car park.

Ecology, Biodiversity and Flooding/Drainage: Whilst the proposed development would result in the loss of 4 trees, appropriate replacements would be provided on/off site in line with Policy BT2. Furthermore, the development would be located outside of the RPAs of the trees to the north which is an improvement over the extant consent (ref: 22/2526). All retained trees would be protected in accordance with the Tree Protection Plan provided. Appropriate conditions would ensure ecology is protected and biodiversity net gain secured in line with Policy BG11. The site is not located within any areas of increased flood risk and surface water run-off would be mitigated by the provision of soft landscaping and permeable gravel, in line with Policy BSUI4.

Fire safety: No Fire Statement was submitted with the application. However, the scheme would be subject to approval through the building regulations to ensure that all fire safety requirements are met.

RELEVANT SITE HISTORY

22/2526 - Permission Granted (07/10/2022)

Alteration and extension to pavillion building for use by stonebridge boxing club (SBC), to include gym and sporting facilities, physio, ancillary office space, changing facilities and cafe

CONSULTATIONS

A total of 26 letters were sent out to neighbouring properties within the vicinity of the application site on 08/12/2023.

Three site notices were erected at the entrances to King Edward VII Park on 22/12/2023.

A total of 89 responses had been received.

This includes 1 neutral comment and 66 support comments. 42 of these support comments were received from residents living within the borough and 24 from outside of the borough.

23 objection comments were also received including from the Park Lawns Residents Association, Brent Parks Forum and CPRE London.

Summary of Objection Comments

Comment	Officer Response
Design and Impact on Visual Amenity	

The proposed size dominates the existing pavilion. The footprint should be confined to the existing.	Please refer to the 'Design, Scale and Appearance' section of the below report.
The proposed pavilion is too big for the park.	Please refer to the 'Design, Scale and Appearance' section of the below report.
The pavilion should instead be built upwards.	The Council are not able to assess alternative proposals. Please see the below report for an assessment into the scheme proposed.
The metal appearance is ugly and would be out of place.	Please refer to the 'Design, Scale and Appearance' section of the below report.
The original features of the park are being lost.	The existing pavilion building is disused and derelict. Please refer to the 'Design, Scale and Appearance' section of the below report.
Concerns regarding the increased size of the proposal compared to the previous application.	Amendments were received during the course of the application to reduce the footprint of the building proposed. Please refer to the 'Design, Scale and Appearance' section of the below report.
The building should instead be located within one corner of the park and the most suitable place is the St John's Road entrance.	The Council are not able to assess alternative proposals. Please see the below report for an assessment into the scheme proposed.
Environmental Concerns	
Detrimental impact on green space.	Please refer to the 'Principle of Development' and 'Trees, Ecology and Landscaping' sections of the below report.
Loss of valuable parkland in an area which is surrounded by AoDs (areas deficient in open green space). This is particularly the case for King Edward VII Park which serves the high density development at Wembley Park.	Please refer to the 'Principle of Development' section of the below report.
The open space is protected by Policy G4 of the London Plan.	Please refer to the 'Principle of Development' section of the below report.
Loss of trees.	Please refer to the 'Trees, Ecology and Landscaping' sections of the below report.

Other Concerns	
The development would lead to extra parking on nearby roads.	Please refer to the 'Transport Considerations' section of the below report.
There is no benefit to the proposed works.	Please refer to the 'Principle of Development' section of the below report.
Concerns that the Council should not sell/dispose of public parks before they issue any planning permission. This is in relation to the Shropshire vs Day Supreme Court Decision.	The London Borough of Brent hold the absolute freehold of King Edward VII Park (including the land within this application's red line boundary). The Council has not disposed of the land which is the subject of this application. Should planning permission be granted, this would not override any requirements of Brent Council as the freeholder of the application site. Should there be a future disposal of the application site the Council will comply with any statutory requirements and any requirements of the Fields in Trust acting in their role as Trustees of King Edward VII Park.
Concerns that the pavilion is planned as a vehicle for concert events in the park.	The wider use of King Edward VII Park is not a material consideration within this planning application. The subject application is for the erection of a building for use by Stonebridge Boxing Club with ancillary community facilities.
There is a need for a new pavilion but primarily as changing rooms for those using the park's sporting facilities. Changing rooms are not accessible to the general public.	Should planning permission be granted, the application would be subject to the submission and approval of a community use agreement. Please see the below assessment for more detail.
The park lacks proper lighting for such a use. This leads to safety concerns for those using the building.	Measures implemented outside of the application site could not be secured as part of this planning application. These arrangements would need to be agreed with Brent's Parks Service prior to occupation.
The cost of demolition and replacement could run into millions.	The cost of development is not a material planning consideration.
Concerns relating to the management of the park over time, and its degradation of quality. The Council should instead look at the park as a whole, rather than assessing this proposal.	The wider management of King Edward VII Park is not a material consideration within this planning application. The subject application is for the erection of a building for use by Stonebridge Boxing Club with

	ancillary community facilities.
The proposed use for boxing is 'niche' and would not be for the nearby residents.	Please refer to the 'Principle of Development' section of the below report. Should planning permission be granted, the application would be subject to the submission and approval of a community use agreement.
No alternative location has been considered without an impact to green space.	There is no planning policy requirement to demonstrate a review of alternative locations.
Concerns over the extent of public consultation.	Consultation has been carried out in accordance with statutory requirements and Brent's Statement of Community Involvement.
Concerns over the impact of construction on regular users of the park. The building could contain asbestos which would be detrimental to the health of the park's users.	The application was reviewed by Brent's Environmental Health team who raised no concerns in this regard. An informative would be included with any consent reminding the applicant of their duties under the Control of Asbestos Regulations.
It is not clear how the building would be serviced without damaging the park.	Please refer to the 'Transport Considerations' section of the below report.
Concerns over the collapse of the existing drainage system which formed part of the refusal reason for the Welsh School.	Please refer to 'Flood Risk and Drainage' section of the report below.
The building should provide external water fountains.	There is no planning policy requirement for an external water fountain. The proposal would also include a café available for public use.
Who will manage locking the gates at night after club usage.	Measures implemented outside of the application site could not be secured as part of this planning application. These arrangements would need to be agreed with Brent's Parks Service prior to occupation, however this would be more appropriately achieved under the terms of a lease or licence to use the building, rather than through the planning system.
A Robust Green Travel Plan should be implemented.	Should planning permission be granted, this would be secured by condition.

Summary of Support Comments

- The proposal would create a permanent presence in the park with new lighting, CCTV etc to help discourage anti-social behaviour.
- Boxing can have a positive impact for members of the local community for those looking to get into a sport.

- The building would increase footfall and natural surveillance within the park.
- Stonebridge Boxing Club have a good track record of fostering a positive relationship with the community.
- The proposal would offer an accessible and convenient space for people to bond and engage in physical activities.
- The boxing club would create jobs and opportunities for local people.
- The introduction of a cafe would enhance the use of the park.

External and statutory consultees

Brent Parks Service: No objection to the amended plans received during the course of the application. Sympathetic planting should be incorporated to improve the visual appearance and refuse collection should be considered.

Environmental Health (including Noise Control Team): No objection subject to conditions.

Metropolitan Police Designing out Crime: No objection subject to security rated products and external lighting/CCTV being considered.

POLICY CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications 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

Relevant policies include:

London Plan 2021:

D4: Delivering good design
D5: Inclusive design
D12: Fire safety
S1: Developing London's social infrastructure
S5: Sports and recreation facilities
G1: Green infrastructure
G4: Open space
G6: Biodiversity and access to nature
G7: Trees and woodlands
SI2: Minimising greenhouse gas emissions
SI7: Reducing waste and supporting the circular economy
SI12: Flood risk management
SI13: Sustainable drainage
T4: Assessing and mitigating transport impacts
T5: Cycling
T6: Car parking

Brent Local Plan 2019-2041

DMP1: Development management general policy
BD1: Leading the way in good urban design
BSI1: Social infrastructure and community facilities
BHC1: Brent's Heritage Assets
BGI1: Green and blue infrastructure in Brent
BGI2: Trees and woodlands
BSUI1: Creating a resilient and efficient Brent
BSUI3: Managing flood risk
BSUI4: On-site water management and surface water attenuation
BT1: Sustainable travel choice

Other relevant material considerations

National Planning Policy Framework
National Planning Practice Guidance
SPD1 Brent Design Guide 2018
Brent's Sustainable Environment & Development - SPD - 2023

DETAILED CONSIDERATIONS

Background

1. Planning permission was granted on 07/10/2022 for the alteration and extension of the existing pavilion building at King Edward VII Park for use by Stonebridge Boxing Club (SBC), to include a gym and sporting facilities, physio space, ancillary office space, changing facilities and a cafe (LPA Ref: 22/2526). The 2022 application is an extant permission, and therefore holds material weight within the assessment of the subject application.
2. The below table outlines the key differences between the extant consent (LPA Ref: 22/2526) and the subject application following amendment:

Category	Extant Consent (22/2526)	Subject Application (23/3368)
Proposed Footprint	494.5sqm	576.8sqm
Proposed Hardstanding	308.7sqm	265.77sqm
Proposed Footprint + Hardstanding	803.2sqm	842.57sqm
Proposed GIA	570sqm	570.8sqm
Proposed Depth	23.08m	15.1m
Proposed Width	22.95m	38.15m
Proposed Height	6.33m	5.83m

Principle of Development

Demolition of the Existing Building

3. As noted above, the extant consent incorporated the alteration and extension of the existing pavilion building within King Edward VII Park. As part of the subject application, the existing pavilion building would be demolished to accommodate the proposed development.
4. Within the Planning Statement provided with the submission, it is noted that further investigation has been undertaken which has uncovered that the existing building on site is not structurally capable of facilitating the approved development. The existing building was noted to be in a state of disrepair and the Council do not have any reason to dispute the above conclusions. The heritage statement notes that the existing building is not of special interest and detracts from the setting of the park. The Council's Principal Heritage Officer agrees with this view and raised no objections to the demolition of the existing building from a heritage perspective. The principle of the demolition of the existing building is therefore acceptable, subject to an appropriate replacement design being implemented.

Loss of Open Space and the Provision of a New Pavilion Building

5. Paragraph 103 of the National Planning Policy Framework states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - a) an assessment has been undertaken which has clearly shown the open space, buildings or land to

be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

6. King Edward VII Park is designated as an Open Space as defined by Policy G4 of the London Plan which states that development proposals should not result in the loss of open space. Nevertheless, the supporting text to this policy also encourages proposals to enhance open spaces to provide a wider range of benefits for Londoners. Examples could include improved public access, inclusive design, recreation facilities, habitat creation, landscaping improvement or Sustainable Drainage Systems (SuDS).

7. London Plan Policy S1 states that development proposals that provide high quality, inclusive social infrastructure that addresses a local or strategic need and supports service delivery strategies should be supported. This is supported by Policy BS11 of the Brent Local Plan which states that proposals for new or enhanced social infrastructure facilities, including the consolidation of existing facilities, will be supported by the Council where:

e) easily accessible by public transport, walking and cycling, preferably in town centres or Growth Areas;

f) located within the community they are intended to serve;

g) provided in flexible and adaptable buildings;

h) ideally co-located with other social infrastructure uses; and

i) maximising wider community benefit, through if necessary, requiring formal community use agreements.

8. The proposed development would replace a currently vacant, unused building with a modern, purpose-built facility. Whilst the proposed footprint of the building would be larger than the existing by 318.8sqm, it is considered that the proposal would bring animation, activity and natural surveillance to the park, contributing to its amenity value and providing community benefits including supporting the operation of Stonebridge Boxing Club which provides a number of benefits for the local community.

9. With regard to Policy G4, the proposed footprint of the building would be 576.8sqm, an increase of 318.8sqm over the existing footprint of 285sqm. The surrounding hardstanding would also be increased. While the café use would serve the open space, indoor sports and fitness are not typically seen to be open space uses and the proposal is therefore seen to be the loss of protected open space. This space in question would not be suitable for use as sports pitches, as there is a significant fall in ground levels within it and it is in close proximity to a number of mature trees. The total area of open space within the park is approximately 10.5 hectares and the amount of open space lost would equate to circa 0.5% of the total park space. It is considered that the harm caused by the relatively minor increase in the loss of open space in this instance would be very limited and this harm must be weighed against the benefits of the proposal.

10. In terms of Policies BS11 and S1, the proposal would facilitate the re-location of Stonebridge Boxing Club from their existing premises in Wembley. The site would be easily accessible (as discussed under Transportation Considerations below), whilst the proposed layout would meet a range of needs whilst also allowing the building to be repurposed in the future if required.

11. The extant permission was accompanied by a Wider Community Benefits statement which included details such as storage facilities for use by local sports clubs such as football clubs, the provision of the café and public accessibility of the toilets during café opening hours. A statement of this sort was not submitted for the current application. Whilst it is accepted that the premises must work well for the boxing club, the building should also act as an effective and valued facility for wider community use to explicitly comply with Policies S1 and BS11 and to provide sufficient benefit to outweigh the modest amount of harm associated with the loss of open space. During the course of the application, the applicant confirmed that the gym would be open to the public and to registered organisations (i.e. football clubs, tennis clubs, cricket clubs, etc.) which would allow them access to the gym, changing room facilities and

toilets. Correspondence on the needs of these local groups was evidenced with a local football team. With regard to the wider public access, the café would be open to members of the public, with toilets provided within the café area. The community benefits would provide enhanced recreation facilities which would encourage and support the use of the park for outdoor recreation. The proposed community benefits are considered to outweigh the loss of the open space as discussed above. A statement securing these benefits would therefore be conditioned as part of any consent for the lifetime of the development and secured through condition.

12. To summarise, the proposed development would result in the provision of indoor sports and fitness which is not considered to be an open space use and therefore would be seen to result in the loss of protected open space. However, it would also result in benefits, including the provision of the café and toilet and the fitness and community benefits associated with Stonebridge Boxing Club. The benefits associated with the development are considered to outweigh the limited amount of harm associated with the loss of the open space. Given that the harm is being weighed against benefits associated in part with the work that is done by Stonebridge Boxing Club, it is considered necessary to secure the consent as relating solely to use by SBC. It should be noted that the building in itself would be acceptable had it been proposed solely for uses to support the park.

Design, Scale and Appearance

13. The NPPF seeks developments of high quality design that will function well and add to the overall quality of the area, responding to local character and history, reflecting the identity of local surroundings while not discouraging appropriate innovation, establishing or maintaining a strong sense of place, and optimising the potential of the site to accommodate an appropriate amount and mix of development.
14. 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. Brent's Policy DMP1 and the Brent Design Guide SPD1 provide further guidance on principles of good design, and Policy BD1 seeks the highest quality of architectural and urban design. Design and materials are important considerations given the park setting.

Scale, Bulk and Massing

15. As existing, the application site benefits from a pavilion which is noted to be in poor condition and in a state of disrepair. The building has a footprint of 258sqm and features a staggered massing across the first storey with a maximum height of 6.25m.
16. As noted above, the extant consent forms a material consideration within the assessment of the subject application. The pavilion building approved under this application is also two-storeys in height, and extends the mansard roof of the existing building to an overall footprint of 494.5sqm which is nearly double the existing footprint. By virtue of this, the general bulk of the building is increased, with the second storey extended significantly.
17. The proposed pavilion building would have a footprint of 576.8sqm which is just over double the existing footprint and 82.3sqm larger than the extant consent. As such, the general scale of the building could be viewed as more visually prominent than both the existing building and the extant consent. However, the proposed building would be maintained to a single storey only, and a reduced building height of 5.83m would be further broken up by the sloping of the dual pitched roof proposed. It is therefore considered that the visual impact of the limited increase in footprint may be supported by the reduction in height of the proposal from the extant consent, creating a well-composed building typical of a park setting.

Layout

18. The existing pavilion building is bordered by hardstanding to the north and south which connects to the main pedestrian path running through the site, facilitating access to the entrance points across the building. It is noted that the paving to these areas of hardstanding is generally in a poor condition. An external staircase is also located to the north of the building for access to the first floor level. To the east and west, a strip of hedgerows border the building with a number of trees also located to the north, east and south.
19. The extant consent introduced approximately 308.7sqm of hardstanding around the approved pavilion building including a set of steps to the west allowing for access from the amenity grassland in this

direction. The consent is also supported by strips of planting to the north and east of the building with all surrounding trees retained. Internally, the building incorporates a gym/fitness area, cafe, toilets, physio rooms, office space, community/yoga space and associated functions. The GIA measures 570sqm.

20. The proposed pavilion building would adopt a recti-linear layout, extending from the north of the park to the south. It would adopt a similar building edge to the existing pavilion to the south, but would extend further towards the basketball courts to the north. The overall depth would be reduced from the extant consent by approximately 8m with the width increasing by 15.2m. It would have a GIA of 570.8sqm, which is marginally larger than the extant consent by 0.8sqm. Internal facilities would be similar to previously approved, although the community/yoga area has been removed to accommodate a larger gym area and changing facilities within the enlarged WC spaces. Externally, the building would be accessed via a main entrance to the eastern facade which would have a clear pathway adjoining the network of paths within the wider park, allowing for straightforward access. The cafe function would be accessed to the north of the building and there would be steps to the rear of the site to accommodate access from the playing fields. Whilst this entrance would not facilitate level access, this would be provided instead from the park's existing path network which is acceptable owing to the difficulties of general access from a grassed area. With regard to the level of hardstanding proposed, this has been reduced from the extant consent by approximately 43sqm to 265.77sqm which is considered appropriate in light of the enlarged footprint.
21. Overall, the proposed layout is considered to be appropriate, with a similar internal offering to the extant consent. Externally, the building would be well accessible from the main network of paths within the park, including suitable level access. The layout is therefore considered to be acceptable.

Materials

22. In terms of materiality, the proposed walls would be constructed with an aluminium standing seam wall cladding in anthracite grey. Windows would be openable glass with the frames to match the cladding material and colour finished. The proposed roof would be finished in 'deep green'. In light of the proposed width, concerns were raised during the course of the application over the potential of the proposed cladding to appear monotonous within the building's context. However, Brent's Parks Service have highlighted the requirement for a robust material to be used which would be less susceptible to anti-social behaviour. The proposed cladding is considered to be successful in this regard, and is noted for its robustness and security. Furthermore, its visual prominence would be broken up by the proposed roof colour, fenestration and existing/proposed tree cover. The approach to materiality is therefore considered to be acceptable on balance in light of the site specific circumstances and would be successful providing a good quality material is chosen, with details of the materials to be secured through condition. Additionally, the proposed appearance would be a visual improvement upon the existing building, which is derelict and decayed in appearance.
23. Overall, the proposal is considered to represent a significant improvement on the existing appearance of the building and, notwithstanding the increased bulk, to have a generally positive impact upon the visual amenity of the park setting. Whilst the proposed footprint would exceed that of the extant consent, Officers consider this to be supported by the reduction in height of the proposal. Further details of materials would be required by condition.

Impact on King Edward VII Park

24. The NPPF paragraph 200 requires applicants to describe the significance of any heritage asset affected by the proposal and paragraph 203 requires decisions to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 209 advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
25. King Edward VII Park is a locally listed park (a non-designated heritage asset). It was formerly part of Read's Farm and was purchased from Edward Spencer Churchill by Wembley UDC in 1913 and laid out as a public park in memory of the late king and also in compensation for the loss of Wembley Park as public open space. The park was opened on 4 July 1914, reputedly by Queen Alexandra. The park had a

lodge, a rustic bandstand and picturesque refreshment pavilion; a children's gymnasium with swings, a giant slide and see-saws, a shallow pond and a drinking fountain. There were facilities for tennis and bowling, and the lower part was laid out for cricket and hockey, separated by a belt of elms. There were gravelled walks and seating, formal planting and numerous beds with shrubs and trees.

26. Brent's Principal Heritage Officer considers that the existing pavilion is not of special interest, and that the proposed pavilion would be in a similar location and unlikely to dominate the park. It would represent an improvement of the existing arrangement, and any perceived harm would be balanced against the significance of the park and mitigation measures in terms of proposed planting. Although no separate heritage statement has been submitted, the impact on the heritage of the Park has been sufficiently addressed in the applicant's Planning Statement and there are no concerns on heritage grounds.

Impact on Protected Views

27. Part of the application site falls within Wembley Stadium protected view: Elmwood Park. Policy BHC2 of the Brent Local Plan states that development must not be to the detriment of the protected views of the National Stadium Wembley.
28. No contextual views have been provided as part of the application. However, the proposed development would be one storey in height, with a ridge height of 5.83m. This is 0.5m lower than both the existing building height and the height of the building within the extant consent. Given the lowered height and generally modest scale of the proposed building, it is considered that the proposed development would not impact upon views towards the national stadium.

Impact on Residential Amenity

29. Policy DMP1 of the Local Plan requires development to provide high levels of internal and external amenity, and not unacceptably increase, and where possible reduce, exposure to noise, dust, contamination, smells, waste, light, other forms of pollution and general disturbance.
30. The proposed development would incorporate a single storey pavilion building located within King Edward VII Park. Whilst the park is bounded by residential properties on each of its edges, the proposed development would be located approximately 100m from the nearest residential property. As such, the guidance set out within SPD1 to ensure structural development does not impact upon neighbouring amenity is not considered relevant to this application. Notwithstanding this, in line with DMP1, the proposed development has the potential to impact upon noise, lighting and odour disamenity to surrounding properties. These matters are discussed within the 'Environmental Health considerations' set out below.

Transport Considerations

31. The park has two pedestrian accesses from Park Lane, in addition to accesses at its western end from St Johns Road and Castleton Avenue. One of the pedestrian accesses from Park Lane, adjacent to Park Lane Primary School, is also a vehicular access for park maintenance vehicles only. The park also has a car park with 26 spaces, which can be accessed from St Johns Road.
32. The site has a PTAL rating of 4 (good), with close access to Wembley Central and Wembley Stadium stations, bus routes 79, 204, 223 and 297 available from Park Lane and further bus routes on Wembley High Road, including routes 18, 83, 92, 182, 224 and N18. Park Lane is a local distributor road, with restricted on-street parking and School Keep Clear zig-zag markings on the road in front of the school.
33. The surrounding residential streets to the south are located within Controlled Parking Zone W, operational daily between 8am and 9pm. The surrounding streets are also within the Wembley Event Day zone whereby on street parking is restricted to event day permit holders only on these days.

Parking

34. As the site is in a PTAL of 4, only operational parking is allowed to be provided in accordance with the Local Plan, as people would be able to easily walk or use public transport to access the site. No new car parking is proposed, so maximum standards are complied with. If people do drive to the site, there is a public car park in the northwestern corner of King Edward VII Park that could be used.

Trip Generation

35. The applicant has submitted trip generation information from the TRICS database for the proposed use. The peak weekday period is the early evening, with a total of 56 trips between 4pm-7pm and 6 arrivals/11 departures during the evening peak hour of 5-6pm. The proposed use is anticipated to have a similar trip generation and on the basis that the floorspace would more or less double, it would be reasonable to assume a total of 35 trips between 4pm and 6pm as a result. As the majority of these trips would be undertaken by sustainable modes, the transport impact is considered acceptable.
36. As with the extant consent, to ensure that as many visitors as possible access the site via walking, cycling and public transport, a Travel Plan Statement would be required by condition, setting out measures that will be applied to discourage car use and support access by other modes of transport.
37. One key measure in this respect is bicycle parking, which would need to be provided in accordance with the London Plan Policy T5 requirements (1 space per 100sqm for short stay and one space per eight staff for long-stay). This results in a requirement of at least seven spaces (four Sheffield stands), which would need to be located as close as possible to the building.
38. Drawing number UK2193-TD-A-103 P08 shows eight stands (16 spaces) with suitable spacings of 1m and cover beneath a canopy. This is welcomed, although the spaces would not be set 550mm from the building to provide space to lock the front wheel to the stand. Therefore, whilst the provision would be sufficient in policy terms, revised cycle storage details and the provision of cycle storage prior to occupation would be required by condition, as per the extant consent.

Servicing

39. The café would result in some servicing requirements, and the Transport Statement provided outlines that these would operate as they would have for the extant consent, with access to the park via Park Lane, setting down outside the proposed building and turning within the existing paths to egress in forward gear. Brent's Highways Officers note that servicing would not be intensive and could be done via cargo bikes. The applicant has confirmed that refuse would be stored in small bins following concerns raised by Brent's Parks service over pulling distances for larger bins when pulled over the park's grassland.

Overall

40. Subject to the submission of a Travel Plan Statement and further details of cycle storage, there application is considered to be acceptable from a transport perspective.

Environmental Health Considerations

Noise

41. The proposed development would incorporate an internal plant (11.69sqm) which has the potential to give rise to noise disamenity. Furthermore, the proposed gym and cafe uses have the potential for breakout noise. To this end, an Acoustic Planning Report was submitted with the application to assess the potential level of noise output. This document outlines that all building plants would be designed to meet BS 8233:2014 standards whilst the building itself would be designed to BS 4142:2014+A1:2019 standards for breakout noise. The assessment has been reviewed by the Council's Environmental Health team and the conclusions are considered to be acceptable. Compliance with the document would therefore be secured by condition.

Odour

42. It is noted that a cafe is proposed within the facility which may give rise to odour disamenity. In line with the extant consent, a condition would be included requiring details of the ventilation equipment proposed.

Lighting

43. The proposed development would be located approximately 100m from the nearest residential property. The development would also be single storey only, and would be masked by trees within the park. As such, it is considered that there would be no material impact on light disamenity to nearby properties.

Trees, Ecology and Landscaping

Trees

44. There are no trees on site subject to a Tree Preservation Order, however Council-owned trees are not generally considered to require this statutory protection as the Council is considered to be a responsible land owner in this respect. Notwithstanding this, the potential effect of the development on trees in and surrounding the site is nevertheless a material consideration in the determination of this planning application.
45. Policy BGI2 of the Brent Local Plan requires a BS5837 (2012) tree survey where development could affect trees on or near the site. In the case of minor development which results in the loss of trees, provision of appropriate replacements should be provided on site.
46. The proposed development means that demolition of the existing building would take place which may impact on the Root Protection Areas (RPAs) of two significant trees T7 and T9 (both category B Lime trees). To this end, an Arboricultural Method Statement has been provided with the submission and the Council's Tree Officer considers the protection measures identified within this document to be suitable. This would include protective fencing and temporary ground protection in line with BS5837 standards, which is in accordance with Policy BT2 of the Local Plan. Compliance with the Tree Protection Plan submitted would therefore be conditioned as part of any consent.
47. As part of the extant consent, the building encroaches onto the RPA of a Category B Lime Tree, which is both highly visible and significant in views framing the pavilion from across the playing fields from the southwest corner of the site. Whilst officers acknowledged that the preference was for this to be avoided, it was noted that designing around the RPA of this tree would have compromised the architectural integrity of the building. As such, a Tree Protection Plan was attached by condition to the application submission and the overall approach was considered to be acceptable on balance.
48. As part of the subject application, the building footprint and associated hardstanding were also proposed to be located within the RPAs of the above noted trees. However, following consultation with the Council's Tree Officer and Urban Design Officer, it was noted that the demolition of the existing building provided the opportunity for its replacement to be located outside of the RPAs in question, without compromising upon the architectural integrity of the submission. As such, amendments were received during the course of the application to move the proposed building approximately 2m to the north, outside of the RPAs of these trees. In this regard, the proposed development comprises a betterment over the extant consent.
49. Notwithstanding the above, the siting of the proposed development would require the removal of 4x trees (T3-T6) further north of the existing pavilion which was not required as part of the extant consent. T3 Norway Maple is noted as dead (Category U), whilst T4 and T6 are both Category C trees. Following consultation with Brent's Parks Service and Brent's Principle Tree Officer, it was noted that the site could only support the provision of one replacement tree without potential root damage to the adjacent footpath and basketball courts. As such, it was agreed that appropriate replacements could include the provision of 1 no. Himalayan Birch on site, and 3 no. further trees within the wider park grounds. The proposed replacement on site would successfully break up the appearance of the pavilion when viewed from the north. Whilst BGI2 specifically requires replacements to be on site for minor applications, the sub text of the policy does outline that where on-site planting is agreed to not be feasible, a contribution to off-site tree planting for equivalent canopy cover will be required. A Grampian condition would therefore be included to secure the contribution of 3x trees within the wider park setting prior to the first occupation of the building.

Ecology

50. Policy BGI1 of the Brent Local Plan requires all development to achieve a net gain in biodiversity. Open space should enhance biodiversity and where adjacent to, integrate into existing green networks.
51. Within the extant consent, the extension of the existing pavilion building resulted in the loss of some shrubbery growing around the building and approximately 518.2sqm of grassland. However, it was noted that given the parkland use of the grass and the overall level of disturbance due to the parkland setting, these features had limited ecological value and are unlikely to support any protected species or habitats. Nevertheless, the proposal included an area of green roof which was noted to add biodiversity value to compensate for the loss of the grass and shrubbery. A bat emergence survey was also conditioned, noting the potential for the existing building to potentially contain bat roosts, with the trees used for foraging and commuting. On this basis, the proposed development was considered to comply with Policy

BGI1.

52. The key difference between the extant consent and the subject application is the proposed demolition of the existing pavilion building on site, rather than its alteration and extension. This would result in the loss of approximately 557.5sqm of grassland. The current application was accompanied by a Preliminary Ecology Appraisal.
53. The appraisal notes that an extended habitat survey was undertaken identifying the habitats within the site to comprise modified grassland with scattered trees, introduced shrub, and a green wall in the form of dense ivy growing over the derelict building. These are identified to be of a low ecological value. Brent Reservoir is approximately 3 km northeast of the site, and there are five Sites of Importance for Nature Conservation (SINCs) within 1 km of the site. As with the extant consent, the relatively small scale of development is not considered to have an adverse impact on the nearby designations.
54. It is confirmed within the assessment that the building has low potential to support roosting bats, however the surrounding habitat has connectivity with the SINC to the south and therefore has moderate potential to support commuting and low potential to support foraging bats. As ensured by condition with the extant consent, the appraisal therefore recommends that a bat emergence survey is undertaken. Whilst the habitats could also support local assemblages of birds which might use the buildings and vegetation to nest within, given the likely diversity and species present, it is unlikely the breeding birds present would be of biodiversity value greater than the local scale.
55. As per the recommendations of the appraisal, the AIA confirms that tree protection would be in accordance with BS5837 (2012). Furthermore, a bat emergence survey would be conditioned as part of any consent.
56. Nevertheless, the report concludes that without any further mitigation, the proposed loss of habitats including the modified grassland, introduced shrub and dense ivy would result in a net loss of biodiversity. To ensure a net gain is provided, the appraisal recommends a high quality soft landscaping scheme and the provision of wildlife boxes. Owing to the fact that the proposed works would provide approximately 130sqm less soft landscaping than the extant consent, a landscaping condition would be attached to any consent ensuring a high quality landscaping scheme comes forward which includes bird and bat boxes, alongside the recommendations set out within the appraisal. On this basis, the proposed development may achieve a biodiversity net gain in line with BGI1.

Flood risk and drainage

57. Brent Local Plan Policy BSUI4 outlines that proposals for minor developments should make use of sustainable drainage measures wherever feasible and must ensure the separation of foul and surface water systems. Proposals that fail to make adequate provision for the control and reduction of surface water run-off will be refused.
58. The application site is not in an area at risk of flooding from any sources and therefore no Flood Risk Assessment is required as part of the application. Within the extant consent, it was concluded that although the proposal would increase the impermeable area of the building, the addition of a green roof and planting around the building would provide compensation for this. The proposed surface water arrangements were therefore considered to be acceptable on this basis.
59. The subject application would comprise of approximately 40sqm more hardstanding/building footprint at ground floor level than the extant consent. Furthermore, no green roof is proposed and this measured 92.5sqm under the extant consent. However, approximately 115sqm of the proposed hardstanding would be formed of naturally permeable gravel, which was not included within the extant consent. Therefore, whilst the overall level of permeable surfacing would be marginally below the extant consent (17.5sqm), the difference is considered to be minor and is acceptable given the site is not identified to be at increased risk of flooding.
60. With regard to the separation of foul and surface water, this has not been confirmed within the submission documents. However, it is noted that this matter would be covered at building control stage under the requirements of Approved Document H. Indeed, this approach was considered acceptable within the extant consent.

Fire safety

61. All developments are required to comply with Policy D12A of London Plan 2021. This requires development proposals to:

- 1) *identify suitably positioned unobstructed outside space:*
 - a) *for fire appliances to be positioned on*
 - b) *appropriate for use as an evacuation assembly point*

2) *are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures*

3) *are constructed in an appropriate way to minimise the risk of fire spread*

4) *provide suitable and convenient means of escape, and associated evacuation strategy for all building users*

5) *develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in*

6) *provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.*

62. The extant consent was supported by a Fire Statement. It was noted that the document submitted did not provide the level of detail required for a Fire Statement and was not prepared by a suitably qualified assessor. Nevertheless, general compliance with Policy D12A was outlined and given that a number of matters may be resolved at Building Control stage, it was considered that adequate provision had been made to ensure the highest standards of fire safety, in accordance with Policy D12A.

63. The subject application has not been supported by a Fire Statement. However, sub-points 2 and 3 of Policy D12A would be comprehensively covered at building control stage, and the application is acceptable in this regard.

64. In terms of the remaining sub-points, it is noted that the principles considered acceptable within the extant consent have not materially changed. The building would be approximately 8m from a hard surfaced pathway, which provides access from the car park for maintenance vehicles in addition to pedestrian access through the park. Although this pathway is not within the applicant's control, it is considered that the occasional use by maintenance vehicles would not impact significantly on the ability of emergency vehicles to access the site. It is considered that this would provide adequate access for emergency vehicles. Fire hydrants are also available on Park Lane. There also remains a large portion of surrounding unobstructed open space of the park as being suitable for evacuation assembly. Again, although this land is not in the applicant's control, the risk of it being obstructed and unavailable at any time is considered negligible. A specific location could be identified at a later date. Although no specific details are given on the evacuation strategy, it is considered that the scale and proposed layout of the building would facilitate swift and convenient evacuation in this case.

65. Therefore, whilst the application has not been supported by a document which sets out how the requirements of D12A would be met, the application is considered to retain the same fire safety principles of the extant consent. Given the small scale of the proposal and the nature of the proposed use, it is considered that adequate provision has been made at this stage to ensure the highest standards of fire safety, in accordance with Policy D12A. It should be noted that the full consideration of fire safety takes place under the Building Regulations.

Equalities

66. 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).

Other matters

67. The following issues have been raised but are not material planning considerations in this case or are

outside of the scope of this planning application:

68. Fields in Trust (FiT) are a Trustee of the Park, but are not a statutory consultee in relation to planning applications. Fields in Trust protection of open spaces is achieved through legal agreements entered into between the landowner (in this case Brent Council) and Fields in Trust. However, this protection sits outside of the planning system and is not therefore a material planning consideration. The applicant or landowner would need to seek approval from FiT to demolish and replace the existing pavilion building, however this is a land ownership issue rather than a planning issue. The planning implications of demolishing and replacing the building, in terms of the loss of open space in the park, have been considered under 'Principle of development' above.
69. Need for lighting within the park, security arrangements and potential police support. Measures implemented outside of the application site could not be secured by condition. These arrangements would need to be agreed with Brent's Parks Service prior to occupation, however this would be more appropriately achieved under the terms of a lease or licence to use the building, rather than through the planning system.
70. Reuse of the building if the current use is discontinued. Arrangements for terminating the use of the building would be agreed with Brent's Parks Service as part of the lease or licence agreement, and the reuse of the building by new tenants would not normally be secured through the planning system. It is considered that the proposed layout would be sufficiently flexible to allow for use by a wide range of other community groups in the future.

Conclusion

71. The proposal would bring a vacant and disused building back into use and would provide a base for a local charity providing recreation and wider community benefits. Facilities for other local community groups and the general public would also be provided, and overall the proposal would complement and enhance the existing use of the park for outdoor recreation. These planning benefits are considered to outweigh concerns regarding the loss of open space, which would be marginal in scale relative to the size of the park.
72. The proposal is considered to be of an appropriate standard of design to complement the park setting, and would not cause harm to the heritage significance of the locally listed park. Adequate consideration has been given in the design of the proposal to other key planning considerations including fire safety, drainage and environmental health considerations such as noise and odour. Conditions would be imposed to ensure that no adverse impacts occurred to trees or protected species. The site is well-located in terms of public transport accessibility, and measures would be secured to encourage use of sustainable transport modes.
73. The proposal is considered to accord with the development plan as a whole, and, having regard to all material planning considerations, should be approved subject to conditions.



Application No: 23/3368

To: Ms Wheeler
Regal London on behalf of Stonebridge Boxing Club
4-5 Coleridge Gardens
London
London
NW63QH

I refer to your application dated **18/10/2023** proposing the following:

Demolition of existing pavilion and erection of building for indoor sports and fitness by Stonebridge Boxing Club (SBC) to include gym and sporting facilities, physio, ancillary office space, changing facilities and cafe

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

at **Pavilion, King Edward VII Park, Park Lane, Wembley, HA9 7RX**

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: 03/06/2024

Signature:

David Glover
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework 2023
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):

UK2193-TD-A-101 Rev P 07 Existing and Proposed OS Plan
UK2193-TD-A-102 Rev P 07 Demo Plan
UK2193-TD-A-103 Rev P 08 Proposed Ground Floor Plan
UK2193-TD-A-104 Rev P 07 Proposed Roof Plan
UK2193-TD-A-201 Rev P 07 Proposed Elevations
UK2193-TD-A-301 Rev P 07 Sections
UK2193-TD-A-401 Rev P 07 Bay Study 1
UK2193-TD-A-402 Rev P 07 Bay Study 2
UK2193-TD-A-901 Rev P 07 Perspectives

Supporting Documents:

Arboricultural Impact Assessment and Method Statement (Ref: AAAIA1KING, AllArboriculture, 28th May, 2024)

Preliminary Ecological Appraisal (Ref: RHRTL001 (Rev002), Assystem, October 2023)

Stonebridge Boxing Club Acoustic Planning Report (Ref: 023406-R01-A, Sandy Brown, 28th September 2023)

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

- 3 The use of the building hereby approved shall not be used other than for indoor sports and fitness (Use Class E(d)) with ancillary functions and facilities and as a café within the area denoted with the drawings hereby approved (use class E(b)), 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). It shall not be occupied other than by or on behalf of the Stonebridge Boxing Club.

Reason: In the interests of proper planning and to ensure the use of the development is appropriate for the location.

- 4 The development shall be implemented in strict accordance with the Tree Protection Plan and Arboricultural Method Statement (Ref: AAAIA1KING, AllArboriculture, 28th May, 2024) or subsequent approved revisions.

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

- 5 The development hereby approved shall be undertaken in accordance with the recommendations set out within the Preliminary Ecological Appraisal (prepared by Assystem, October 2023) hereby approved.

Reason: To ensure biodiversity net gain in accordance with Policy BGI1 of the Local Plan and Policy G6 of the London Plan.

- 6 Prior to commencement of development a survey of the building to ascertain its potential for bat roosts shall be undertaken by a qualified ecologist and a report of the survey, together with the results of any bat emergence and re-entry surveys and any mitigation strategy required as a result of the survey, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development takes adequate measures for the protection of protected species.

Reason for pre-commencement: The demolition of the existing building has potential to impact on protected species.

- 7 Prior to the commencement of development (excluding demolition, site clearance and laying of foundations) Prior to construction commencing above ground level, samples of all external materials to be used in the development, shall be submitted to and approved in writing by the local planning authority.

The development shall thereafter be carried out fully in accordance with the approved details.

Reason: To ensure the development contributes positively to the visual amenity and appearance of its park setting.

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

- A scaled plan showing vegetation to be retained and trees and plants to be planted. This shall include the minimum provision of 1 replacement tree (multi-stemmed Himalayan Birch or agreed alternative)
- Proposed hardstanding and boundary treatment;
- A schedule detailing species, sizes and numbers of all proposed trees/plants
- Sufficient specification to ensure successful establishment and survival of new planting.
- Details and locations of bird boxes and bat boxes to be installed including size and material.

The development shall not be occupied unless all of the landscaping has been completed in accordance with the approved details.

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

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

- 9 Prior to first occupation or use of the café hereby approved, further details of the extract ventilation system and odour control equipment for the commercial kitchen, including all details of external ducting, shall be submitted to and approved in writing by the Local Planning Authority.

The approved equipment shall be installed prior to the commencement of the café use and shall thereafter be operated at all times during the operating hours of the café use and maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of nearby residents.

- 10 Prior to first occupation or use of the development hereby approved, a Community Use Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how the facilities available for communal use shall be publicised and promoted to the general public and local community groups, together with arrangements for booking facilities, opening hours, rates of hire and measures that will be employed to ensure that visitors entering and leaving the building do not cause noise nuisance to neighbouring residents. The plan shall include a statement incorporating details of the opening hours of the café, confirmation that the café will be open to the general public, and that the toilets will be publicly accessible during the opening hours of the café and building.

The development shall thereafter be operated fully in accordance with the approved details.

Reason: To ensure the development is fit for purpose and provides facilities for local communities, and to protect the amenity of local residents.

- 11 Prior to first occupation or use of the development hereby approved, further details of any proposed CCTV and lighting installation, including a light spillage diagram, and other security measures and arrangements to be implemented within the site, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be operated fully in accordance with the approved details.

Reason: In the interests of safety and security of users of the site and other visitors to the King Edward VII Park.

- 12 Prior to first occupation or use of the development hereby approved, a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority, setting out measures that would be applied to discourage car use and support access by other modes of transport.

The development shall thereafter be operated fully in accordance with the approved details.

Reason: To promote the use of sustainable travel modes.

- 13 Notwithstanding the approved plans, and prior to first occupation or use of the development hereby approved, further details of short-term cycle storage, consisting of a minimum of eight Sheffield stands with minimum spacings of 1m between stands and set 550mm from the building, to be provided within the site boundary and made available for use by visitors, shall be submitted to and approved in writing by the local planning authority.

Cycle storage shall be provided fully in accordance with the approved details prior to first occupation or use of the site, and shall be maintained as such thereafter.

Reason: To promote use of sustainable transport modes in accordance with London Plan Policy T5.

- 14 Further to first occupation or use of the development hereby approved, a report summarising the applicant's liaison with Metropolitan Police Secure by Design officers and measures that have been taken to respond to the officers' advice, shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development reflects Secure by Design principles.

- 15 The pavilion building hereby approved shall not be occupied unless evidence that the developer has entered into an agreement with Brent's Parks Service to allow for the provision, planting and maintenance of the following trees, or any appropriate replacements agreed, has been submitted to and approved in writing by the Local Planning Authority:

- 1 no. Liquidambar Styraciflua
- 1 no. Weeping Silver Lime (Tilia Tomentosa 'Petiolaris')
- 1 no. Caucasian Maple (Acer Cappadocicum 'Rubrum')

Reason: To ensure the development contributes positively to the visual amenity and appearance of its park setting.

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 2 This planning permission does not override any requirements of Brent Council as the freeholder of the application site, which may need to be secured with the occupiers through a leasehold or tenancy agreement, or any requirements of Fields in Trust acting in their role as Trustees of King Edward VII Park.
- 3 Given the age of the building to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.

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

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

11 June, 2024
05
23/3833

SITE INFORMATION

RECEIVED	5 December, 2023
WARD	Welsh Harp
PLANNING AREA	Brent Connects Willesden
LOCATION	Tirzah Mansion, 26 Salmon Street, London, NW9 8PN
PROPOSAL	Demolition of dwellinghouse and erection of a three and part four-storey residential building comprising 13 flats, provision for car parking, cycle and refuse storage, amenity space and associated landscaping
PLAN NO'S	See condition
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_167189</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 "23/3833" (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 completion of a legal agreement to secure the following planning obligations;

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.
2. Notification of material start 28 days prior to commencement.
3. Affordable housing – payment in lieu contribution towards off-site affordable housing within the borough (£41,000). An early and late stage review mechanism in the form of a financial contribution towards the provision of off-site affordable housing within the Borough in the event that a greater surplus is identified.
4. Sustainability and Energy;
 - Detailed design stage energy assessment based on Part L 2021 of Building Regulations with a minimum 35% reduction on site. Initial carbon offset payment to be paid prior to material start if zero-carbon target not achieved on site.
 - Post-construction energy assessment. Final carbon offset payment upon completion of development if zero-carbon target not achieved on site.
 - Be seen' energy performance monitoring and reporting
5. Highways Works / Highway related;
 - Healthy Streets contribution (£29,000) towards highway improvements in the vicinity of the site
6. Indexation of contributions in line with inflation from the date of committee resolution
7. Any other planning obligation(s) considered necessary by the Head of Planning.

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

That in the event that the Section 106 Agreement is not completed, the Head of Planning is delegated authority to refuse the application due to the lack of a completed Section 106 Agreement.

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

Conditions _ _

Compliance

1. 3 years consent
2. Approved Drawings
3. Number of Units
4. Obscure Glazing
5. Water Consumption
6. Sustainable Drainage Measures
7. NRMM
8. Parking, Refuse Storage and Cycle Storage
9. Communal amenity spaces
10. Travel Plan Measures

Pre-commencement

11. Construction Method Statement
12. Construction Logistics Plan

Post-commencement

13. Site Investigation
14. Accessible Homes
15. External materials
16. Design Specifications
17. Hard and Soft Landscaping
18. Balcony screens
19. SuDS as built and maintenance details

Pre-occupation or use

20. Plant Noise


Informatives

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

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

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

SITE MAP

	Planning Committee Map Site address: Tirzah Mansion, 26 Salmon Street, London, NW9 8PN © Crown copyright and database rights 2011 Ordnance Survey 100025260
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This map is indicative only.

PROPOSAL IN DETAIL

The proposal seeks full planning permission for the comprehensive redevelopment of the site to provide a 4-storey building, comprising 13 residential units (Use Class C3).

The proposal includes the following mix of homes:

Size	No.	Percentage
Studio	3	23.1
1 bedroom 2 person	2	15.38
2 bedroom 3 person	2	15.38
2-bedroom 4 person	2	15.38
3-bedroom 4 person	2	15.38
3 bedroom 5 person	2	15.38

The scheme would also include ancillary cycle parking and refuse stores.

Summary of amendments since submission

Amended and additional plans and documents were received during the course of the application, these include the following key changes:

1. Re-alignment of the proposed central-most parking spaces to be directly adjacent to the public footway, allowing for a clear route to the communal amenity space in the north-western corner;
2. Re-configuration of Unit 01_03 to comprise a studio layout and removal of habitable windows facing towards No. 24 Salmon Street;
3. Re-configuration of Unit 02_03 and removal of habitable windows facing towards No. 24 Salmon Street, with additional window to the rear.

EXISTING

The site area equates to 0.11 hectares and sits on the corner of Salmon Street and Queens Walk. The site is roughly square in plan and slopes from the south to the north.

The site is currently occupied by a two-storey, detached, single family dwellinghouse facing onto Salmon Street. The total footprint of the building measures approximately 160sqm. Salmon Street is a London Distributor Road and the Salmon Street Intensification Corridor is located approximately 60m to the south-east.

The site is not located within a conservation area and there are no listed buildings within the sites curtilage. It is however located north-eastwards of the St. Andrews Conservation Area by approximately 50m.

The neighbouring sites include a single family dwellinghouse at No. 24 Salmon Street to the south, and another single family dwellinghouse at No. 43 Queens Walk to the east. To the north is Krishna Court, a residential building comprising 7 dwellings separated by the Queens Walk Highway and further single family dwellinghouses to the west, separated by the Salmon Street highway.

SUMMARY OF KEY ISSUES

Site Designations

Relevant site designations:

Air Quality Management Area

Nearby to:

St. Andrew's Conservation Area - approximately 50m
 Forty Lane Intensification Corridor - approximately 60m

Land Use Details

Site area (ha):	0.11ha
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Residential details:			
	Use Description	Use Class	Unit Mix
Existing	Single Family Dwellinghouse	C3	1 x 5 bedroom unit
Proposed	Dwellinghouses	C3	4 x 3 bedroom units 4 x 2 bedroom units 2 x 1 bedroom units 3 x studio units

Parking

	Car Parking Spaces (General)	Car Parking Spaces (Disabled)	% EVCP	Bicycle Spaces	
				Short stay	Long stay
Proposed	6	1	100%	2	24

Environmental performance

	Policy target	Proposed
Energy		
Percentage of on-site carbon savings beyond Part L of Building Regulations (2021)	35%	63.86%
Percentage of on-site carbon savings achieved through energy efficiency measures	Residential - 10%	31.65%
Off-site reduction (%) and/or carbon offset contribution	Shortfall to net-zero (Residential)	£13,671
Sustainability		
Urban Greening Factor (UGF)	0.4	0.56
Biodiversity Net Gain (BNG)	Positive	Net gain

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: 25 properties were consulted on this proposal and 2 site notices were erected in close proximity to the application site. Objections have been received from 27 individual people, raising a range of issues / grounds of objection. These are summarised in detail below in the 'Consultation' section. A number of consultees (internal and external) have provided comments, as set out within the 'Consultation' section also.

Principle of residential redevelopment of the site: The loss of the existing family sized dwellinghouse is considered to be acceptable, as the proposed development would secure a net increase in dwellings within the site including the provision of 4 new family sized dwellings, in compliance with Policy BH4. The proposal would provide new homes that would meet an identified need within the borough on a “small site” in accordance with London Plan policies H1 and H2 and Brent policy BH1 and BH4. The residential use is supported in principle and considered to be in accordance with key strategic and local policies relating to housing provision.

Affordable Housing and housing mix: The Financial Viability Appraisal that was submitted with the application contended that the scheme would be unviable if affordable housing is provided. This has been reviewed and a surplus of £41,000 identified by industry experts instructed by the Council. A section 106 agreement would be entered into to incorporate a payment in lieu for the provision of off-site affordable housing. This would include an early and late-stage review mechanism which would uplift the contribution figure in the event that a greater surplus is identified. The application is therefore policy compliant. The proposal includes 4 three-bedroom homes, which meets the requirements of policy BH6.

Design, layout, and height: The site is not within a “priority area” for housing as defined within Brent Policy BH2 and as such, it is set out in small sites policy BH4 that “greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easily accessible on foot when determining the intensity of development appropriate”. The building height and massing proposed, with a maximum of 4 storeys, is taller and larger than the existing buildings in the surrounding area. The surrounding area is generally residential in character, largely comprising of 2 storey dwellings with pitched roofs. Nevertheless, a number of these properties benefit from loft conversions, with visible extensions to the roof such as dormer windows. 3 storey properties including Krishna Court and Cherrylands Close are also located further north along Salmon Street. Having a proposed building of this size and presence is considered appropriate having regard to the open setting of the corner plot, at the convergence of Salmon Street and Queens Walk. The tallest portions of the development would mainly occupy the central portions of the site, thereby being focused away from the residential properties to the east and south of the site. The site is also located approximately 60m from the Salmon Lane Intensification Corridor to the south, whereby Policy BD2 identifies that up to 5 storeys could be acceptable. The building is considered to be of good design quality, relating well to its context and would enhance the character and appearance of the surrounding area. Whilst officers consider that this is an acceptable solution for the development of the site it could also be reasonably concluded that a development that conforms more with the prevailing building heights and massing would be better suited to this location. However, on balance the scheme as submitted is considered acceptable. The proposed development is not considered to be harmful when viewed from locations within the nearby Conservation Area.

Quality of the resulting residential accommodation: The flats would have good levels of outlook and day light and the arrangement of the building within the site, achieve good levels of separation distances between the homes. The proposal accords with internal floor space standards set out within policy D6 of London Plan 2021 and the amount of external amenity space meets the requirements of policy BH13.

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

Highways and transportation: The proposed development would provide 7 on-site parking spaces. This falls below maximum allowances set out in Policy T6 of the London Plan (10.75 spaces). It has been demonstrated that overspill parking may be accommodated on the adjacent Queens Walk. Electric Vehicle Charging Points (EVCP) and blue badge parking spaces would be provided whilst the number of cycle parking proposed would encourage sustainable travel patterns in accordance with London Plan standards. Servicing arrangements are acceptable. Some highway works and public realm improvements would be secured as summarised within the Section 106 Heads of Terms above and detailed within ‘Transport’ the remarks section below.

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

Landscape, ecology, biodiversity and flooding/drainage: It has been demonstrated there would be a net increase in trees on site, and no high value trees would be lost. The site is not close to any designated ecological assets and is not likely to form habitat for any protected species. A net gain in biodiversity is to be achieved as a result of development and the scheme will achieve an Urban Greening Factor of 0.56. Flood

risk has been assessed and a range of SuDS measures are proposed to address surface water management with an 84.6% betterment over existing runoff rates. No objection has been received from Thames Water, and the objection from the LLFA has been resolved.

Fire safety: It is considered that the submitted fire statement sufficiently addresses the matters set out within policy D5 and D12 of London Plan. It should also be noted that the development would still be subject to building regulations where a detailed assessment of fire safety would be carried out.

RELEVANT SITE HISTORY

No relevant planning history.

CONSULTATIONS

A total of 25 letters were sent out to the neighbouring properties within the vicinity of the application site on the 20/12/2023. Re-consultation letters were also sent out to the neighbouring properties within the vicinity of the application site on 28/03/2024. The further consultation period was due to the submission of additional details within the submitted Daylight and Sunlight Assessment. Specifically, this included testing on the Daylight and Sunlight levels to the rear windows of No. 43 Queens Walk.

Two site notices were erected within the vicinity of the site on the 22/12/2023.

A press notice was printed on the 04/01/2024.

At the time that this report was finalised, a total of 27 objections had been received.

Summary of Objections

Comment	Officer Response
Design, Character and Impact on the Street Scene	
The proposed development is not in keeping with other properties in the immediate area.	Refer to Design, Character and Impact on the Street Scene sections of the report.
The proposed development detracts from the character of the established residential area.	Refer to Design, Character and Impact on the Street Scene sections of the report.
The proposal should be set back and in line with No. 24 Salmon Street.	Refer to Design, Character and Impact on the Street Scene sections of the report.
The height of the proposal would be very imposing within the area.	Refer to Design, Character and Impact on the Street Scene sections of the report.
The surrounding area mainly comprises family homes and this would detract from	Refer to Design, Character and Impact on the Street Scene sections of the report. The proposed development would provide 3x

this concept.	family sized homes.
Insufficient greenery proposed to be in line with surrounding properties.	Refer to Tree Considerations, Urban Greening and Ecology sections of the report. 12x trees would be planted and the proposal would achieve an Urban Greening Factor Score of 0.56, which exceeds policy requirements.
The entire block that includes 26 Salmon Street, down to Tudor Gardens, Tudor Court and on to Queens Walk is still totally compromised of the original style housing from the late 1920s. This should be preserved.	The existing building is not considered to be of a special architectural character that would warrant its protection. Furthermore, it is not a listed building, and is not located within a Conservation Area.
It's bulk, height and uniform red brick exterior is really unattractive and neither in keeping with or complementing the surrounding environment.	Refer to Design, Character and Impact on the Street Scene sections of the report.
The planning department should explore alternative options that more closely align with the neighbourhood.	Each planning application is assessed on a case by case basis against the Development Plan. Refer to the below report for the Council's assessment.
Impact on Nearby Residents	
Overlooking and loss of privacy concerns to nearby neighbours.	Refer to Impact on Neighbouring Occupiers sections of the report.
Loss of outlook for nearby neighbours.	Refer to Impact on Neighbouring Occupiers sections of the report.
The Daylight Sunlight Report outlines that one of the windows at No. 24 Salmon Street would not meet the VSC and NSL requirements. The Council should get an independent assessment of the detrimental effect this proposal could have on neighbouring premises.	The window which does not meet BRE targets forms part of a bay window and is the pane facing the proposed development. The minor shortfall is therefore considered to be acceptable as the central pane facing directly outwards would achieve a score of 0.89x its former value. The opposite flank pane would also continue to receive unfettered access to daylight and sunlight. Furthermore, the distribution of daylight within the front room would retain a No-Sky Line value of 1x its former value, exceeding guidance.

The proposal would lead to more noise disturbance within the area.	The application site is located within a generally residential area. The proposed residential intensification is therefore considered to be acceptable from a noise perspective.
Overshadowing to neighbouring properties and a loss of sunlight.	Refer to Impact on Neighbouring Occupiers sections of the report.
Loss of light would have implications on wellbeing and health.	The proposed impact on daylight/sunlight is assessed below in the Impact on Neighbouring Occupiers section of the report.
Parking and Highways Considerations	
Car parking along Salmon Street and Queens Walk would be compromised.	Refer to Transport and Highway Considerations section of the report.
Queens Walk is already heavily parked in the mornings to drop children off at the local private school and nursery.	Refer to Transport and Highway Considerations section of the report.
The impact on local car parking would compromise road safety and to the parents and children using the nearby educational facilities.	Refer to Transport and Highway Considerations section of the report.
The proposal allows 7 car parking spaces, which is not even one car per flat. This would cause congestion on Queens Walk.	Refer to Transport and Highway Considerations section of the report. 2021 Census data indicates that parking levels are likely to be sufficient and the proposed development would result in a negligible demand for on street parking.
The proposal would lead to increased traffic congestion.	Refer to Transport and Highway Considerations section of the report. The trip generation data provided outlines that trips to and from the site would not be significant and would not have any noticeable impact on the local highway or public transport networks.

Reliance on the private vehicle would be even greater, given the poor public transport links in this location.	Whilst public transport access to the site is low (PTAL rating of 2), there are six bus services passing within 640 metres (8 minutes' walk) of the site. Furthermore, 2021 census data predicts a car ownership of eight cars for the entire development, seven of which could be accommodated on site.
The turning into Queens Walk is already tight, and an entrance to a large development will increase accidents.	Brent's Highways Officers raised no concerns in this regard. Furthermore, the trip generation data provided outlines that trips to and from the site would not be significant and the proposal would not have any noticeable impact on the local highway.
Impact on foot traffic.	Brent's Highways Officers raised no concerns in this regard. Furthermore, the trip generation data provided outlines that trips to and from the site would not be significant enough to have any noticeable impact on the local footway.
Other Matters	
Objection to the loss of the existing dwelling built by Mr Salmon, whom the street is named after.	The existing dwelling is not considered to be of a special architectural interest which warrants protection. The building is not listed, and does not form part of a Conservation Area.
The development would affect nearby house prices in the future.	This is not a material planning consideration.
Concerns over the impact on sanitation and environmental pollution.	Thames Water were consulted on the proposal and raised no objections. Furthermore, please refer to the Sustainability section of the report.
The development would serve no purpose to the local community.	A significant number of new homes are required in Brent, and the proposal would help to meet that demand, including the provision of family sized homes. Furthermore, a financial contribution would be provided to improve pedestrian connectivity within the local area. Please refer to the Transport and Highways Consideration section of the report for more

	detail.
The flats over the road at No. 44 Queens Walk are still on the market, showing the lack of interest for flats in these roads. Concerns this would also be the case for the proposed development.	Brent has a significant housing need as set out within the Local Plan, and this proposal would contribute towards achieving housing targets.
The proposed flats are less accessible for multi-generational families.	Refer to the Accessibility section of the report.
The size of the proposed flats are not suitable for growing families.	Each of the flats proposed would meet London Plan Policy D6 space standards. Furthermore, 4x family sized homes would be provided.
There would not be enough garden space for the flats.	Refer to the External Amenity Space section of the report.
Accessibility to nearby public transport links is not suitable in this location for small flats.	Whilst public transport access to the site is low (PTAL rating of 2), there are six bus services passing within 640 metres (8 minutes' walk) of the site. This is considered to be suitable for the density of development proposed.
The development does not comply with the Brent Local Plan (para 6.2.41) as this area is not prioritised for additional housing. In these areas, the intensity of development is likely to be less and the existing character is not expected to significantly change.	Refer to Design, Character and Impact on the Street Scene sections of the report.
No. 44 Queens Walk is being marketed as a hotel due to its lack of interest in purchasing the flats. Is it the intention to provide another hotel at the corner of Queens Walk and Salmon Street	The proposed development would be for 13x residential dwellings. The use of such a property as a hotel would require planning permission.
Family sized homes at upper floor levels do not provide suitable access to a private garden.	Refer to the External Amenity Space section of the report. These units would benefit from a suitably sized balcony alongside communal amenity space.
The Daylight and Sunlight report states that two of the thirteen flats do not meet the direct sunlight requirement in the main living	The results of the Daylight Sunlight report outline that the main living area within each of the proposed units would achieve the

<p>area. The people who live in those flats will only get the direct sunlight requirement in one of the bedrooms. This is a consequence of squashing too many flats in one building.</p>	<p>recommended levels of Annual Probable Sunlight Hours (25%) and Winter Probable Sunlight Hours (5%).</p>
<p>It would be both unethical and immoral for the planning department and planning committee to be influenced by the proposed highways financial contribution in the response to this application.</p>	<p>The financial contribution referenced is required to make the proposed development acceptable in transport terms. This is discussed below, alongside an assessment of each other aspect of the proposal.</p>
<p>The site could instead be used to build a pair of 4 bedroom semi-detached houses or three town houses, providing garden space for families. These would be of more benefit to the local community.</p>	<p>The Council are not able to assess alternative proposals. Please see the below report for an assessment into the scheme proposed.</p>
<p>Concerns over the precedent such an application could set. Quiet residential streets are being transformed into high density living spaces. This could lead to the gradual loss of open space and burying of traditional houses.</p>	<p>Each planning application is assessed on a case by case basis.</p>
<p>The existing garden and trees would be destroyed.</p>	<p>Refer to Tree Considerations, Urban Greening and Ecology sections of the report. 12x trees would be planted and the proposal would achieve an Urban Greening Factor Score of 0.56, which exceeds policy requirements.</p>
<p>The proposal would disrupt the tranquillity and atmosphere of the area.</p>	<p>The application site is located within a generally residential area. The proposed residential intensification is considered to be acceptable from a noise perspective.</p>
<p>The unitary development plan calls of a percentage of family units, the proposed mix of apartments fails to adhere to this with no valid reason other than to overdevelop the site.</p>	<p>The Unitary Development Plan no longer comprises part of the Brent's Development Plan. This has since been indirectly replaced by the current Local Plan (2019-2041). Furthermore, the proposed family housing provision would comply with Policy BH4 of the Brent Local Plan.</p>
<p>The proposal would create additional demand for school spaces.</p>	<p>The proposal is not considered likely to have a significant impact on school places, which are monitored by another team in the Council.</p> <p>School places are considered as part of the development of the Local Plan with evidence set out within the Infrastructure Delivery</p>

	Plan.
Construction-related activities may result in heightened noise levels.	A Construction Method Statement and Construction Logistics Plan would be required by condition to reduce any potential noise harm from the proposed works.
The proposed construction would have an unacceptable impact on the nearby school by way of noise, dust and disruption.	A Construction Method Statement and Construction Logistics Plan would be required by condition to reduce any potential harm from the proposed works.
Questions raised as to whether the title deeds have been investigated.	Certificate A has been signed on the application form provided identifying that the applicant is the sole owner of the land in question.

Internal/External consultation

Environmental Health - no objections raised. Conditions are recommended in relation to air quality and construction management.

Local Lead Flood Authority - objection raised in relation to the surface water drainage strategy provided with submission. Objection removed following the submission of a revised Drainage Strategy. Discussed in more detail within the below report.

Thames Water – No objections raised subject to informatives.

POLICY CONSIDERATIONS

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

The development plan is comprised of the:

London Plan 2021
Brent Local Plan 2019-2041

Key policies include:

London Plan 2021

Policy D3 Optimising site capacity through the design-led approach
Policy D4 Delivering good design
Policy D5 Inclusive Design
Policy D6 Housing quality and standards
Policy D7 Accessible housing
Policy D12: Fire Safety
Policy H1 Increasing housing supply
Policy H2 Small Sites
Policy H4 Delivering affordable housing
Policy H5 Threshold approach to applications
Policy H6 Affordable housing tenure

Policy H7 Monitoring of affordable housing
Policy S4 Play and informal recreation
Policy HC1 Heritage conservation and growth
Policy G5 Urban greening
Policy G6 Biodiversity and access to nature
Policy G7 Trees and woodlands
Policy SI 1 Improving air quality
Policy SI2 Minimising greenhouse gas emissions
Policy SI3 Energy infrastructure
Policy SI4 Managing heat risk
Policy SI 12 Flood risk management
Policy SI 13 Sustainable drainage
Policy T2 Healthy Streets
Policy T5 Cycling
Policy T6 Car parking
Policy T6.1 Residential parking
Policy T7 Deliveries, servicing and construction

Local Plan 2019-2041

DMP1 - Development Management General Policy
BD1 - Leading the way in good design
BH1 - Increasing Housing Supply
BH4 – Small Sites and Small Housing Developments in Brent
BH5 - Affordable Housing
BH6 - Housing Size Mix
BH13 - Residential Amenity Space
BHC1 - Brent's Heritage Assets
BGI1 - Blue and Green Infrastructure in Brent
BGI2 - Trees and Woodland
BSUI1 - Creating a Resilient and Efficient Brent
BSUI2 - Air Quality
BSUI4 - On-site Water Management and Surface Water Attenuation
BT1 - Sustainable Travel Choice
BT2 - Parking and Car Free Development
BT3 - Freight and Servicing, Provision and Protection of Freight Facilities
BT4 - Forming an Access on to a Road

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

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

DETAILED CONSIDERATIONS

Principle of Development

1. The National Planning Policy Framework emphasises the provision of new homes as one of the key roles of the planning system. The London Plan proposes a substantial increase in housing targets across London, including a target for Brent of up to 2,325 new homes per year. Policy BH1 of Brent's Local Plan also reflects the London Plan target.
2. Policy H2 of the London Plan relates to small sites. This policy highlights that boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to amongst other considerations achieve the minimum targets for small sites as part of overall housing targets and increase the contribution of small sites to meet London's housing needs. This site is 0.24 hectares in size and therefore would be defined as a

small site under policy H2 of London Plan.

3. In response to the above strategic policy position, Policy BH4 of Brent's Local Plan sets out local planning policy on small sites. This sets out that small housing developments (below 0.25 hectares or 25 dwellings in size) delivering a net addition of self-contained dwellings through the more intensive and efficient use of sites, where consistent with other policies in the development plan, will be supported within the priority locations of PTAL 3-6, intensification corridors, or a town centre boundary through:
 - a) the infill of vacant or underused brownfield sites
 - b) residential conversions, redevelopment, extensions of dwellings, or infill within the curtilage of a dwelling
 - c) the redevelopment of flats, non residential buildings and residential garages,
 - d) upward extensions of flats and non residential buildings
4. In these priority locations, the character of the existing area will be subject to change over the Local Plan period. Outside the priority locations greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easily accessible on foot when determining the intensity of development appropriate.
5. In this case, the site is not located within a priority area for new homes. However, the small sites policy does not preclude other sites from coming forward for redevelopment but stresses the need for greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easily accessible on foot when determining the intensity of development appropriate. These matters are discussed in more detail below.

Affordable Housing

6. London Plan Policies H4, H5 and H6 set out the Mayor's commitment to delivering 'genuinely affordable' housing. Policy H6 requires affordable housing provision to include a minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent); a minimum of 30% intermediate products; and 40% to be determined by the borough based on identified need.
7. Brent's Local Plan Policy BH5 supports this approach and sets a target of 70% of affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split marries up with London Plan Policy H6 by design, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category.
8. Where an application does not meet the above requirements set out in Part C of Policy H5, it must follow the Viability Tested Route. This requires detailed supporting viability evidence to be submitted in a standardised and accessible format as part of the application.
9. Given that the level of affordable housing proposed is under the 35% threshold as set out within the London Plan and Brent Local Plan, a Financial Viability Appraisal (FVA) was submitted with the application. This identified a Site Value Benchmark of £1,650,000, and a Residual Land Value of £1,015,000 creating a deficit of £635,000. As such, it was concluded that the proposed scheme would not viably deliver any affordable housing contributions.
10. During the course of the application, the Financial Viability Assessment was scrutinised by industry experts on behalf of the Council. The Council's consultants concluded the Benchmark Land Value to instead be £1,305,000 and following sensitivity tests, the scheme to result in a surplus of £41,000.
11. Policy H5 strongly encourages affordable housing to be provided on site, and affordable housing must only be provided off-site or as a cash in lieu contribution in exceptional circumstances. Nevertheless, the Council accepts that the identified surplus would not be large enough to provide affordable housing on site. If this were to be possible, the Council also recognise that there can be challenges to finding registered providers (RPs) that will take on small affordable housing packages contained within a single core development. Therefore, on a without prejudice basis, the Council has accepted to include a clause within the S106 that would allow a £41,000 payment in lieu (subject to indexation) for the provision of off-site affordable housing elsewhere in the borough. In line with policy, an early and late stage review would be secured via s106 agreement. The proposal is therefore considered to comply with policies H4, H5 and H6 of London Plan 2021 and policy BH5 of Brent's Local Plan 2019-2041.

Housing Mix

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

Design, Character and Impact on the Street Scene

13. The NPPF emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials, while not discouraging appropriate innovation. Policy D3 of London Plan highlights the need for all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site.
14. Policy DMP1 requires the scale, type and design of development to complement the locality. This is reinforced in policy BD1 which seeks for new development to be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects and complements historic character but is also fit for the future. In delivering high quality design, development proposals will be expected to show how they positively address all the relevant criteria within London Plan design policies and the Brent Design Guide SPD1.

Height and Massing

15. Policy BD2 identifies that in intensification corridors and town centres outside conservation areas and areas of distinctive residential character developments of a general building height of 15 metres above ground level could be acceptable.
16. It is set out within Brent policy BH4 that outside of the priority locations for housing, "greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easily accessible on foot when determining the intensity of development appropriate".
17. As noted above, the application site is not located within a priority location for additional housing. In this regard, Policy BH4 requires greater weight to be placed upon the existing character of the area when determining the density of development appropriate. The area surrounding the property mainly comprises of traditional two storey detached and semi-detached properties with mid to large sized garden areas. A number of these properties benefit from loft conversions, with visible extensions to the roof such as dormer windows. Krishna Court to the opposite street corner on Queens Walk comprises three storeys, whilst Cherrylands Close to the north also comprises a taller development, with accommodation in the heightened roofspace (second floor level). The site is also located approximately 80m from the Salmon Lane Intensification Corridor to the south, whereby Policy BD2 identifies that up to 5 storeys could be acceptable. The policy accepts that the character of these streets will change and that heights of proposals do not necessarily have to reflect existing adjacent properties. The anticipation is that over time, if the policy is successful, those buildings are also likely to be replaced with more intense development.
18. The proposal would be larger both in height and massing than the existing buildings within the context and does diverge to a degree from that character. The proposed development would contain a maximum height of 12.15m (four storeys), with the third and fourth floors generally sloping in towards the centre of the site from first floor level, adopting an appearance typical of an enlarged residential roof. The building would also contain a reduced height of 9.15m (three storeys) to its eastern and western portions, creating an appropriate transition with the immediately adjacent two-storey properties along Salmon Street and Queens Walk. Whilst the four storey element of the proposed development would be taller in height than the properties within the locality, this increased height would be focused to the north-western corner of the building, which is considered to be supported by the open setting of the corner plot location.
19. Furthermore, whilst not located within the Intensification Corridor itself, it is noted that the character of the surrounding area is expected to change, with greater densities of development likely, to which this development would respond well to. The overall acceptability of the height and massing is evident in a number of the views provided within the Design and Access Statement. The application is therefore considered to comply with Policy BH4.

Architecture and Materiality

20. SPD1 states that the use of durable and attractive materials is essential in order to create development that is appealing, robust and sustainable and fits in with local character.
21. As noted above, the surrounding area is generally comprised of traditional two-storey detached and semi-detached properties. The proposed development would typologically defined as more of a large house, with pitched roofs and dormer windows taking visual cues from the locality. As such, the architectural language would reflect the general character of the area.
22. A strong approach to materiality has been set out within the Design and Access Statement submitted as part of this application. The development would mainly comprise of a red multi brick base with a dark red/brown roof tile introduced for the upper floors. The materials would pick up several details from the surrounding context, which is welcomed. The facades are well-composed, with good proportions that establish a clear hierarchy across the scheme and define a coherent base and crown from ground floor to roof level. Nevertheless, as part of any consent, detailed bay studies would be required by condition to include indicative technical sections illustrating how specific elements of the façade may be constructed, such as typical windows, typical parapets, typical balconies etc. Details of finalised materials would also be required via a planning condition.
23. Overall, the proposed approach to architecture and materiality is considered to be well designed, incorporating visual cues from the surrounding area.

Layout

24. The proposal would feature a forward projection of No. 24 Salmon Street by approximately 13.7m. Whilst not typical of the established front building line along Salmon Street, it is considered that this may be supported by the generous separation distance between the two properties, the lower natural ground level on site, and the articulation proposed to the street facing facade, which would reduce the visual prominence of this projection when viewed from Salmon Street. The success of the proposed massing and layout is contextualised by a proposed viewpoint from further south along Salmon Street which was received as part of a revised Design and Access Statement during the course of the application (Section 4.11).
25. Neighbouring property No. 43 Queens Walk benefits from a building typology with a large projecting bay feature to its frontage. The proposed development would project forward of the immediately neighbouring front building line by 2.95m, which would be just short of the projecting bay feature. Given the prominence of the neighbouring bay, which occupies approximately half of the property, this relationship is considered to be acceptable. The north-western corner of the proposed development would project beyond the aforementioned bay window by approximately 4.7m which has been achieved due to the openness and width of this corner plot, and set in from the shared boundary by approximately 8.4m. This relationship has been evidenced by a contextual view of the scheme from further east along Queens Walk in Section 4.11 of the Design and Access Statement.
26. An entrance lobby would be positioned towards the central portion of the Queens Walk facing facade. It is considered that this would be well read, providing a welcoming experience for any future residents. Appropriate signage to navigate this would be secured via condition. A new access point to the eastern end of the Queens Walk boundary would be used to access the site.
27. Overall, the proposed layout is considered to be acceptable, and where deviating to a degree from the established pattern of development in the surrounding area, is acceptable in light of the site's characteristics.

Relationship with the St. Andrews Conservation Area

28. The site is situated approximately 50m from the St. Andrew's Conservation Area to the south-east. The Conservation Area is defined as a designated heritage asset.
29. Paragraph 194 of the National Planning Policy Framework (NPPF) 2023, states that when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The NPPF goes on to say in paragraph 195 that Local Planning

Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

30. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In the case of where development leads to less than substantial harm to the significance of a designated heritage asset, paragraph 202 of the NPPF highlights this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Policy HC1 of the London Plan development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. Policy BHC1 of the Local Plan further re-emphasises the matters above. Policy BP4 further reveals the importance of conserving and enhancing heritage assets within this part of the Borough.
31. The St. Andrew's Conservation Area Character Appraisal outlines the importance of the setting of the Conservation Area, with the undulating nature creating a variety of different views. Tudor Close gently falls from the top down to Tudor Gardens which creates a picturesque view of the New Church. The topographical character means that perambulations around the roads and avenues are full of revealed views as significant corners are turned within the Conservation Area.
32. The proposed development would be located a significant distance away from the heart of the St. Andrew's Conservation Area, thus there would be no direct visual relationship with the Southern part of Old Church Lane or the 15 listed buildings. Furthermore, the development does not fall within the framed view of the spire of St Andrew's New Church - its most significant element and focal point. As such, there would be no harm to these assets or the heart of the conservation area. Furthermore, the proposed development is not on the junction and entrance to the St. Andrew's Conservation Area (Old Church Lane) and therefore does not impact key views in this respect.
33. The development would marginally be seen from a number of properties in Tudor Close that back onto the site from their rear windows and back gardens. It would also be glimpsed from Tudor Close. Section 4.10 of the Design and Access Statement submitted includes two view studies conducted from Tudor Close which is the nearest road within St Andrew's Conservation Area and where there could be an impact on the setting of the Conservation Area.
34. View 01 shows that a small part of the proposed scheme's pitched roof would be visible from this view, which would likely be read as one of a number of pitched roof buildings on Salmon Street. View 02 shows that the building would be entirely obscured by the context and would therefore not be visible. There are viewpoints through to the site between the properties, but this also appears to be very marginal given the distance and tree screening. The proposal would only be seen as 'backdrop' in oblique views. The Council's Principal Heritage Officer has reviewed the information submitted and concludes that there would be no harm to the St. Andrew's Conservation Area. Moreover, any perceived harm could be mitigated against by the public benefits of the scheme. The application is therefore considered to comply with Paragraph 199 of the NPPF, and Policy BHC1 of the Brent Local Plan.

Impact on Neighbouring Residential Amenity

Separation Distance and Privacy

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

No. 24 Salmon Street

36. Planning permission was granted in 1996 for the demolition of the existing dwelling on the plot of No. 24 Salmon Street, and its replacement with a two-storey dwellinghouse (ref: 96/0544). This permission was implemented on site, and the approved dwellinghouse remains in situ. No further extensions to the

building have been undertaken since construction.

37. The proposed development would be sited adjacently to the front to mid portion of the property at No. 24 Salmon Street, and a large portion of the front forecourt. At ground floor level, there would be 5x windows facing No. 24. Whilst these would each be within 9m of the joint boundary, section drawings were provided during the course of the application which demonstrate these sightlines to be broken up by the proposed boundary treatment. As such, no harmful overlooking would occur. At upper floor levels, amendments were received during the course of the application to remove the habitable flank windows within the southern façade of the south-western corner of the building. These were instead replaced with obscure glazed windows, and the impact of this on daylight/sunlight/outlook is discussed below. As the replacement windows would be obscure glazed, no harmful overlooking would occur. Finally, Units 01_04 and 02_04 would have habitable windows set 8.35m from the joint boundary. Whilst this is in breach of SPD1 guidance, it is recognised that they would not be overlooking any good quality amenity space. Furthermore, the divergence from guidance is considered to be minor given the circumstances. Therefore, the proposed relationship is considered to be acceptable on balance. Furthermore, the windows in question would not directly face any habitable windows.
38. In terms of balconies, the proposed balcony for Unit 03_01 would directly face the front forecourt of No. 24. However, it would be located 12.4m from the joint boundary, and complies with guidance in this regard. Otherwise, there are no balconies proposed at first or second floor which would directly face No. 24 Salmon Street. Whilst the flanks of the balconies for units 01_03 and 02_03 would be sited 9.7m from the joint boundary, the separation distance would be in compliance with SPD1. The proposed development is therefore considered to achieve an appropriate level of privacy for the residents of No. 24 Salmon Street, and would not unduly hinder any future development potential on this site.

No. 43 Queens Walk

39. The proposed development would be sited adjacently to the neighbouring dwellinghouse at No. 43 Queens Walk, which does not benefit from any flank windows facing the site. At ground floor level, there would be 4x windows within 9m of the joint boundary. However, as demonstrated by the section drawings provided during the course of the application, these would not result in any undue levels of overlooking as a result of the boundary treatment proposed. At first floor level, there would be 2x windows facing No. 43. The first of these within Unit 01_04 would serve a bathroom, and would therefore be conditioned to be obscure glazed and non-opening below 1.7m from internal floor level. As such, no overlooking would occur. Within Unit 01_03, a habitable window would directly face the rear garden of No. 43. However, this would be set away from the joint boundary by 9.6m and complies with SPD1 in this regard.
40. At second floor level, Unit 02_04 would benefit from 2x habitable windows facing No.43, and within 9m of the joint boundary. However, as these are small in size, and would be secondary to larger windows which would not result in unacceptable levels of overlooking, it would be acceptable to condition these to be obscure glazed and non-opening below 1.7m. The same is true for the bathroom window proposed in this unit. Otherwise, the rear facing window within Unit 02_03 would be set away from the joint boundary by 10.1m, and therefore complies with SPD1. Finally, at third floor level, there would be no windows directly facing No. 43.
41. With regard to balconies, there would be none proposed that would directly face No. 43 Queens Walk. Nevertheless, it is noted that a small portion of the balcony for Unit 01_04 would be set 5.9m from the joint boundary, overlooking the front forecourt to some degree. Screening to mitigate this impact would be conditioned. The proposed development is therefore considered to achieve an appropriate level of privacy for the residents of No. 43 Queens Walk, and would not unduly any future development potential on this site.

Sites to the North and West

42. There are a number of residential units to the other side of Salmon Street and Queens Walk which would directly face the proposed development. However, the proposal would maintain a minimum separation distance of 18m from these sites, and as such would not give rise to undue levels of overlooking/loss of privacy.

Summary

43. In conclusion, the proposal would be considered to achieve an acceptable level of amenity in relation to neighbouring occupiers. Whilst some elements of the scheme do not fully comply with SPD1, the impact

of this could be successfully mitigated by appropriate conditions, and the proposal would therefore comply with policy DMP1.

Outlook and Daylight

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

No. 24 Salmon Street

45. The proposed development would be located adjacently to the front to mid portion of the main property at No. 24, and a generous portion of the front forecourt. Drawing no. AL(02)220 Rev B demonstrates compliance with the 45 degree rule in relation to this property. Based upon officer observations of the site, the property is noted to benefit from flank habitable room windows at ground floor level. A 30 degree line was therefore measured on the section drawings from these windows, and there would be a minor breach to this rule. However, based upon the documents available under application 96/0544, it would appear that the rooms that these windows serve are likely to also contain windows to the front and rear elevations, and thus the flank wall windows are unlikely to be the sole windows to a habitable room. As such, it is considered that a good level of outlook would be maintained. Furthermore, the Daylight Sunlight Assessment submitted with the application assesses the ground floor layout on a worst case scenario basis, incorporating the two central flank windows to form one room without any front or rear glazing. As discussed in more detail below, the resultant impact on daylight/sunlight is within BRE recommendations. The overall impact is therefore considered to be acceptable.

No. 43 Queens Walk

46. There are no windows contained within No. 43 Queens Walk that directly face the development site. Nevertheless, it is noted that the proposed building would project beyond the rear building line of the property and into the rear garden by approximately 3.2m. The closest portion of the neighbouring property is comprised of a garage conversion, with a habitable room window at rear ground floor level. These works were approved under application ref: 13/0615 and have since been implemented on site. The proposed development would be set 4.15m from the midpoint of this window and therefore fails to comply with the 1:2 rule. However, it is noted that this window was not an original feature of the property, and when the 1:2 rule is taken from the main property, the proposal would comply with SPD1. The building would project beyond the closest rear window at upper floor level by approximately 2.2m and would be set away from the midpoint by approximately 7m. Furthermore, there is a thick line of vegetation between the two properties, which would significantly limit views of the proposed development when viewed from the neighbouring house. As set out above in line with policy D3 of London Plan the development seeks to optimise the capacity of the site to deliver additional homes within the Borough. The associated benefits including the delivery of new homes is considered to outweigh the limited harm in this instance in relation to the neighbouring property. The overall impact is therefore considered to be acceptable.

47. It is also noted that the proposed development would breach the 45 degree rule when measured from the rear amenity space (56 degrees). However, there is already a breach of the 45 degree rule when measured with regard to the existing property on site (48 degrees). Whilst the degree of impact is marginally worse than the existing situation, it is noted that the proposed development would only extend beyond a small portion of the rear garden at No. 43. There would also be a thick line of vegetation between sites which would continue to screen views of the proposed development when viewed from the amenity space. As discussed above, the benefits associated with the development including the delivery of new homes are considered to outweigh the limited harm in relation to neighbouring amenity.

Daylight + Sunlight Assessment

48. BRE guidance outlines two detailed methods for calculating daylight within properties neighbouring a proposed development: the Vertical Sky Component (VSC) and the No-Sky Line (NSL) tests. The VSC test measures the amount of sky that is visible to a specific point on the outside of a property, which is directly related to the amount of daylight that can be received. It is measured on the outside face of the external walls, usually at the centre point of a window. The NSL test calculates the distribution of daylight

within rooms by determining the area of the room at desk / work surface height (the 'working plane') which can and cannot receive a direct view of the sky and hence 'sky light'. The working plane height is set at 850mm above floor level within residential property.

49. For the above methods, the guidance suggests that existing daylight may be noticeably affected by new development if windows achieve a VSC below 27% and are reduced to less than 0.8 times their former value; and / or levels of NSL within rooms are reduced to less than 0.8 times their former values.
50. To assess impacts on sunlight to existing south-facing windows and amenity spaces, an assessment of Annual Probable Sunlight Hours (APSH) is recommended. Adverse impacts occur when the affected window receives less than 25% of total APSH including less than 5% in winter months, or when amenity spaces receive less than two hours sunlight on 21 March or less than 0.8 times their former value.
51. The NPPF also supports a flexible approach to applying standards in order to allow for an efficient use of sites.
52. A sunlight and daylight assessment has been provided with the application assessing the impact of the development on the neighbouring properties within the vicinity of the application site. The report concludes that there would be no direct impact on the neighbouring properties within the vicinity of the application site.
53. No. 24 Salmon Street to the south has flank windows facing towards the site, and windows to the front, which would be affected by the siting of the proposed development. Whilst the internal layout of the unit is assumed, the VSC assessment takes the approach that the two-central ground floor windows facing the site form an individual room, without any front or rear facing glazing. On this basis, the results of the VSC assessment for this property show that 8 of 9 windows assessed would exceed BRE targets (i.e. above 27% VSC or 0.8 times the former values). One ground floor window (W5) would retain 0.74 times its former value however this forms part of a large bay window to the property's frontage, with the main centre window achieving 0.89 times its former value. The windows mentioned above within the central portion of the property would meet BRE guidelines, despite being measured on the worst-case scenario basis. The overall impact is therefore considered acceptable with only a minor shortfall in the BRE guidance. The NSL assessment shows full compliance. With regard to sunlight, the results of the APSH assessment show that the downstairs living room would retain levels of both annual and winter sunlight, well in excess of BRE targets (i.e. 25% APSH / 5% WPSH or 0.8 times the former value).
54. No. 43 Queens Walk has windows to the rear and front which would be impacted by the proposed development. The results of the VSC and NSL assessments for this property demonstrate full BRE compliance with VSC values of 0.93 times the former value and above. With regard sunlight, all relevant rooms would retain levels of annual and winter sunlight in excess of BRE standards. The rear garden of this property has also been tested, and the results identify that 72% of the amenity area would receive at least two hours of direct sun on the 21st March in both the existing and proposed conditions. As a result, the BRE guidelines would be fully satisfied.
55. The Daylight Sunlight Assessment submitted also measures the proposed impact on 23-27 Salmon Street, 42 Queens Walk and the Krishna Court Development which are all residential units separated from the site by the public highway. It is concluded that the residents of these properties would enjoy both daylight and sunlight levels in compliance with BRE requirements.
56. In conclusion, the assessment demonstrates that neighbouring properties together with their rear gardens would continue to receive good levels of daylight and sunlight with the proposed development in place, in line with BRE guidance. The proposal would accord with policy DMP1.

Quality of Accommodation

57. Policy D6 of the London Plan sets out standards for housing quality. It requires new homes to be of high quality design and provide adequately sized rooms with comfortable and functional layouts. Policy D6 requires new housing developments to maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3. Optimising site capacity through the design-led approach than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.

Daylight and Sunlight

58. A daylight and sunlight report was submitted with the application assessing the internal arrangement of the proposed residential units. Following amendment to the internal layout of units 01_03 and 02_03 to ensure the dwellings would not overlook No. 24 Salmon Street, a revised DSA was submitted. The Illuminance Method daylight results show that all 36 rooms tested would adhere to the BRE guidelines, including the revised units noted above. The Sunlight Exposure results show that of the 13 units tested, all adhere to the BRE guidelines, which is acceptable.
59. For the sunlight quality to the proposed amenity areas, the ground floor gardens have been assessed. It is noted that the upper levels of the proposed development would obtain higher levels of daylight and sunlight. The assessment of the two hour sun contour assessment has been undertaken to the six amenity areas at ground level. The results of the assessment can be seen within Appendix 5, which shows that 68% of the proposed amenity areas would receive at least two hours of sunlight on March 21st, exceeding the 50% BRE guideline. When measured individually, five of the six spaces would receive two hours of sunlight across 55% to 90% of their area, above the 50% BRE target. The amenity space for Unit 00_04 would receive two hours of sunlight to 18% of its area, which is below the 50% target. However, further testing of this space shows that it would meet the 50% target by 27th May. Whilst not in full compliance with BRE guidelines, the limited level of harm is considered to be outweighed by the planning benefits of the scheme.
60. Overall, the assessment of the light for the future occupants demonstrates an acceptable level of adherence to the daylight assessment, whilst also demonstrating a good level of sunlight will be achieved.

Floorspace Requirements

61. Policy D6 of London Plan sets out minimum floorspace requirements. It also requires single bedrooms to have a floor area of at least 7.5sqm and be at least 2.15m wide. A double or twin bedroom must have a floor area of at least 11.5sqm, with at least one of the double bedrooms at 2.75m wide, and the remaining double bedrooms at 2.55m wide. The Design and Access Statement submitted with the application highlights that all proposed units would meet the London Plan floorspace requirements.
62. The section plans submitted with the application demonstrates that the proposal would meet the required floor to ceiling height of 2.5m of at least 75% of the internal floorspace as set out within the London Plan.

Outlook and Aspect

63. Policy D6 of the London Plan highlights that housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings.
64. The proposed unit layout is considered to be acceptable, providing a suitable level of outlook to each unit. Further, it is considered that internal layouts have been well thought out, to maximise dual aspect provision, with living spaces located to the corners of the development where possible. Ten out of the thirteen units proposed (77%) would benefit from dual aspect provision which is considered acceptable on a smaller site.

Accessibility

65. Policy D7 of the London Plan requires that 90% of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and 10% should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings'.
66. The development has been designed to allow residents to gain step-free access to the building when considering the external environment through clearly visible and identifiable entrances from the public realm. The drawings also show an accessible parking space. Nevertheless, the lack of a lift limits the ability to provide M4(2) homes throughout. However, due to the high on-going service charges of lift provision, in smaller schemes this from a policy perspective can be considered acceptable as provided by the exception in Para 3.7.6 of the London Plan. A condition is recommended to secure further details of compliance with M4(2) and for two homes to achieve M4(3) standards.

Privacy

67. Given the orientation between the proposed units, no harmful overlooking would occur between homes

within the development.

External Amenity Space

68. Policy BH13 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 50sqm per home for family housing (3 bedrooms or more) situated at ground floor level and 20 sqm for all other housing.
69. The requirement for external private amenity space is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 or 50sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
70. With regard to quality of the space, the supporting text to policy BH13 specifies that private amenity should be accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight, whilst Brent SPD1 specifies that the minimum depth and width of the space should be 1.5m.
71. London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant.
72. Brent's Amenity Space SPD was adopted on June 2023 and reinforces that developments must provide 50sqm private external amenity space for a three bedroom ground floor dwelling or 20sqm for all other dwellings. Where it is not possible, developments should maximise, but as a minimum provide the London Plan area equivalent of private amenity space, with the remaining policy area requirement provided as high-quality communal amenity space. The design of external amenity spaces should be considered through the perspective of quality of life outcomes, both direct and indirect.
73. In line with policy BH13, the scheme would be required to provide a total of 320sqm of external amenity space (2 x 50sqm and 11 x 20sqm). Each home would have access to a private terrace or balcony that meets or exceeds London Plan standards for external amenity space. However, there is an overall shortfall in private amenity space of 123sqm against the targets set out within policy BH13. Nevertheless, the scheme would have access to 139sqm of communal amenity space located at ground floor level. The combination of private and communal amenity space would therefore result in a scheme that would not be short of the targets set out within policy BH13. The application complies with Brent's Amenity Space SPD in this regard.
74. During the course of the application, concerns were raised as to the quality of the communal amenity space located to the north-western corner of the plot. Based upon the originally submitted drawings, this required a convoluted access around the site's car parking area and cycle/bin storage area. To this end, amended drawings were received during the course of the application to relocate the 3x central parking spaces and cycle store to be directly adjacent to the site's boundary with Queens Walk, allowing a clear access route along the side of the property. The access to the communal amenity space is therefore considered to be acceptable, following amendment.
75. Concerns were also raised as to the proximity of the space to both the Queens Walk and Salmon Street footway. Brent's Amenity Space SPD requires amenity space to have a balance of openness and enclosure, appropriate for its outlook and orientation, whilst also expecting a good level of privacy. Proximity to traffic noise should also be considered. Section drawings were requested during the course of the application to identify the relationship of this space with the footways of Salmon Street and Queens Walk. The proposed boundary treatment would be of a traditional residential appearance, with brick piers to a maximum height of 1.4m. Railings would adjoin each piers, with hedges planted behind. In terms of appearance, this would be acceptable from street level, as the hedges behind the proposed railings would soften views of the site. Internally, the thickness of the hedges proposed would provide an appropriate buffer from the amenity space to street level, minimising noise disturbance, whilst also preserving a sense of privacy. It is considered that this would achieve an appropriate balance of openness and enclosure, given the depth of the space. A landscaping condition would secure final details of the soft landscaping proposed.

76. Whilst the western facing external amenity spaces to Units 00_01 - 00_03 would also be within close proximity to the public highway, the above principles are considered to apply by nature of the boundary treatment proposed, which would provide an appropriate buffer from the amenity space to street level, minimising noise disturbance, whilst also preserving a sense of privacy.

Transport and Highway Considerations

Car Parking

77. Car parking allowances for Brent are set out in Appendix 4 of the Local Plan and for residential development, this requires compliance with the standards set out in Table 10.3 of the London Plan. As the site has low access to public transport services (PTAL 2), up to 0.75 spaces per 1-/2-bed flat and one space per 3-bed flat would be allowed for this proposal.
78. A maximum of 10.75 spaces would therefore be allowed for the 13 flats proposed, so the provision of seven spaces complies with maximum standards. One space would also be a wide bay for disabled Blue Badge holders, whilst the Transport Statement confirms that electric vehicle charging would be provided. A condition would be included requiring this to include active provision for two spaces, with the remainder requiring passive provision.
79. Policy BT2 also requires that consideration is given to the impact of any overspill parking that is generated from the development. In this regard, data from the 2021 Census suggests that car ownership in this area averages about 0.6 cars/flat. As such, about eight cars are estimated to be likely to be owned by future residents and with seven spaces to be provided on-site, just one car is expected to seek on-street parking space. Queens Walk has unrestricted parking along the site frontage that can safely accommodate this level of overspill parking from the site.
80. The proposed position of a new access onto Queens Walk would result in the loss of an on-street parking bay. This is not of particular concern though and there is scope to reposition the bay westwards to the location of the existing access, once it is removed and returned to footway.

Cycling

81. In terms of bicycle parking, London Plan standards require a minimum of 23 long-stay and two short-stay spaces. Twelve bike stands are shown within a bike shelter alongside the parking court, which would meet the long-stay requirement. However, no details of the design of the bike shelter have been provided at the present time to ensure an appropriate level of security. This would be conditioned.
82. An additional external 'Sheffield' stand would also be required for visitors' bikes, and this would be secured via condition.

Refuse

83. Bin storage is shown alongside the parking court for three Eurobins to allow easy access for collection. However, to ensure an even split between general waste and recyclable waste, a revised provision of two Eurobins and four wheeled bins is recommended, along with two wheeled bins for organic waste. This would be conditioned as part of any consent.

Trip Generation

84. A Transport Statement has been submitted with the application, which considers the likely trip generation for the flats, based on a comparison with data held for two similar small blocks of flats in Outer London. This suggests that 11-13 trips would be made in each peak hour to and from the site by all modes of transport, with 5-6 of these being made by car drivers. These totals are not significant enough to have any noticeable impact on the local highway or public transport networks.

Healthy Streets

85. The submitted Transport Statement has examined accident data for the 5-year period 2018-2022 in the immediate vicinity of the site. Two accidents were identified, both involving motorcyclists and one involving a pedestrian crossing the busy and wide Salmon Street. This does suggest there could be a need for improved pedestrian crossing facilities to the south of the site.

86. In this respect, the site is located close to the double mini-roundabout junction of Blackbird Hill, Forty Lane, Salmon Street and Tudor Gardens. This junction is extremely difficult for pedestrians to cross and is therefore a barrier to safe pedestrian movement to destinations to the south, such as the parade of shops and Lidl store on Blackbird Hill and bus stops on Forty Lane. A scheme to improve pedestrian safety at this junction by installing traffic signals has been designed, but there is currently a lack of funding available. To address this, pooled developer contributions are being sought from nearby development schemes that can be matched against other funding to help to deliver the scheme. A sum of £29,000 is therefore sought from this development, which is in proportion to the sums secured from other developments in the nearby area. This contribution would be secured via S106 agreement.

Travel Plan

87. The Travel Plan proposes to provide residents with a Travel Information Pack, providing information on public transport, walking and cycling routes, information on Car Club and car sharing schemes and details of promotional campaigns. This is welcomed and meets the requirements for a Travel Plan Statement, with the limited scale of the development meaning that there is no requirement to set targets reducing car use or monitoring this over time. Compliance would be ensured via condition.

Servicing

88. For the Delivery & Servicing Plan, two delivery vans are expected per day and these vehicles can stop on Queens Walk or within the car park when making deliveries. Again, the limited scale of the development gives limited scope to influence delivery vehicle movements to and from the site.

Tree Consideration, Urban Greening and Ecology

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

90. The site is not affected by any Tree Preservation Orders and it is not within a designated Conservation Area.

91. There is currently a relatively small Cypress tree growing within the front garden adjacent to the front elevation of the existing dwelling. The property is bordered by hedges of various descriptions, but no really significant trees. The small Cypress tree would be lost to the development along with the Cherry Laurel hedge around the boundaries with Salmon Street, Queens Walk and 24 Salmon Street. The Leyland Cypress hedge growing along the boundary with 43 Queens Walk is to be retained. As part of the proposed works, 12x trees are indicated to be planted, and details of these would be secured via a landscaping condition. In light of the proposed landscaping improvements identified, the scheme is considered to comply with BGI2, which requires equivalent tree planting.

Urban Greening

92. Policy G5 of the London Plan highlights that major development should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments and a target score of 0.4 for residential development. This is also set out within policy BH4 which seeks for small sites to achieve an UGF of 0.4. As part of the original submission, the applicant provided calculations outlining that the proposal would achieve a UGF score of 0.799. These calculations were scrutinised by the Council's Principle Tree Officer and Senior Planning Ecologist and following further discussion with the applicant reduced to 0.56 as a more representative score of the landscaping proposed. Nevertheless, this would continue to exceed the target score set out in the London Plan and Brent's Local Plan. The UGF would be secured within the landscape condition.

Ecology and biodiversity

93. The sites does not lie within close proximity to a site of nature conservation importance. Nevertheless, policy BGI1 sets out that all development should achieve a net gain in biodiversity and avoid any detrimental impact on the geodiversity of an area.

94. An Ecological Impact Assessment and BNG Assessment was submitted with the application which outlines that there are no important habitats within the application site, although the existing vegetation has the potential to support common species of nesting birds. Recommendations are set out to ensure construction is halted, in the event that any important species are found on site, although the likelihood of this is noted to be low. The main building was noted as having negligible suitability for roosting bats due to a lack of potential external roosting features, and a lack of access to internal loft spaces. As part of the proposed works, there would be a 22.96% unit net gain in hedgerow and 13.86% net gain in habitat units. Brent's Senior Planning Ecologist has confirmed that the proposal would achieve biodiversity net gain on site, and the application is acceptable in this regard.

Sustainability

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

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

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

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

97. An Energy & Sustainability Statement has been submitted with the application stipulating that A 'Lean, Clean, Green' approach has been adopted and the development achieves an improvement in build fabric at over 15% at the 'Be Lean' stage and an overall improvement (DER/TER) in regulated emissions at over 63% above Part L 2021 standard, through the adoption of high standards of insulation, heat pump driven heating and hot water systems and a roof mounted PV array. The remainder of the carbon off setting would need to be secured as a payment in lieu. Such details would be secured within the Section 106 Agreement to any forthcoming consent, and the application is acceptable on this basis.

Environmental Considerations

Air Quality

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

99. An air quality assessment has been submitted and includes an air quality neutral assessment. The assessment considers the air quality impacts associated with the construction and vehicle emissions of the development once implemented.

100. The report highlights that whilst the scheme would be air quality neutral in relation to building emissions, the scheme would not achieve air quality neutral for transport emissions. This is based on the predicted daily vehicle movements from the proposed development. Nevertheless, it is noted that all spaces would accommodate EV provision, and a Travel Plan adopted which encourages sustainable modes of transport. The scheme also provides cycle parking in line with London Plan policy standards. On that basis, Brent's Environmental Health team consider these measures acceptable to achieve Air Quality Neutral on a smaller site of this size. No further conditions are therefore recommended.

Construction Noise and Dust

101. The development is within an Air Quality Management Area and located very close to residential

premises. Demolition and construction therefore have the potential to contribute to background air pollution levels and cause nuisance to neighbours. As such a Construction Method Statement via a prior commencement planning condition would be required.

Lighting

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

Flooding and Drainage

103. Policy BSUI3 highlights that proposals requiring a Flood Risk Assessment must demonstrate that the development will be resistant and resilient to all relevant sources of flooding including surface water. The application is located within Floodzone 1, and no mitigation measures are therefore required for fluvial or pluvial flooding, as the site is at low probability of flooding.

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

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

105. The application was accompanied by a Foul and Surface Water Drainage Strategy with submission. This noted that the scheme would propose to discharge the site to 2l/s, providing a 69.2% betterment on the existing brownfield of 6.5l/s. However, greenfield run off rates were not calculated, and therefore compliance with Policy SI13 was not demonstrated. Following consultation with the Local Lead Flood Authority, a revised Drainage Strategy was received. The revised scheme proposes to discharge the site at 1l/s, providing an 84.62% betterment on the existing brownfield run off rate. The greenfield run off rate when considering the whole site area is calculated to be 0.51l/s. Whilst the revised strategy would therefore not meet greenfield run off rates, the LLFA note this as acceptable, as it would not be feasible to restrict surface water flows to less than 1 l/s due to the fact that the hydro brakes proposed can't operate below this rate.

106. Otherwise, drainage would be achieved through a number of sustainable drainage measures including a gravity system, permeable paving and an attenuation tank. The permeable paving would have a storage capacity for all storms up to and including a 1 in 100 year storm + 40% for climate change.

107. Foul water would be discharged into the Thames Water foul asset via the existing drainage on site. The separation of foul and surface water would be covered at building control stage under the requirements of Approved Document H. The sustainable drainage measures would be managed and maintained under an appropriate maintenance plan for the lifetime of the development. The LLFA have confirmed that the sustainable drainage measures are acceptable and in accordance with policy BSUI4. Such details are recommended to be conditioned to any forthcoming consent.

108. Thames Water were consulted during the course of the application and confirmed that they would have no objections in relation to surface water drainage subject to the application following the sequential approach to the disposal of surface water in line with policy SI13 of London Plan. They also recommended an informative to be applied in relation to groundwater discharge and working near assets. They also confirmed that they wish to raise no objection in relation to waste water network and sewage treatment works infrastructure capacity.

Fire Safety

109. Policy D12a of London Plan highlights in the interest of fire safety and to ensure the safety of all

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

110. It is considered that the submitted fire statement sufficiently addresses the matters set out within policy D5 and D12 of London Plan. It should also be noted that the development would still be subject to building regulations where a detailed assessment of fire safety would be carried out.

Equalities

111. 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

112. The proposal is considered to accord with the development plan, and, having regard to all material planning considerations, should be approved subject to conditions and obligations secured through a Section 106 Agreement. The proposal would result in the provision of 13 new homes, including 4 family sized homes, and would meet an identified need in the borough. The scheme would comply with affordable housing policy despite the absence of affordable housing on site as the relatively low surplus identified means that an off-site contribution would be appropriate. The proposed development is slightly larger than the surrounding buildings both in terms of height and massing. As discussed, the Officer view is that the design responds well to its the context and is well composed. No harm is considered to result to the setting of the St. Andrew's Conservation Area. However, if one did conclude that a degree of harm resulted, the Officer's view is that the level of harm this would be "less than substantial" and significantly outweighed by the benefits of the scheme. The scheme would be air quality neutral in relation to building emissions but would not be air quality neutral in relation to transport emissions. The limited conflict with policy is capable of a degree of mitigation through the implementation of the travel plan and EV infrastructure/cycle storage.



Application No: 23/3833

To: Mr Stephens
Autor Ltd
12th Floor
5 Merchant Square
Paddington Basin
London
W2 1AY

I refer to your application dated **05/12/2023** proposing the following:

Demolition of dwellinghouse and erection of a three and part four-storey residential building comprising 13 flats, provision for car parking, cycle and refuse storage, amenity space and associated landscaping

and accompanied by plans or documents listed here:
See condition

at **Tirzah Mansion, 26 Salmon Street, London, NW9 8PN**

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: 03/06/2024

Signature:

David Glover
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework
The London Plan 2021
Brent's Local Plan 2019 - 2041

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

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

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

Supporting Documents

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

- 3 The scheme hereby approved shall contain 13 residential dwellings within Use Class C3 as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

- 4 The following windows must be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed:

- Unit 01_03 southern facade windows
- Unit 01_04 eastern facade windows
- Unit 02_03 southern facade windows
- Unit 02_04 eastern facade windows

The windows shall be permanently maintained in that condition thereafter unless the planning consent is obtained from the Local Planning Authority.

Reason: To ensure the development does not unduly impact the privacy of the adjoining occupier(s).

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

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

- 6 The works shall be carried out in full accordance with the recommendations set out within the approved Foul and Surface Water Drainage Strategy prepared by PRP: environmental (Ref:

82786-02 Rev F, 24 May 2024) in relation to the proposed surface water drainage strategy. The measures shall thereafter be maintained in accordance with the sustainable drainage systems management plan throughout the lifetime of the development, unless an alternative strategy is submitted to and approved in writing by the Council and thereafter implemented in full.

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

- 7 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.

- 8 The development hereby approved shall not be occupied unless the car parking spaces (including the provision of 2 active electric vehicle charging points and passive provision of the remaining car parking spaces), cycle storage and refuse stores have been completed in full accordance with the approved drawings and made available to residents of the development and shall not be used other than for purposes ancillary to the flats hereby approved.

Reason: To ensure a satisfactory standard of accommodation.

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

Reason: To ensure a satisfactory standard of accommodation.

- 10 The recommendations set out within the Travel Plan hereby approved (Royal HaskoningDHV, 28 November 2023) shall be implemented in full.

Reason: To ensure the development encourages sustainable travel modes and has an acceptable impact on the local highway network.

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

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

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

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

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

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

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

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

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

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

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

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

- 14 The development hereby approved shall be built so that no fewer than 2 of the 13 residential homes achieve Building Regulations requirement M4(3) - 'wheelchair user dwellings, and the remaining homes shall be built to achieve Building Regulations requirement M4(2) - 'accessible and adaptable dwellings'.

Prior to the commencement of works (excluding demolition, site clearance, and laying of foundations), detailed layout plans, showing which residential units within the development would be 'wheelchair user dwellings' (i.e. meeting Building Regulations requirement M4(3)) and the remainder of the homes designed to M4(2) requirements shall be submitted to and approved in writing by the Local Planning Authority, and thereafter development shall be implemented in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

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

accordance with the approved details thereafter, unless otherwise agreed in writing by the local planning authority.

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

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

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

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

- A scaled plan showing vegetation to be retained and trees and plants to be planted
- A schedule detailing sizes and numbers of all proposed trees and use of native and/or wildlife attracting species to achieve a net gain in biodiversity within the site
- Details to demonstrate that an Urban Greening Factor of at least 0.4 would be achieved within the site
- Sufficient specification to ensure successful establishment and survival of new planting
- Details of all proposed hardstanding
- Details of garden wall, fences or other form of boundary treatment to be provided within the site (including details of external materials and heights) including all gates that front the highway
- Details of wayfinding signage for access to the main residential entrance
- Details of the specification of the green roofs within the development
- The provision of 7 car parking spaces (including the marking out of 1 disabled parking bays), including the size and siting of the parking area, defined points of access and the surfacing materials to be used,
- Details of cycle storage through the provision of secure, weatherproof cycle storage facility, which shall include capacity for a minimum of 23 long-stay and 2 short-term spaces
- Details of any external lighting and light spill diagram in relation to neighbouring properties
- The provision of 2 active electric vehicle charging points and passive provision of the remaining car parking spaces
- Details of bird and bat boxes
- A schedule of landscape maintenance for a period of 5 years which shall include details of the arrangements for its implementation and sufficient specification to ensure successful establishment and survival of new planting.

The hard and soft landscape works shall be carried out in full accordance with the approved details prior to the use of the dwellings hereby approved, unless alternative timescales have

been submitted to and approved to be agreed in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved timescales .

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

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

- 18 Prior to any works commencing on the development (excluding demolition, site clearance and laying of foundations), details of a screen on the edge of the balcony facing eastwards for unit 02_04 shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details thereafter, unless otherwise agreed in writing by the local planning authority.

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

- 19 Prior to first occupation of the development hereby approved, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- a) As built plans
 - b) Photographs to document each key stage of the drainage system when installed on site;
 - c) Photographs to document the completed installation of the drainage structures on site;

The Maintenance and Management Schedule should be strictly followed after completion of the development and form as part of the O&M Manual. The owner of the Maintenance and Management Schedule should be clearly identified.

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

- 20 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.

INFORMATIVES

- 1 (F16) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

- 2 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 3 (PWAL) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 4 The submission/approval of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.
- 5 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 6 Thames Water advises the applicant of the following:
 - A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via https://urldefense.proofpoint.com/v2/url?u=http-3A__www.thameswater.co.uk&d=DwlFaQ&c=OMjwGp47Ad5otWl0_lpOg&r=G_hzVySAkixNxE_J_EjNJR_FDWFjexJLES_8DRQ06gKk&m=-u-R_Q15lz4qif8awGaV1BUWN40lineKygKZROLnXaA&s=NJ1M7LtxulFk4_2FpfFRZ9ippAbc0KqM1IRBH6yHdbE&e=. Please refer to the Wholesale; Business customers; Groundwater discharges section.

The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

[https://urldefense.com/v3/__https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes__;!!CVb4j_0G!V_KGAvFvU6k3GbF0c_Xl6a42mhMvs3k7agWp8PQGogWJq_Fnha-V92oAFh_rsjPZnLldPiNTxvXRIG7BMLmbMrACBT6q2EU\\$](https://urldefense.com/v3/__https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes__;!!CVb4j_0G!V_KGAvFvU6k3GbF0c_Xl6a42mhMvs3k7agWp8PQGogWJq_Fnha-V92oAFh_rsjPZnLldPiNTxvXRIG7BMLmbMrACBT6q2EU$) 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

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

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