



Planning Committee

Wednesday 11 June 2025 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

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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 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. Welcome and Apologies for absence | | |
| 2. Declarations of interests | | |
| Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate. | | |
| 3. Minutes of the previous meetings | | |
| (a) Wednesday 12 February 2025 | | 1 - 22 |
| (b) Wednesday 12 March 2025 | | 22 - 40 |
| (c) Wednesday 09 April 2025 | | 41 - 56 |

APPLICATIONS FOR DECISION

| | | |
|--|-----------------|----------|
| 4. 241735 - 96, 96A-B High Road, London, NW10 2PP | Willesden Green | 61 - 120 |
| 5. Any Other Urgent Business | | |
| Notice of items to be raised under this heading must be given in writing to the Deputy Director Democratic & Corporate Governance or their representative before the meeting in accordance with Standing Order 60. | | |

Date of the next meeting: Wednesday 9 July 2025



- 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 Wednesday 12 February 2025 at 6.00 pm

PRESENT: Councillor Kelcher (Chair), Councillor S. Butt (Vice-Chair) and Councillors Akram, Begum, Chappell, Dixon, Johnson and J Patel.

1. **Apologies for Absence**

There were no apologies for absence.

2. **Declarations of interests**

In relation to Agenda Item 3: 24/2139 North Land Opposite GEC Pavilion, Pellatt Road, Wembley, HA9 8FB Councillor J Patel advised that as he had been approached by local residents and expressed a view regarding the application he would declare a personal disclosable interest clear and withdraw from the meeting for the consideration of that item.

In relation to Agenda Item 4: 24/2877 - 1 Walm Lane, London, NW2 5SN Councillor Kelcher advised that due to his publicly stated position against the provision of gambling establishments within the borough and to avoid any allegations of bias or pre-determination in his capacity as Chair, he would declare a personal disclosable interest and withdrew from the meeting for the consideration of that item.

Councillor S. Butt (as Vice-Chair) therefore took over as Chair for the consideration of Agenda Item 4.

3. **242139 - North Land Opposite GEC Pavilion, Pellatt Road, Wembley, HA9 8FB**

PROPOSAL

Construction of a five-storey residential building with landscaping, private and communal amenity areas, car parking, refuse and cycle stores and associated works

RECOMMENDATION

That the Committee resolve to GRANT planning permission subject to:

- (1) The prior completion of a s106 legal agreement to secure the planning obligations as detailed within the main committee report.
- (2) The conditions and informatives, as set out in the main committee report.

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Nicola Blake (Principal Planning Officer) introduced the planning application committee report, detailing the proposal for the construction of a 5 storey residential building with landscaping, accommodating 13 units, private and communal amenity areas, car parking, refuse and cycle stores and associated building works.

Attention was drawn to the fact that since the publication of the committee report and the passing of the deadline for the supplementary agenda, a further objection to the proposed development had been received. The recommendation remained to grant consent subject to the prior completion of a s106 legal agreement to secure the planning obligations, as well as the conditions and informatives as outlined within the main committee report.

The Chair thanked Nicola Blake for introducing the report. As there were no Committee questions raised at this point, the Chair then invited Katharina Keusch (who had registered to speak as an objector) to address the Committee in relation to the application, who highlighted the following points:

- The objector, a resident of Crown Green Mews, representing the residents of Chamberlayne Avenue, Edison Drive, Walton Gardens, and Crown Green Mews, expressed that more than 300 family households would be directly and negatively impacted by the planning application.
- Katharina Keusch provided context for the proposal:
 - The proposed development was situated on the side of a roundabout on Pellatt Road.
 - Pellatt Road served as an entry/exit point for multiple cul-de-sac residential areas: Chamberlayne Avenue, Edison Drive, Crown Green Mews, and Walton Gardens.
 - Over 300 family households were connected to these residential areas.
 - Pellatt Road was the only access point for the Sports Grounds, used by multiple football youth clubs every weekend from February to October.
 - Pellatt Road also served as an access point with a wide security-controlled gate to the local retail business park.
- In referencing the committee report dated 4 February 2025, which stated that "54 properties were consulted as part of the proposal on 8 August 2024," Katharina Keusch observed that several impacted properties were not included. Additionally, citing the committee report which specified that "A site notice was erected on 11 August," the objector questioned the location and duration of the notice, as none of the 40 immediately impacted residents she spoke to had seen it.

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- Katharina Keusch highlighted that the original planning application stated that there was sufficient parking provided on the street for residents and visitors, based on a survey conducted on 30 and 31 January at 12:30 am, showing 56 spaces. However, the objector noted that the survey was conducted outside of busy hours and not during the weekend or youth club season.
- As a resident who walked down Pellatt Road daily, Katharina Keusch guaranteed that both statements were untrue and emphasised that this concern was also raised by all residents included in the initial outreach.
- Katharina Keusch cited incidents where emergency vehicles and delivery vans could not pass through Pellatt Road, making it a health hazard.
- The objector also referenced a significant fire at the industrial park in June 2020, stating that the fire brigade would not be able to access the site or Crown Green Mews via Pellatt Road if such an incident occurred now.
- It was felt that the new development would block sunlight into multiple gardens and directly overlook habitable rooms.
- Katharina Keusch conveyed that the committee report dated 4 February 2025 stated that the distance between the two closest windows was under 16 metres, though this was below the SPD1 standard of 18 metres.
- It was perceived that the benefit of "natural surveillance" for new residents came at the expense of the privacy of existing residents, for the advantage of three new families.
- The objector raised concerns about the loss of green space and highlighted that trees and shrubs had been mislabelled and overlooked.
- In concluding their response, Katharina Keusch emphasised that the proposed development did not contribute to Brent's plans to build new family homes but was a profit-driven endeavour by a developer aiming to sell small flats at an overinflated price.

The Chair thanked Katharina Keusch for addressing the Committee and invited members to ask any questions they had in relation to the information presented, with the following being noted:

- As an initial query, members inquired about the development of a natural green space, seeking views on what Katharina Keusch would have liked to see happen on the proposed site. In response, Katharina Keusch highlighted that the green space was currently utilised by families, dog

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walkers, and for picnics. It was noted that the area supported wildlife, including squirrels, hedgehogs, and birds of prey. Members heard that the green space served as a passage from the gardens to the sports ground. It was suggested that the area could be further enhanced with seating and additional greenery. It was further mentioned that there were no benches, despite requests made for them, as the property was private and not maintained by Brent Council. Katharina Keusch shared with the Committee that she had personally cleaned the area every Friday, collecting waste due to the Council's lack of maintenance.

- Following on from the previous question, members inquired whether, given the Borough's shortage of housing, Katharina Keusch would like to see any properties built on the site. In response, Katharina Keusch conveyed that the proposed piece of land was not appropriate for tall buildings, such as flats or towers. Katharina Keusch expressed no objection to social housing, noting that the majority of her neighbours in Walton Gardens lived in social housing. However, she raised concerns about the intended use of the land, pointing out that the proposed development did not include social housing.
- Members inquired about the existence of controlled parking on Pellatt Road. In response, Katharina Keusch expressed that the claim of 56 car parking spaces was a myth and explained that there was a small stretch on Pellatt Road where approximately ten cars could park, and these spaces were constantly occupied. To her knowledge, Katharina Keusch did not believe there was controlled parking in the area.
- As a point of clarification, the Chair asked whether there was controlled parking on event days within the Wembley event zone, to which Katharina Keusch confirmed that controlled parking was in place on Wembley Event Days and was increasing to cover all weekends.

The Chair thanked Katharina Keusch for responding to the Committee's queries and then moved on to invite Councillor Maurice (who had registered to speak as an objector) to address the Committee in relation to the application, who highlighted the following points:

- Councillor Maurice asserted that the consultation process was flawed, noting that numerous residents did not receive consultation letters from the Council. It was noted that while the planning department may claim that the letters were dispatched, residents reported non-receipt, a recurring issue which led Councillor Maurice to trust the residents' accounts over the officers'.
- It was conveyed that the site notice was either not erected or placed at a considerable distance from the site, which was deemed by the objector to

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be unacceptable. It was noted that this issue had occurred with previous applications as well.

- It was highlighted that daylight and sunlight measurements were not taken at points affecting the residents closest to the proposed block of flats. It was stated that residents of the dwellings where measurements were supposedly taken were not contacted. It was felt by the objector that these measurements, if taken, were potentially intended to mislead the officers and the Planning Committee.
- Regarding the character and appearance of the development, Councillor Maurice described the area as a pleasant estate comprising mainly two-storey and some three-storey flats and townhouses. It was felt that the proposed five-storey development would overshadow the entire estate, being out of character with its surroundings and not complementing the local context. It was noted that the proposed building was within 15 metres of no. 13 Crown Green Mews and would overlook habitable rooms, thereby breaching the occupiers' privacy.
- Concerns were raised around the delivery of construction materials. Councillor Maurice referenced paragraph 97 on page 22 of the committee report, which stated that construction lorries would be able to turn around at the rear of the site, and questioned this assertion, noting the lack of space at the rear unless the wall was removed and the road in Walton Gardens and Crown Green Mews was utilised, which he found unacceptable.
- On the matter of car parking, it was explained that Pellatt Road, apart from servicing Chamberlayne Avenue, Edison Drive, Walton Gardens, and Crown Green Mews, also served as an entry and exit to the Grand Union Canal (GUC) industrial estate, frequently used by heavy goods vehicles. Councillor Maurice expressed doubt around the accuracy of the car parking survey, noting that during his visit on a Sunday morning, no free spaces were available. He warned that parking on the opposite side of the road would render it impassable for larger vehicles, especially emergency services, and that parking on the pavement was prohibited.
- It was noted that the proposed development was within the Event Day Zone, necessitating assurances that residents of the proposed development, if approved, would not be entitled to parking permits.
- In concluding the response, Councillor Maurice stated that both he and local residents believed the development would bring minimal benefit to Brent while having a significantly detrimental effect on the neighbouring streets and dwellings.

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The Chair thanked Councillor Maurice for addressing the Committee. As there were no Committee questions raised at this point, the Chair then invited Councillor Kennelly (who had registered to speak as a Ward Councillor) to address the Committee in relation to the application, who highlighted the following points:

- Councillor Kennelly articulated his objections to the planning application, stating that the proposed development would be overbearing for local residents.
- It was noted that the neighbouring properties on Walton Gardens, Crown Green Mews, and Chamberlayne Avenue were approximately two to three storeys high. Councillor Kennelly questioned the rationale behind the five-storey proposal, as previous applications approved by the Committee, such as those for Preston Library and Brook Avenue, were required to be in keeping with the area's character, increasing in height as they approached zones such as the Wembley Event Day Zone. It was believed that the proposed development would stand out as overbearing.
- While it was acknowledged that 25% of the homes in the proposed development were family homes, which was policy compliant, Councillor Kennelly pointed out that the development did not address the Council's growing waiting list for housing. Councillor Kennelly also recognised the development's intention to make a SCIL contribution but questioned its benefit to the local area, noting that the homes would not be very affordable. Concern was expressed that the proposed development would invade residents' privacy on Walton Gardens and Crown Green Mews and deny them daylight and sunlight.
- Regarding parking, Councillor Kennelly noted that the road was frequently busy with little available parking space. It was highlighted that Preston Ward, while increasingly reliant on public transport, still had a significant number of residents who owned cars. The accuracy of the planning team's assessments were doubted, with it being suggested that at least 15 additional cars would be introduced to the area. Councillor Kennelly warned of the potential negative impact on small to medium-sized businesses in the business park and the challenges of managing construction logistics.
- Concerns about the loss of green space were also highlighted, acknowledging that while the land was underutilised and privately owned, its maintenance had been problematic.
- In concluding the response, Councillor Kennelly urged the Committee to vote against the proposed development due to its overbearing nature, privacy concerns, and parking issues. It was further emphasised that the community did not want a Controlled Parking Zone (CPZ) and did not wish

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the proposed development to be included in event day permits, aiming to discourage car ownership among future residents.

The Chair thanked Councillor Kennelly for addressing the Committee and invited members to ask any questions they had in relation to the information presented, with the following being noted:

- The Chair sought views around whether, in light of the Council's housing crisis, Councillor Kennelly would welcome a similar kind of housing development in an area where public transport was accessible and the Council could maximise the number of new houses. In response, Councillor Kennelly affirmed the desire to maximise housing development and it was acknowledged that the proposal was policy compliant regarding family housing, which was urgently needed in the Borough. However, it was noted that while London was evolving, Preston Ward remained car-dependent. Concern was expressed that the proposed development would exacerbate this issue due to the strain on public transport in the area. It was highlighted that Preston Road did not benefit from the same frequency of trains as Wembley Park. It was suggested that, given the likelihood of new residents wishing to bring their cars into the area, the Committee should ensure, as a matter of principle, that event day permits were not allowed in order to manage the situation effectively.
- Given the objections raised in relation to the height of the proposed development and its overbearing nature, members questioned what a more reasonable or suitable level of development on the site would be. In response, Councillor Kennelly proposed that any development in the area should have been capped at the same height as neighbouring properties. It was argued that exceeding this height was unnecessary and negatively impacted existing residents. Councillor Kennelly cited the Preston Community Library development, which was in keeping with the height of neighbouring properties, as a precedent and asserted that there was no need for an exception with regard to the present case.

The Chair thanked Councillor Kennelly for responding to the Committee's queries and then moved on to invite Max Plotnek (who had registered to speak as an Agent) to address the Committee in relation to the application, who highlighted the following points:

- Max Plotnek commenced by outlining the extensive engagement process initiated with the Council's offices in September 2023. Following 17 months of engagement, including three detailed pre-application meetings and several iterations of the scheme, the planning application was submitted. Prior to submission, a full consultation with local residents was conducted, resulting in significant improvements to the design quality of the proposal.

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The Agent highlighted the unequivocal support from Council officers and both internal and external consultees.

- The Agent emphasised that the proposal would significantly enhance the site's biodiversity. The site, currently of low ecological value with no protected species or habitats identified, would benefit from a 12% biodiversity net gain and a 0.72 urban greening factor score. This would be achieved through extensive landscaping, native species planting, habitat boxes, hedgehog gateways, and the addition of 29 new trees. It was noted that the site currently lacked shelter, benches, and play equipment, making it less appealing compared to nearby Preston Park and the GEC Sports Ground. It was stated that planning officers had concluded that the benefits of the scheme outweighed the loss of the land.
- Max Plotnek detailed the efforts made to ensure the proposed scheme's design was well-integrated into its setting. The placemaking manager had commended the exemplary approach to materiality, and the building massing underwent rigorous testing at the pre-application stage.
- It was stressed that the proposal included three much-needed family homes and a contribution of £91,000 towards affordable housing, exceeding the minimum viable amount identified by the Council's advisers. Additionally, a £30,000 contribution towards local traffic calming measures and a substantial SCIL payment of over half a million pounds for local infrastructure were committed.
- The Agent assured that the units would be wonderful homes to live in, with minimal impact on existing neighbours. Daylight testing showed full compliance with BRE guidance, and separation distances to neighbouring buildings were deemed adequate. It was summarised that the proposal would deliver 13 sustainable, energy-efficient homes, contributing to the Council's housing delivery target.
- In concluding the response, Max Plotnek urged the Committee to grant planning permission in accordance with the officers' unreserved recommendation, allowing the scheme to proceed and contribute to much-needed housing in the Borough.

The Chair thanked Max Plotnek for addressing the Committee and invited members to ask any questions they had in relation to the information presented, with the following being noted:

- Members were keen to seek details around the discrepancy in the financial calculations for the planning application. Initially, the developer's calculations suggested a £500,000 deficit. However, the Council's consultants reviewed the figures and found no deficit, instead identifying a

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£91,000 surplus. Upon remeasurement, the developers had calculated a £61,000 surplus and subsequently offered a contribution of £91,000, resulting in a £29,000 deficit. In response, the applicant, Adam Dainow, explained that the process had begun with hiring a viability consultant, who specialised in calculating build costs independently. The initial calculations served as a starting point until the Council presented its calculations. The Agent emphasised the high quality of the proposed homes, which included oversized flats, large outdoor spaces, and communal gardens. Willingness was expressed to pay the amount of contributions deemed correct by the Council. The significance of the Community Infrastructure Levy (CIL) for the developer was highlighted, amounting to over half a million pounds, which the Council could use for local community projects. It was noted that the total contribution was approaching £600,000, a substantial sum for the small site.

- Details were sought around the consultation process, noting objections regarding its adequacy. In response, Max Plotnek detailed the consultation process, stating that 170 letters had been delivered to 174 properties, and a community consultation was conducted on 20 June 2024. This was documented in the Statement of Community Involvement, part of the application package. The delivery of letters had been tracked via GPS, with a map showing the exact locations. It was confirmed that the roads cited in the earlier presentations at the meeting were notified of the consultation. An online Zoom meeting was held in early July 2024, with 21 registrations and 47 participants either live or watching the recorded sessions. Statistics indicated that 65% of participants had logged in via PC and 35% via tablet. There were 11 responses received in total, with 10 being from local residents and 1 from a local organisation. It was asserted that the consultation was thorough, proportionate, and inclusive, allowing participation from anywhere in the world. Max Plotnek expressed confidence in the adequacy of the consultation conducted.
- Following up, details were sought around the proportion of attendees who supported the scheme, noting that there were approximately 11 respondents. In response, Max Plotnek noted that there were nine negative comments and one neutral comment. It was acknowledged that the general sentiment was not in favour of the scheme. However, it was emphasised that the proposed scheme satisfied planning policy requirements. It was noted that local residents, like any development, would be affected to some degree. Max Plotnek believed the impacts were within acceptable limits, considering the key planning policies that needed to be addressed.
- The Chair requested examples of any design changes made as a result of the consultation, either in writing or during the Zoom meeting. In response, Max Plotnek highlighted that the massing of the development had changed significantly, with greater setbacks introduced to reduce the impact on

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residents to the north. Changes to the ground floor were noted, including the location of entrances, landscaping, and parking, which were documented in the Design and Access Statement. The Applicant, Adam Dainow, further added that each project required consideration of the appropriate scale, involving months of testing with the Council. It was highlighted that the buildings closest to the site were three storeys plus a roof, effectively four storeys in height. It was further explained that most buildings were designed with four storeys and a setback at five storeys. It was emphasised that the design respected the local context, with buildings stepping up at both entrances. It was also noted that the terraces and landscaped gardens were intended to prevent the development from becoming overbearing.

- As a separate issue, members inquired whether the reduction of the building height had been considered. In response, Max Plotnek highlighted that the proposed scheme presented was deemed acceptable and had received support from the Council's design officers. It was noted that the daylight testing met the BRE standards in full, which was considered rare for an urban location. It was argued that reducing the building massing would result in fewer homes for people in need, less money in the SCIL funds, and less affordable housing. While it was acknowledged that local residents might not have felt that they benefited directly, confidence was expressed that the building would be of high quality and set a precedent for design in the Borough.
- Clarification was then sought regarding the planting of additional trees. In response, Adam Dainow explained that the initial approach to the site was to create a landscape design. The proposed development had included a 12% increase in biodiversity, with additional trees, foliage, and planting. Adam Dainow stressed the protection of the largest tree on the site, despite the absence of a Tree Preservation Order (TPO). It was further noted that the building design concaved around the largest tree, and 29 new trees would also be planted on the site. It was believed that the efforts made had exceeded typical developer standards regarding trees and ecological credentials.
- In highlighting concerns about the distance not meeting the 18m policy, members inquired about the possibility of fitting obscure glazing to alleviate residents' concerns. In response, Max Plotnek stated that fitting obscure glazing in non-habitable rooms would be acceptable. He also expressed a desire to maintain the quality of the internal accommodation. Reference to paragraph 56 of the committee report was made, which indicated a separation distance of 15.9m towards the Chamberlayne Road flat. Slides were then presented on the distances to neighboring sites. It was noted that the south arrow indicating 50m was less than 18m, but this condition was common where roads and properties faced one another. It was believed

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that the SPD was intended to protect back-to-back distances rather than distances across roads. It was felt that windows on the road provided natural surveillance and activity, which would be lost with obscure glazing. However, openness was expressed to fitting obscure glazing in non-habitable rooms if deemed necessary during deliberations.

The Chair thanked Max Plotnek and Adam Dainow 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, with the following being noted:

- The Chair inquired about the type of windows and habitable rooms facing directly into the proposed new development and sought officer views around why this was deemed acceptable. In response, Victoria McDonagh (Development Management Service Manager) elucidated that the windows served habitable rooms, including a living room and a bedroom in the ground floor flat, which also had windows on the sides. Observations from the site indicated that the block of flats was situated closely to the rear frontage, with limited separation distance across the road. It was noted that while the SPD provided guidance, the applicable policy was DMP1, which ensured sufficient amenity for existing residents. Although the separation distance did not meet the 18m guidance, the road frontage already had a degree of overlooking, providing natural surveillance. Adding obscure glazed windows would have negated the benefits of natural surveillance. For non-habitable rooms, active surveillance would have been preferred.
- In addressing the concerns raised by speakers regarding parking and disputes in the committee report, the Chair sought clarification on the weight given to anecdotal evidence versus the transport team's advice. In response, John Fletcher (Team Leader - Development Control) informed that a parking assessment had been conducted over two nights in January 2024, which was standard procedure for residential areas where parking conditions peaked at night. It was conveyed that the committee report clearly outlined where cars were parked and the number of spaces available. Pellat Road was found to have 38 spaces, with less than half occupied at night. The heaviest parking was in front of the site, while the stretch towards Preston Road had minimal parking. It was noted that images of parking on a Sunday were likely linked to the sports ground, but the assessment focused on night-time parking, which was the standard practice for local authorities across London.
- The Chair sought reassurance that the due process regarding public consultation had been followed. In response, Colin Leadbeatter (Development Management Area Manager) assured that the consultation process had adhered to statutory requirements. The Council had dispatched 54 letters to adjacent premises and verified the records of these letters. Additionally, a site notice had been erected on a lamp post directly

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opposite the application site, and an advertisement had been placed in the local press on 12th September 2024. It was stressed that the Council often exceeded statutory requirements in its consultation process.

- As a further issue highlighted, the Chair inquired why the height of the proposed development was deemed appropriate for the area. In response, Colin Leadbeatter (Development Management Area Manager) acknowledged that the proposed development would be taller than neighbouring properties. It was explained that changes of this nature were anticipated as housing sites were intensified, in accordance with adopted policy in the London Plan and BH4 policy on small sites and housing developments. The character of the area was considered, with comparable three-storey flatted developments on the opposite side of the road. The proposed development, staggered over the length of the site, would break up the massing, with only one part of the building being higher than the adjacent property's roofline. It was concluded that the proposed massing was acceptable, considering the Council's housing targets and the established and emerging character of the locality. Victoria McDonagh (Development Management Service Manager) further noted that policy BH4 prioritised areas with PTAL 3-6, within which the site fell. The character of priority areas was expected to evolve over the plan period, optimising site contents and intensifying use.
- Members inquired about the consideration given to having a car-free development at the proposed development site. In response, John Fletcher (Team Leader - Development Control) advised that the primary issue with a car-free development was the absence of a Controlled Parking Zone (CPZ) in the area. Although there was an event day restriction, a car-free development would not be enforceable every day of the year, resulting in numerous days when it would not be enforceable. It was noted that a condition could be imposed to restrict parking on event days if desired. It was further noted that the parking assessment had indicated spare parking capacity on the streets, thus negating the need for a car-free development. However, if members wished to impose such a condition, it could be actioned.
- Members highlighted concerns around potential obstructions caused by construction traffic on the narrow road once cars were parked on one side. In response, John Fletcher (Team Leader - Development Control) stated that an outline Construction Management Plan had been set out. It was assured that necessary restrictions would be implemented to ensure vehicles could access and manoeuvre around the site. Members heard that temporary yellow lines might be required on other sides of the road to facilitate this. Additionally, a turning head at the end of Pellatt Road, which was often parked in, could have temporary yellow lines to keep it clear for turning. Colin Leadbeatter (Development Management Area Manager)

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further added that condition 14 under the recommended planning conditions required the submission and approval of a Construction Logistics Plan by the Local Planning Authority prior to the commencement of development, which would detail the traffic movements during the construction phase.

- Details were sought around the arrangements for rubbish collection and whether the refuse collection vehicles could manoeuvre appropriately to collect the rubbish. In response, John Fletcher (Team Leader - Development Control) explained that the bin stores were located in the front corner of the site, facing the roundabout. Refuse vehicles could pull up at the entrance to Walton Gardens to collect the bins. A ramp from the bin store would facilitate loading onto the refuse truck, which would need to access Walton Gardens to serve the properties there.
- Members posed questions around whether there was sufficient signage for Event Day (EV) restrictions within the Walton Gardens area zone and if a section 106 contribution for a Controlled Parking Zone (CPZ) could incorporate the EV zone. In response, John Fletcher (Team Leader - Development Control) confirmed that the area was within the EV zone and should have adequate signage. It was stated that if there were doubts about missing signage, an investigation could be conducted to identify and replace any missing signs.
- Members raised concerns around the potential risk of setting a precedent for development on adjacent land owned by a different organisation and inquired about possible restrictions to prevent future development requests. In response, Colin Leadbeater (Development Management Area Manager) advised that planning decisions were based on individual merits and did not set precedents. It was noted that no applications had been received for adjacent open land and that the site under consideration was significantly larger than the patch of open space on the other side of the roundabout. It was reiterated that any future applications would be assessed on their own merits. David Glover (Head of Planning and Development Services) further added that the Local Plan prioritised residential areas with high levels of public transport access for housing. The need to consider all properties for intensification to meet the Borough's housing targets was emphasised. It was further explained that each planning application site would be assessed individually, considering its geometry and suitability for new homes.
- Clarification was sought on the access points for the building and whether they would be on the side of Walton Gardens. In response, Nicola Blake (Principal Planning Officer) confirmed that all accesses would be from Pellatt Road. Slides were presented to illustrate the access points.

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- The Chair questioned whether a crossover required as part of the development would provide access to the site for residents. In response, Nicola Blake (Principal Planning Officer) affirmed that a vehicle crossover would be provided near the proposed car parking spaces, subject to agreement with highway works secured through section 106 agreements. Pedestrian accesses would be from Pellatt Road, adjoining junctions for convenience, with additional stepped access adjacent to Chamberlayne Avenue. A separate entrance for the ground floor three-bedroom units would be located near the parking and disabled parking spaces.
- The Chair, referencing the earlier views expressed by members, noted that three parking spaces would be provided on-site, and other residents would not be eligible for Event Day permits, which would be included as a planning condition if permission were granted. Some members expressed concerns about the substantial distance from bus stops and the limitation of parking spaces to three households, suggesting that parking issues related to the industrial estate could be addressed by conducting a survey on an event day. It was articulated that excluding residents from Event Day permits, considering the site's PTAL rating, was not felt to be valid. The Chair countered that there were three train stations within walking distance and a bus stop at the bottom of Preston Road. Other members added that Preston Road station was approximately a 12-minute walk, which was considered close. The Chair concluded that the transportability of the site was satisfactory, with nearby train stations and bus stops.

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

DECISION

The Committee **RESOLVED** to grant planning permission subject to:

- (1) The prior completion of a s106 legal agreement to secure the planning obligations as detailed within the main committee report.
- (2) The conditions and informatives, as set out in the main committee report along with the inclusion of an additional condition to restrict the provision of on-street parking permits for residents for use on Wembley Stadium event days and on any other days on which a future CPZ in the area may operate.

(Voting on the above decision was as follows: For 7; Against 1).

Given the interest declared by Councillor Kelcher at the start of the meeting on the following item he withdrew from the meeting at this stage in proceedings and Councillor S.Butt (as Vice Chair) took over as Chair for the remainder of the meeting.

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4. **24/2877 - South 1 Walm Lane, London, NW2 5SN**

PROPOSAL

Change of use of basement and ground floor from vacant bank to bingo hall with alteration to front elevation at ground floor level.

RECOMMENDATION

That the Committee resolve to GRANT planning permission subject to:

- (1) The conditions and informatives as specified within the main committee report.

Parag Dhanani (Career Grade Planning Officer) introduced the planning application committee report, detailing the proposal for the change of use of basement and ground floor from vacant bank to bingo hall with alteration to front elevation at ground floor level.

Attention was drawn to the fact that since the publication of the committee report, a further objection to the proposed development had been raised which corresponded to those already received and addressed within the 'Consultations' section of the committee report. The recommendation remained to grant consent subject to the conditions and informatives as outlined within the main committee report.

The Chair thanked Parag Dhanani for introducing the report. As there were no Committee questions raised at this point, the Chair then Liam Upson (who had registered to speak as an objector) to address the Committee in relation to the application, who highlighted the following points:

- Liam Upson began by expressing gratitude for the opportunity to address the Planning Committee and represented residents who had submitted significant opposition to the plans to convert the former Lloyds Bank into a Bingo Hall.
- Reference was made to Dawn Butler, MP for Brent East, who had highlighted in Parliament that gambling facilities in Brent were more accessible than banks, supermarkets, and schools. The permit was to replace a former bank, with another bank having closed in Willesden Green this month.
- The objector noted that gambling-related harms costed Brent Council an estimated £14.3 million annually. It was argued that granting planning

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permission was a short-term measure with long-term harmful ramifications. It was believed that the permit was being provisionally granted due to weak licensing powers and a loophole in the law that did not consider a bingo hall in the same way as a bookmaker. The Leader of the Council had written to the culture secretary to raise concerns about the weak council powers to reject premise licences.

- Liam Upson pointed out that there was a large bingo hall in Cricklewood, less than half a mile away, which had applied to become an adult gaming centre and was approved. Additionally, there were numerous betting shops and adult gaming centres in close proximity to the site.
- It was felt that, despite the officer's comments, there was strong evidence linking high densities of gambling establishments to increased social problems, including financial hardship and addiction, which could lead to crime and anti-social behaviour, thereby increasing costs for the Council. It was emphasised that this decision came at a time of growing concern about safety in the area.
- Regarding the consultation process, the objector noted that neighbourhood letters were not received, and many residents had reported a lack of information. It was felt that the officer's comments did not sufficiently address the expected noise and general disturbance late in the evening on the high street, especially with a pub situated next door.
- It was suggested that the vacant bank presented an opportunity to attract businesses that would better serve and diversify the area, such as community centres, retail spaces, cafés, or cultural venues. It was believed that the proposed site would have a detrimental impact on the high street, situated in a conservation area where local community members took tremendous pride.
- In concluding the response, Liam Upson expressed that approval of the planning application would contravene the views and fears submitted by community residents and oppose the views expressed by Ward Councillor Choudry and the local MP, who represented their constituency members.

The Chair thanked Liam Upson for addressing the Committee. As there were no Committee questions raised at this point, the Chair 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, with the following being noted:

- As an initial query, members inquired whether there would be a valid reason to object to the planning application due to the number of other gaming facilities and gambling areas within the vicinity. In response, Victoria McDonagh (Development Management Service Manager)

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explained that the planning application presented was for a bingo hall, as outlined in the committee report. It was stated that a bingo hall was considered an appropriate town centre use according to national policy, the London Plan, and local policy. It was noted that there were no policies within the local plan that addressed the overconcentration of bingo premises. Reference was made to planning policy BE5, which sought to protect against the overconcentration of potentially harmful uses in Brent's town centres. This policy specifically concerned betting shops, adult gaming centres, pawnbrokers, takeaways, and shisha cafes. The proposed planning application did not fall within these uses, and therefore, there were no planning policies addressing overconcentration in this context. As a point of fact, David Glover (Head of Planning and Development Services) added that, according to the Gambling Act, bingo was classified differently from adult gaming centres. It was further explained that the law distinguished between traditional bingo halls and bingo machines, all of which were classified under bingo uses and establishments, whereas adult gaming centres were classified separately. Additionally, planning policy BE5 did not impose any restrictions on bingo halls or bingo facilities. It was emphasised that these legal distinctions and planning policies should frame the discussions and decisions made by the Committee.

- Members raised questions around the impact of the Willesden Conservation Area on the planning application, to which Parag Dhanani (Career Grade Planning Officer) explained that the use of the building was not the primary concern with regard to the conservation area. The focus was on preserving the building fabric. It was noted that some external alterations had been proposed to the shop frontage, predominantly involving glazing panels for windows and doors. These alterations were considered not to have an adverse impact on the conservation area's built fabric.
- Members cited paragraph 4 of the committee report, which noted that limited ancillary uses could take place within the floor area, and inquired what number of bingo machines would constitute a significant use and how the Council could enforce change of uses. In response, Victoria McDonagh (Development Management Service Manager) clarified that a bingo hall use was classified as sui generis, meaning it did not fall within a specific use class and did not have permitted development rights to change to another use without planning permission. To use the premises as an adult gaming centre would require planning permission. It was further explained that determining whether there was a material change of use involved assessing the facts and degree of the situation. There was no set number of bingo machines that would result in a change of use or mixed use. Should planning permission be granted, it would be on the basis of the premises operating as a bingo hall. Any complaints would be investigated by the Planning Enforcement Team to establish if a material change of use had occurred. From a legal perspective, Susan Boucher (Planning Lawyer)

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conveyed that the term "bingo hall" was recognised in the use classes order and had been classified as sui generis since 2022. Where a bingo hall use was granted and the premises subsequently became a different use or a mixed use, this could constitute a material change of use, which would be a breach of planning control and subject to enforcement action. The Committee were required to determine the planning application based on the facts provided by officers and the land use perspective. David Glover (Head of Planning and Development Services) further emphasised that the only consideration was the use of the premises as a bingo establishment. Any minor ancillary uses must not materially change the use of the premises. It was reiterated that enforcement action could be taken if the premises were not used as a bingo hall, as consented. Members were also reminded of the distinction between planning and licensing functions, which were governed by separate procedural and policy frameworks. Under planning rules, if permission was granted the premises could be used for that purpose. However, under licensing, which has more immediate powers, as a granted licence could also be revoked.

- Members questioned whether the proposed planning application had come to the Planning Committee due to the number of objections received. In response, Victoria McDonagh (Development Management Service Manager) confirmed that the planning application had indeed come to the Planning Committee because of the number of objections. It was explained that if any planning application met the threshold to come to a planning committee, it would be referred to the Committee for determination. Otherwise, it would be handled under delegated authority. It was emphasised that any planning application would be considered in line with the development plan and planning policies.
- Members noted with interest that no issues of principle could be taken in this case due to planning law. It was noted that the application was under the sui generis category, which required consideration solely on that basis. It was acknowledged that there were principle issues around gambling, as pointed out by the objector, and that bingo was considered a form of gambling. However, it was recognised that the planning application could not be rejected on that basis at this time and needed to be based on planning reasons for refusal. It was inquired whether, if the planning application were granted and subsequently found to be in contravention, it would come back to the Planning Committee or be referred to Licensing for consideration. In response, Victoria McDonagh (Development Management Service Manager) advised that if there was a contravention in planning and a change of use occurred, a new planning application would need to be submitted for the alternative use. This application would go through the Planning Committee if it met the relevant threshold, such as receiving 8 or more objections and recommended for approval. It was further noted that

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any breach of planning would be investigated by the enforcement team, who had the authority to serve enforcement notices.

- Members inquired about the final objection received in the committee report regarding a similar previously considered application around the change of use of a bingo hall to a gaming centre. In response, Victoria McDonagh (Development Management Service Manager) explained that a material change in use would require planning permission and would need to be assessed accordingly. It was noted that licensing issues fell outside the scope of planning control.
- Concerns were raised around anti-social behaviour and the operating hours of the bingo hall, with members keen to seek details on whether it was possible to impose a planning condition to restrict the closing time, which was currently later than other similar centres. In response, Parag Dhanani (Career Grade Planning Officer) detailed that the closing time had already been restricted as a planning condition, with operating hours from Monday to Friday set at 8am. to 11pm, and from 9am to 11pm on Saturdays, Sundays, bank holidays, and public holidays. Following up, members suggested aligning the closing time for this planning application with that of bookmakers, which typically closed at 10 pm. In response, David Glover (Head of Planning and Development Services) highlighted that an 11pm closing time was common in areas with proximity to residential dwellings. It was noted that noise levels were more manageable within premises when doors and windows were closed, but more challenging outside. The Committee heard that the 11pm threshold was a common standard, marking the transition from daytime to nighttime noise levels. It was asserted that 11pm was an appropriate closing time for premises within a town centre. Damian Manhertz (Development Management Area Manager) further added that the proposed site did not have residential units above it, making it less sensitive compared to other locations. It was additionally noted that the proposed site was in a town centre with significant surrounding activity.
- Related questions were raised around whether officers had considered a 10pm closing time and then opted for 11 pm as the standard, or if the 11pm closing time was applied by default. In response, Damian Manhertz (Development Management Area Manager) informed that that the decision on closing times took into account the building's activity and the absence of sensitive uses above it. It was noted that the use would be managed under licensing restrictions and by on-site staff. The nature of the activity differed from that of public houses, which generated more noise. It was highlighted that the surrounding area included cafes, restaurants, and other places with similar operating hours, making the additional hour of operation unlikely to cause significant harm or changes to the character of the area. Victoria McDonagh (Development Management Service Manager) further noted that

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the applicant had initially proposed operating hours up to 12:30am and 1:00 am. However, officers had recommended alternative hours after considering the context of the area and local amenities. Damian Manhertz (Development Management Area Manager) further elaborated on the necessity of planning conditions to mitigate significant impacts on the surrounding area. It was emphasised that these planning conditions were essential to prevent noise disturbance and manage the comings and goings of individuals, particularly at certain times of the day when such activities could be harmful. It was clarified that restrictions were imposed based solely on the impacts assessed in planning terms.

- The Chair enumerated several advantages of the proposed planning application, such as the employment opportunities it would generate and the skills development associated with the planned electronic workshop area in the basement designated for repairs. However, the Chair expressed concerns that the committee report implied the venue might primarily function as an electronic bingo establishment, yet there were no stipulations confirming this. Observations from existing bingo venues indicated that the use of amplified sound for calling numbers could potentially lead to noise disturbances. The Chair additionally articulated concerns that the committee report lacked details on anticipated sound levels, the quantity of bingo machines, and the amplification sequence. Furthermore, there were no provisions for sound barrier defense mechanisms to mitigate noise escape. The Chair sought clarification on whether these noise levels had been considered and discussed, and if not, requested that the appropriate planning conditions be applied. In response, Parag Dhanani (Career Grade Planning Officer) confirmed that a planning condition could be added to ensure that noise levels did not exceed 10 decibels (dB). David Glover (Head of Planning and Development Services) concurred and noted that the additional planning condition could be attached as part of the planning approval process without requiring assurances from the applicants.

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

DECISION

The Committee **RESOLVED** to grant planning permission subject to:

- (1) The conditions and informatives, as specified within the main committee report together with an additional condition to restrict noise generating equipment and noise from the site to not exceed 10dB when measured from the nearest noise sensitive property.

(Voting on the above decision was as follows: For 4; Against 2; Abstention 1).

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5. Any Other Urgent Business

There was no other urgent business.

The meeting closed at 7.49 pm

COUNCILLOR KELCHER

Chair

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 12 March 2025 at 6.30 pm

PRESENT: Councillor Kelcher (Chair), Councillor S Butt (Vice-Chair) and Councillors Akram, Begum, Chappell, Dixon, Johnson and Kansagra.

Also present: Councillors Clinton and Lorber for item 4 and Councillor Nerva (online) for item 6.

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

Apologies for absence were received from Councillor J Patel with Cllr Kansagra substituting on his behalf.

2. **Declarations of interests**

The Chair advised that all members of the Committee had received an approach (which had had been logged) from the applicants agent in relation to Application 24/0410 – Atlip Centre & 2 Atlip Road, Wembley, HA0 4LU (Agenda Item4) along with various approaches from objectors to the scheme.

It was confirmed that members of the Committee had not sought to take any position on the application and therefore felt able to consider the application impartially and without any form of pretermination.

No other declarations of interest were made during the meeting.

3. **Minutes of the previous meeting**

The minutes of the meeting held on Wednesday 13 November 2024 were agreed as a correct record.

4. **24/0410 - Atlip Centre and 2 Atlip Road, Wembley, HA0 4LU**

PROPOSAL

Demolish all existing buildings (Atlip Centre, 2 Atlip Road and existing substation), remove the existing car park and redevelop the sites on both sides of Atlip Road for a mix of uses, including C3 residential, co-living homes, commercial uses (Class E) and community uses (Class F), including provision of a new standalone community centre.

RECOMMENDATION

The Committee resolved to grant planning permission subject to:

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- (1) The applications referral to the Mayor of London (Stage 2 referral) and the prior completion of a legal agreement to secure the planning obligations as detailed in the main and supplementary committee reports.
- (2) The conditions and informatives, as detailed in the main and within the supplementary committee reports.

Gary Murphy (Principal Planning Officer) introduced the planning application committee report detailing a mixed used residential led development. The site was opposite Alperton Station and within the Alperton Growth Area and the Tall Building Zone. The proposal was for a mixed use development comprising 7 buildings ranging in height with the tallest being 29 storeys. This was to accommodate 464 C3 dwellings, 421 co-living homes, commercial floor space including a new standalone community centre, new open public space. The C3 homes would deliver a range of market sale, low cost rent and shared ownership homes. Wheelchair accessible and family sized homes would also be provided across all tenures along with improved pedestrian access and increased site permeability as well as provisions for Blue Badges.

Attention was drawn to the supplementary report, circulated in advance of the meeting, which provided details of further representations in objection to the scheme. There had been a minor correction to a sentence in the main report and there was also an additional planning condition to attach.

The Chair thanked Gary Murphy for introducing the report. As there were no Committee questions raised at this point, the Chair then invited Tahira Choudhry (who had registered to speak in support of the application) to address the Committee, who highlighted the following points:

- Having lived in Alperton since 1965 Tahira Choudhry started by highlighting the many changes seen in the area over the years and development of housing to meet the needs of a growing population.
- For years, she advised Alperton had felt neglected. It often seemed like priority stopped at the Ealing Road Temple, leaving Alperton residents to fend for themselves and with the previous development of The Atlip Centre, built with hopes of housing shops and businesses, felt to have failed creating an eyesore at Alperton Station.
- Although every development faced objections, once built she felt it important to recognise that those same developments become communities where people forged memories. The need to support new housing was also highlighted, especially given the current demand for housing amongst families with development only regarded as “bad” until people moved in and called them home.
- Whilst recognising the challenges within the Alperton area, particularly in the vicinity of Atlip Road, where drug activity and rough sleeping remained concerns, it was felt the applicant had been diligent, consulting the community and even including spaces for local creatives linked into the

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Creative Enterprise Zone (CEZ) and ensuring that Alpertons rich history of small businesses and skilled trades was not lost but reinforced.

- It was felt the new development would also help clean up the area, improving safety through natural surveillance from new residents as well as providing high-quality public spaces, giving the local community something to take pride in.
- In summing up Tahira Choudhry highlighted the positive aspects of progress without which she felt Alpertons would not exist as currently known and support expressed for Alpertons future to be shaped by the needs of its people and development that helped strengthen the community welcomed.

The Chair thanked Tahira Choudhry for addressing the Committee and invited members to ask any questions they had in relation to the information presented, with the following being noted:

- Further details were sought on whether it was envisaged the proposed improvements to open space and community centre were likely to provide benefit to existing residents. In response, Tahira Choudhry felt these enhancements would be beneficial to new and existing residents supporting efforts being made to tackle antisocial behaviour as well as use by creatives in the area.

The Chair thanked Tahira Choudhry for her response and then invited Eddy Utubor (who had registered to speak in objection to the application) to address the Committee, who highlighted the following points:

- Whilst recognising the current pressures in relation to the housing shortage and growing population requiring the development of new homes, Mr Utubor highlighted concerns relating to the potential impact the potential development would have on levels of crime in the area surrounding the development. Referring to statistics relating to current levels of crime, he highlighted that most of this was focussed around densely populated areas. As a result, he felt permission to build an extra 885 flats in high tower buildings adjacent to Atlip Road would act as a catalyst for more crime including drugs, vehicle crime, criminal damage and robbery, which were common in overcrowded areas.
- In regards to regeneration and strategic development, residents understood that Brent actively promoted regeneration. However, it was felt Atlip Road was not suitable for this purpose given the current density of buildings on the road with the proposed development therefore likely to lead to overcrowding with a range of associated health and socio-economic concerns also highlighted as a result, including reference to the findings of the Brent Poverty Commission.
- Given the concerns outlined he concluded (prior to his time for addressing the Committee expiring) by outlining his strong opposition to the proposed

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development on the basis of overcrowding and the associated impact on the health and wellbeing of residents in the area.

The Chair thanked Eddy Utubor for addressing the Committee and invited members to ask any questions they had in relation to the information presented, with the following being noted:

- As an initial query, Members asked what type of development would be supported in the area, recognising the current pressures on housing supply in the borough. In response, Eddy Utubor advised that given the concerns regarding overcrowding, anti-social behaviour and the impact on daylight/sunlight for properties adjacent to the site the preference would be for any development to match the same level as adjacent dwellings along Atlip Road, with the gym and car park to also be retained.
- Given the current underutilisation of the site, members enquired whether it was felt the new development provided any benefit in terms of addressing crime and anti-social behaviour given the proposed design and increase in number of residents making criminal activity and anti-social behaviour more difficult given the increased level of natural surveillance. In response, Mr Utubor advised that he did not recognise these as potential benefits given the overall density of the proposed scheme and associated impacts highlighted from overcrowding.

As no further Committee questions were raised, the Chair then moved on to invite Councillor Clinton (who had registered to speak in objection to the scheme as a local ward councillor) to address the Committee in relation to the application, who highlighted the following points:

- Concern was expressed at the limited extent of the consultation undertaken with local residents and period for response, prior to the application being presented to Committee. As a result, it was felt the Committee should consider (as a minimum) deferring consideration of the application to enable a site visit at which local ward councillors also had the opportunity to attend.
- Further concerns were expressed regarding the loss of sunlight as a result of the impact of the proposed development on adjacent properties and on neighbouring residents.
- The opposition expressed by local residents at the potential loss of gym facilities on the site was also highlighted, given the associated detrimental impact on residents health and wellbeing and with the need identified for a replacement facility to be provided.
- Concerns were also identified in relation to the loss of Atlip Centre car park given the impact not only on users of the centre but also the wider community use by users of the adjacent church and neighbouring residents, which it was not felt had been adequately considered.

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- Further objections were highlighted in relation to transport and parking given the potential impact the car free element of the development would have in the displacement of parking and impact on the adjacent area (requiring consideration of a CPZ). Concerns regarding the capacity of existing public transport provision serving the local area were also highlighted given the proposed scale and density of the development. Whilst supportive of the efforts being made to encourage a reduction in car use the ability to achieve this entirely in such a large scale development were challenged with a need identified to provide sufficient incentives to support such a change in behaviour, which it was felt the current proposals did not include.
- Objections were also highlighted in relation to the detrimental impact of the development on surrounding infrastructure such as GP and school provision, which whilst recognising the position in terms of planning policy remained key issues for local residents given the need to expand local provision, recognising the proposed scale of development.
- Attention was also drawn to the development not having met the 35% target for Affordable Housing provision as a result of viability assessment, which it was felt also supported the objections raised.
- As a final issue, the concerns previously raised in relation to overcrowding were also supported given the scale and density of the proposed development and also across Alperton as a whole. Whilst supportive of the need for more housing and wider regeneration it was felt this also needed to be accompanied by higher build standards and the expansion of supporting infrastructure.

The Chair thanked Councillor Clinton for addressing the Committee and with no specific questions raised advised that the issues highlighted would be picked up as part of the questions to officers with it highlighted that the proposals had been subject to a robust viability assessment.

As a final contribution, the Chair then invited Prashant Patel (applicant) to address the Committee in relation to the application, who highlighted the following points:

- The applicants long-term interest in Alperton, with his family having built the Atlip Centre around 35 years ago and which over the years had supported many local businesses and, in partnership with Mount Anvil and L&Q, had successfully delivered 186 homes on land to the south of the site. The current proposals now aimed to complete redevelopment of the remaining estate in accordance with Brent's Local Plan and site allocation.
- Key aspects highlighted in terms of design of the development proposals included over 15 pre-application meetings with officers, 2 QRPs and 2 public consultations with residents and businesses. Whilst aware of the recent e-petition opposing the development, the planning application itself had only received 18 formal objections. Whilst all concerns were taken seriously it was felt that the low number of formal objections reflected the quality of engagement and the proposals.

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- Whilst the development brief had started as a 100% C3 housing scheme, viability had identified the scheme could not support this level of affordable housing. To address this, one co-living building had been introduced, which had been designed to meet the Mayor's standards. This had increased the affordable housing offer to 20% with a policy-compliant mix of 70% low-cost rent and 30% intermediate housing.
- All affordable housing would be delivered on-site within a C3 tenure. 20% of the new homes had been designed for families and were located within the lower-rise buildings clustered around the landscaped courtyard. 82% London Affordable Rent tenure homes were family sized.
- The proposals would also provide 638 sqm of flexible space for community and creative uses. This included creative workspace units in the site's north-eastern corner.
- The proposals also included a new two-story community centre curated with local input including a local resident and other local businesses and stakeholders active within the Ealing Road Creative Enterprise Zone.
- A total of 160 new trees would be planted, contributing to an Urban Greening Factor of 0.4 and Biodiversity Net Gain of 778%. Streetscape improvements to Atlip and Ealing Road had also been designed to enhance safety and greenery for pedestrians and cyclists.
- In terms of build quality, the high-quality architecture had been designed to set a new standard of design for Alperton and was supported by Brent officers and the QRP. Beyond these public benefits, the development would also provide significant financial contributions, including approximately £14m in Brent CIL to fund local infrastructure improvements and a s106 package of £2m including £600,000 for step-free access to Alperton Station with the aim (subject to approval of planning permission) to deliver the first homes by 2028.

The Chair thanked Prashant Patel for addressing the Committee and then invited members to ask any questions they had in relation to the information presented, with the following being noted:

- Further details were sought on the plans to address the loss of gym provision. In response the applicant advised that the current gym provision on the site was undertaken as a commercial enterprise. Whilst consideration had been given to options for retaining provision, the current design policy requirements had meant this was not possible with it pointed out a range of alternative provision was already available within a 1.5km radius of the site. It was not, therefore, felt that the loss of the gym would directly impact on residents given the alternative provision already available to serve local need. Given the concerns highlighted members advised they would be keen to ensure (subject to approval being granted) that any financial contribution

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generated through the development towards improvement of local open space included the option to provide an outdoor gym facility.

- Further clarification was sought regarding the community centre provision. In response the applicant advised this was recognised as a key asset with the proposals having evolved through a process of consultation and engagement with the local community resident and stakeholders within the Ealing Road Creative Enterprise Zone. The proposals would also include space for commercial and creative uses with the obligation to provide the facilities secured via the s106 Agreement and delivery of the associated Community Use Plan.
- Details were sought as to whether any consideration had been given to the potential conversion of the proposed co-living homes into affordable housing. In response the applicant reiterated that whilst proposals had originally been designed to deliver a 100% C3 housing scheme the economic challenges and constraints had impacted on viability meaning that had not been possible to achieve. The co-living building had therefore been included to address the position. Based on the current viability assessment this had increased the affordable housing offer to 20% with a policy-compliant mix of 70% low-cost rent and 30% intermediate housing. Whilst keen to have been able to meet the 35% target members were reminded that the affordable housing element which had been assessed as viable would be delivered on-site within a C3 tenure. This would include 20% of the new homes being family sized dwellings with 82% of the London Affordable Rent tenure homes also being family sized.
- In response to further details being sought on the potential affordability of the co-living units, the applicant advised this had been subject to a detailed needs assessment with the units included within the development purpose built (as opposed to more traditional HMO type provision). A variety of rental costs were outlined which it was felt compared favourably to alternative provision (e.g. including all bills) and offered a more diverse and high quality option.

In terms of the comparison to alternative co-living provision within HMOs the difference in range of shared and communal facilities available were highlighted. Whilst members recognised the type of tenure offered within the development represented a new product it was felt that rental costs within HMO facilities remained cheaper.

- Further details were sought on the justification provided for the proposed loss of the banqueting facility in terms of the Equalities Statement provided and subsequent discussions with the existing operator (Clay Oven) as well as other providers. In response the applicant's representative detailed the discussion held with the current operator who had confirmed their intention to vacate the site as a result of the limited parking and other operational restrictions. Whilst able to compromise to an extent on venue capacity and reduced operating hours, they had confirmed it would be difficult for them to mitigate against other concerns such as noise and access in terms of their

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operational requirements in such close proximity to the residential development and given the loss of parking. For these reasons the existing operator had confirmed that even if the proposed development included a replacement banqueting facility of appropriate size, without current or increased levels of car parking being re-provided it would not include what they required as a minimum to operate and compete commercially with other similar operators. In recognising the detrimental impact these issues would have on the long-term sustainability of any banqueting business, if one was to remain on site, the current operators had confirmed their intention to seek alternative premises. Confirmation was provided that the applicant had instructed commercial agents for the existing Atlip Centre to undertake market research into the existing supply of banqueting facilities within Brent (each within 5.2 miles of the application site) looking at factors such as their use, capacity and access to parking. This had included an assessment of 16 other similar facilities with all (apart from one) having access to car parking provision on site, operating with less restricted hours and not having proximity issues to sensitive residential neighbours. For these reasons it was felt the feasibility of accommodating a new banqueting facility as part of the site redevelopment, without access to a sizeable level of parking spaces, and with limits put in place on operating hours remained commercially prohibitive. Having also reviewed existing provision within the area it was not felt that the proposed loss of the banqueting facility would result in a shortfall in provision.

Given the wider objectives of the proposed site allocation, it was also pointed out that notwithstanding the commercial and operational issues identified in terms of the location within a high density mixed use redevelopment, any redesign of the scheme to incorporate an appropriately sized banqueting facility would also impact on the space available for residential use and subsequently limit the number of new homes, including affordable homes being delivered. Whilst acknowledging that engagement with potential operators had been undertaken by agents through the market testing process it was highlighted that no alternative expressions of interest had been received with the alternative and more flexible floorspace provision in the proposed Community Centre also having the potential, given its design as a multi-purpose space, to play a positive role locally in accommodating a range of functions, cultural events community gatherings, religious festivals and creative industry events (albeit in a smaller space and with more limited car parking and necessary residential amenity controls). As a result, the applicant felt the provision of the new standalone facility would benefit new and existing residents, mitigating in part the loss of the existing banqueting suite and operator, in a way that supported new social infrastructure provided in a flexible and adaptable building.

- In noting the range of commercial non-residential units proposed within the development, disappointment was expressed at the lack of replacement gym provision with concerns also highlighted at the loss of parking provision on site. In response to the concerns raised relating to parking provision, the applicant advised that the existing provision was operated as a private facility. Given the sites sustainable location with a PTAL Rating 5 – 3 it had been designed (in accordance with London Plan standards) as car free with a

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commitment to encouraging more sustainable transport solutions and the inclusion of car club spaces and funds available through s106 contributions towards the introduction of a CPZ, if supported by residents. Additional financial contributions had also been secured towards the enhancement of pedestrian and bus network capacity as well as towards provision of step free access at Alperton Station. Recognising the concerns raised regarding wider infrastructure enhancements including GP and school provision, members were also reminded of the additional CIL contribution secured which could (dependant on allocation by the Council) be used to support wider investment in social infrastructure.

As no further questions were raised the Chair once again thanked Prashant Patel (as the applicant) and his team for responding to the issues raised and then moved on to invite Members to raise any further questions direct with officers, with the following issues highlighted:

- In response to details being sought on disabled parking provision within the scheme, members were advised that the proposal included 20 spaces (17 accessible spaces (14 for the C3 residential units and 3 for the co-living units), 1 accessible space associated with the community centre and two Car Club spaces. The overall level of accessible parking, including for the co-living units, had been deemed acceptable by Transport officers with its layout also felt to be well located for each of the residential blocks. Members were advised that a Car Park Management Plan (CPMP) had been submitted setting out how eligibility for parking spaces would be checked and how use of the spaces would be enforced with all spaces including electric vehicle charging.
- In response to further clarification being sought regarding the loss of gym provision, members were advised that whilst the site allocation policy had identified gym re-provision as one of the allocated uses, it had not specified the size required to be provided. The existing gym was provided on a commercial basis with it confirmed that the applicant had engaged with the operator ('The Gym Group') to establish whether there could be an opportunity to retain their operation within the redeveloped site. Unfortunately, however, the operators minimum floorspace requirements had been identified as incompatible with the proposed design as a whole given the size of any replacement gym required to meet the operators requirement either resulting in the loss of the community centre (building D1) or proposed residential floorspace (including associated internal amenity space). Whilst a continued gym presence on site was therefore supported, in principle, the potential detriment of its inclusion on the developments overall viability, level of proposed housing (including the affordable housing offer) and delivery of the community centre had required an assessment to be made weighed against the overall planning balance. To justify the lack of re-provision of a gym within the proposals the applicant had been required to provide detailed justification to support their position that a commercial gym offer would be incompatible with the proposed design, especially given the future increase in residential accommodation, and the potential increase in gym demand that would be expected to follow as a result of the site's redevelopment. Having

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noted the potential impact on delivery of the community centre or reduction in number of homes, including affordable units, a further analysis had been carried out by the applicant to establish the concentration and geographical spread of existing surrounding commercial gym uses that would be accessible from the application site. This had identified six commercial gyms operating with similar facilities within 2km of the application site all accessible from the site either by walking, cycling or public transport with a further three specialist health and fitness studios and specialist gyms located within 1.5km distance from site. In noting the overall policy context for gym use re-provision and the efforts made to explore re-provision of the existing use members were advised that given the potential impact in seeking to accommodate a large enough space for a commercial gym operator within the current design proposals and alternative gym coverage in the area it had been felt that on balance maximising housing delivery, including securing the maximum viable level of affordable housing, should therefore be prioritised over other competing land uses.

- In seeking further clarification on the basis of the affordable housing mix, members were advised that on a cumulative site wide basis, the application was proposing to provide 20% affordable housing (by habitable room) equating to 88 affordable dwellings, with the provision weighted towards London Affordable Rent and a policy compliant 70:30 tenure split for the affordable dwellings. Rather than provide an off-site payment in lieu for the co-living homes in line with London Plan policy, to be utilised for off-site affordable housing provision, the applicant had sought to increase the on-site affordable offer overall for the C3 dwellings. The proposed amount of affordable housing had been the subject of rigorous viability testing, which had identified that the development would result in a significant viability deficit, and it therefore agreed that cumulatively the proposed offer of 20% affordable housing across the C3 and co-living floorspace had represented the maximum reasonable level of affordable housing the scheme could viably deliver at the current time. The proposal included 93 (20%) homes with at least three bedrooms, which officers had acknowledged was below the Local Plan BH6 policy target. Given it had, however, been demonstrated that any increased level would negatively impact the already challenging scheme viability and the proposals were already weighted to deliver family provision within the low cost rented tenure (for which there was significant demand across the Borough) officers had felt the benefits outweighed the shortfall identified on a site-wide basis.

In terms of affordability, and the needs assessment undertaken in relation to the co-living units, members welcomed the detail provided within section 52 – 56 of the report including the outline of affordability benefits with co-living rents (although not set by the Council) typically being less than studio flat rents.

- In noting the s106 contribution being provided in relation to Healthy Streets and Active Travel Improvements clarification was sought as to whether this could be used, should the need for a CPZ be identified, to support the offer of subsidised permits for local residents. In response, members were advised

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this would not legally be permissible with the contribution available to support consultation and further implementation of healthy street improvements in the vicinity of the site.

In recognising the role of CPZ's in supporting the availability of on-street parking for the use of existing residents when new developments came forward, members were advised that a car free agreement would also be sought to remove the right of future residents within the new development to on-street parking permits in any existing, or future CPZ's operating in the area in line with the Council's wider policies on promoting non-car access to reduce congestion and pollution. In recognising that several adjacent streets surrounding the application site did not currently fall within any CPZ it was highlighted that sufficient s106 contributions were available to support the implementation of new and extended CPZ's in the wider area to address parking problems as they arise should residents wish to pursue that option.

- In response to further details regarding the permitted level of parking provision, members were advised that London Plan policy T6 strongly supported the move towards more sustainable travel choices, with the expectation that car free development (in which only designated Blue Badge parking was provided) would be the starting point in accessible locations such as the proposed development. Brent Local Plan policies also supported car free development in places that were well connected by public transport, such as the application site. Confirmation was provided that the existing (private) surface car park which primarily served the Atlip Centre had c.135 spaces with this site not due to be re-provided to accommodate the wider redevelopment. As a result, the proposed development would therefore involve an overall net reduction of 115 car parking spaces on site. Given the good access to public transport services (PTAL 4) it was noted that the maximum parking standards available would allow up to 0.5 spaces per C3 dwelling and up to one space per 10 bedrooms for the co-living units. The commercial space would be allowed up to one space per 100sqm (assuming office use), and any parking for the community space (aside from disabled or operational parking) would need to be justified through the relevant legal agreement. In accordance with the car parking allowances in Brent's Local Plan and the standards within the London Plan, the overall parking allowance had therefore been calculated as 277 spaces, with the proposed provision of 20 spaces (including 17 accessible spaces), 1 accessible space associated with the community centre and two Car Club spaces well within the maximum numbers permitted based on the objective for the development to remain car free given the sites highly sustainable location and PTAL rating.
- In response to further clarification sought on the potential use of the financial contribution which had been secured to support the provision of step free access at Alperton Station for wider social infrastructure investment members were advised of the application of Local Plan Policy BSWGA1 in terms of supporting the delivery of wider social infrastructure within the Alperton Growth Area as demand continued to increase as a result of further development and housing growth within area. It was noted this process would also be supported on a borough wide basis through the development

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of Brent's Infrastructure Delivery Plan. Details on the collection and allocation of CIL were also provided as part of Brent's Infrastructure Funding Statement, which included details on the specific allocation of funding across the Alperton Growth Area. In terms of specific contributions secured through the proposed development, members were advised these included not only £190k for improvements to public transport bus services & £600k to support the provision of step free access at Alperton Station but also a contribution of £143k to offset the shortfall in on site play space and £89,200 for Neighbourhood Play space with the contribution to be spent on improvements to nearby open spaces. In addition, £100, 000 had been secured to support Healthy Streets improvements in the vicinity of the site which would be in addition to the proposed CIL contribution.

- Further details were also sought in relation to the assessed impact of the development on surrounding residential properties and its relationship with wider site allocation. In response, members were advised that the impacts on daylight, sunlight and overshadowing to nearby residential developments had been subject to robust assessment with it recognised, as a result, that some existing nearby residential development would experience noticeable impacts and there would be some shortfalls against BRE guidelines. It was, however, noted that BRE guidelines retained some flexibility, recognising that in order to achieve the level of affordable housing, meet site allocation requirements and deliver other benefits a certain quantum of development on site would be necessary in viability terms. Whilst acknowledging the shortfalls identified these were considered inevitable when seeking to develop at high density in a way that made efficient use of the land, within a growth area where there was a dense pattern of development already established and still emerging in the locality involving an existing site (part of which was undeveloped) that comprised buildings notably lower in scale than other nearby sites and which was subject to a site allocation policy that sought to encourage further growth. In assessing the impacts identified as a result, these were felt to be outweighed when balanced against the overall planning benefits with the. building design, envelope and relationship to sensitive boundaries and internal layouts balanced against the site constraints and helping to mitigate any harmful effects owing to proximity of buildings to site boundaries.

In terms of the height, scale massing and appearance of the development members were reminded that the site was located within a Tall Building Zone in the centre of Alperton Growth Area, where a number of tall buildings either currently exist, were under construction or had recently been approved. The proposed buildings would be up to 29 storeys in height which would be comparable to the tallest buildings currently being constructed on the former Alperton Bus Depot site opposite. Officers also advised that the proposed layout and arrangement of height and massing around the site was considered to be well designed reflecting the outcome of a lengthy pre-application process (including design review) that had tested various alternatives. The tallest buildings proposed had been located closest to the railway edge, stepping down in height significantly towards the eastern edge to respond to the more sensitive Sunleigh Road relationship, given its more

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suburban low-rise context. In addition, a comprehensive townscape and visual impact assessment had been submitted in support of the application, which demonstrated that the buildings would strengthen the emerging tall building cluster in the location, would be a positive addition to the emerging context and that they would relate well to the varied and undulating skyline that was established and emerging in the area. No harm had been identified in relation to any heritage assets or protected views, and the siting, separation, massing, articulation and materiality of the buildings would enable these to be seen as distinct blocks. Active frontages had also been maximised at ground floor across the site supported by new landscaping, open space and public realm with the detailed design of the buildings considered to be well designed, of high quality and responsive to the site constraints.

- In relation to waste management arrangements confirmation was provided that an Operational Waste Management Strategy (OWMS) had been submitted in support of the application. Sufficient refuse storage capacity had been provided for the residential blocks with the various commercial uses all provided with commercial waste stores. Members were advised that the co-living units (building A) would be expected to arrange their own private refuse collection although it was expected that a commercial waste contractor would be appointed to service the development once operational on an agreed schedule. In respect of the co-living units, this was considered necessary due to the reduced storage capacity provided internally with the applicant committed to funding additional refuse / recycling and food waste collections for the co-living units to avoid any overspill and this on-going commitment (which would also apply to any future site owner) being secured through the s106 legal agreement in the form of a Waste Management Plan.
- In response to assurances sought relating to design standards and the quality of residential accommodation, members were advised that the residential accommodation has been assessed as a high quality design, including adequate provision of accessible homes good outlook and light, with only a low proportion of single aspect homes included. The buildings also achieved good levels of separation distances between them (in places well in excess of the minimum 18m typically sought in new development). Whilst the overall amount and type of external private and communal amenity space did not fully meet Brent's target requirements as set out within policy BH13, it was felt the provision of amenity space on site had been maximised for location and density of the development and was of sufficient high quality to provide a good variety of different types of external communal spaces (including new publicly accessible open space) as well as on site play for public access and future residents. Given the shortfall identified, members were also reminded that a financial contribution had been secured for the enhancement of existing open space / play provision in the locality, which members were keen to ensure included consideration regarding the provision of an outdoor gym.
- In relation to the Site Allocation Policy, further details were sought regarding connectivity and site accessibility. Member noted that London Plan policy T1

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set a strategic aim for all development to make the most effective use of land reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes. This was supported by Local Plan Policy BT1 which sought to promote sustainable patterns of development in the borough, minimising the need to travel and reducing the dependence on cars. In terms of the application site, members were advised that Atlip Road would continue to be the primary means of access for the proposed development, for both vehicle and non-vehicle access. Pedestrian entrances would be from Atlip Road, with suitable footway connections along either side. A new pedestrian connection was also proposed in the form of a new route opened up alongside the existing railway viaduct, to the west of block A. This had been designed to improve pedestrian connectivity and site permeability with new pedestrian crossing points to be provided along Atlip Road in order to facilitate access between the sites either side of the road. Members were advised that where any new routes were established as Permissive rather than Adopted Pathways these would be subject to the necessary legal agreement to ensure they could be maintained as publicly accessible routes.

- In response to a query relating to flood risk and drainage members were advised that a detailed Flood Risk Assessment and Drainage Strategy (including detailed SuDS strategy) had been submitted. The site fell within Flood Zone 1 (low risk of fluvial flooding) although some parts of the site had been categorised as 3a for surface water flooding, with this risk addressed through the drainage / SuDS strategies and mitigation measures proposed. The proposed strategy, including SuDS features had demonstrated that post development there would be a 96% betterment in surface water runoff rates which was an improvement from a flood risk perspective. No objections had been raised by the Local Lead Flood Authority, Environment Agency, or Thames Water to the proposed strategies or capacity in relation to the new development, with conditions to be secured requiring further details, including for the drainage and SuDS measures and their long-term maintenance.

As there were no further questions from members the Chair thanked everyone for their contributions and then moved on to the vote.

DECISION

The Committee **RESOLVED** to grant planning permission subject to:

- (1) The applications referral to the Mayor of London (Stage 2 referral) and the prior completion of a legal agreement to secure the planning obligations as detailed in the main and supplementary committee reports. This to include the recommended use as part of the parks, amenity and play space contribution for an outdoor gym facility and for this to be focussed within the vicinity of the development
- (2) The conditions and informatives, as detailed in the main and within the supplementary committee reports.

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(Voting on the above decision was unanimous: For 8, Against 0, Abstentions 0).

5. 24/2624 - 7 Randall Avenue, London, NW2 7RL

Following an update provided by the Head of Planning & Development Services at the meeting, the Committee agreed to defer consideration of the application. This was as a result of officers having undertaken a further review of the consistency of the plans against the outline consent and the site location plan for the current application, which members were advised had identified concerns about the consistency of the submitted drawings.

6. 24/3532 - 75 Chamberlayne Road, London, NW10 3ND

PROPOSAL

Proposed erection of single-storey rear extension and associated landscaping works to lower ground floor, installation of mechanical plant and extraction flue/ducting to rear of building and installation of rear side infill canopy to lower ground floor that forms a covered passage.

RECOMMENDATION

That the Committee resolve to GRANT planning permission subject to:

- (1) The conditions and informatives as specified within the main committee report.

Damian Manhertz (Development Management Area Manager) introduced the planning application committee report, detailing that the proposal involved the erection of single-storey rear extension and associated landscaping works to lower ground floor along with installation of mechanical plant and an extraction flue/ducting to the rear of the building and installation of a rear side infill canopy to lower ground floor that formed a covered passage. The application site was a four-storey terraced building with a basement, commercial unit (restaurant) on the ground floor and residential flats above on the eastern side of Chamberlayne Road with an outdoor seating area at the front entrance. The site lay within the Kensal Rise Conservation Area and to its rear the site adjoined Queen's Park Conservation Area and formed the primary shopping frontage of Kensal Rise Town Centre.

Members noted the application had been referred to the Committee for consideration as a result of a request having been received from three local councillors with members also advised of the previous planning site history and enforcement activity relating to the unauthorised erection of a single storey rear and side infill extension, that had resulted in submission of the current application.

The Chair thanked Damian Manhertz for introducing the report. As there were no Committee questions raised at this point, the Chair then invited Councillor Neil Nerva (who had registered to speak as a local ward councillors in objection to the application) to address the Committee, who highlighted the following points:

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- As a local ward councillor, Councillor Nerva advised he was representing local residents as well as Queens Park Residents Association and the Kensal Rise Residents Association in seeking to highlight a number of concerns relating to the application. These included the adverse impact to the character and appearance of the Conservation Area due to the extraction flue, as well as on neighbouring amenity in terms of noise and odour. Whilst noting the late submission of requests to speak by local residents at the meeting, concern was also expressed that it had not been possible for them to address the meeting in person.
- Referring to the previous planning history and enforcement activity relating to the site concerns were also raised in relation to operation of the current facility on the site, which had included the installation of a Gazebo/tent within the rear courtyard following enforcement action to remove the previous unauthorised extension and associated noise, smell, disturbance and fire risk. Concerns were also highlighted in relation to the impact which the small window proposed within the application for the new rear extension would have in terms of noise and odour.
- As a result of the concerns outlined, Councillor Nerva urged the Committee to either reject the application or ensure that specific conditions were imposed regulating the hours of operation, use of window and waste collection arrangements to minimise the detrimental impact on residents and the neighbouring amenity.

The Chair thanked Councillor Nerva for addressing the Committee. As there were no Committee questions raised at this point, the Chair 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, with the following being noted:

- As an initial query, further assurance was sought in relation to the concerns raised around fire safety at the site. In response, members were advised that the previous site had an unauthorised extension, which was poorly built and had been removed following enforcement action. The current application was seeking approval of the construction of a new brick built rear extension, which had been designed to meet building regulations and was assessed to have met the requirements in relation to fire safety within Policy D12a of the London Plan.
- In response to further details being sought on refuse and waste management, members were advised that use of the building as a restaurant represented a lawful use of the site. From a planning perspective any concerns relating to nuisance arising from operational use of the premises would therefore be matters for consideration by Environmental Health with the current application only relating to the erection of the rear extension and flue.
- In seeking further assurance regarding the impact of the proposed development on neighbouring residential amenities along with character and

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appearance of the designated Conservative Areas members were advised that the proposed extension, given its matching brickwork, modest bulk and scale and subservient relationship with the host and neighbouring buildings was not considered to introduce harm to the character and appearance of the Queens Park Conservation Area (QPRA). In view of the limited visibility of the proposed extension from street vantages, this element of the proposal was also not considered to prejudice the setting and character of the Kensal Rise Conservation Area. Whilst noting that the external flue would be visible from neighbouring properties within the QPRA the harm caused as a result was felt to be less than-substantial as it would only have an impact on a localised part of the QPCA. When considering the operation of the site and the benefits of the unit being occupied by a use that would contribute towards the viability and vitality of the Town Centre this was considered to provide a public benefit that would outweigh the limited harm to the Conservation Area. The rear extension and side canopy were also considered to sufficiently comply with design policies without compromising neighbouring amenity or the setting of the conservation area.

- In terms of concerns relating to noise and odour members were advised that whilst Environmental Health officers had advised that there had been previous noise complaints made in relation to the premises regarding the use of the rear courtyard these were not be regarded as material planning considerations relating to the current application as they were not relevant to the operation of the mechanical plant or the extraction system. The applicant had also submitted an odour assessment and advised that the installation would include carbon filtration with an odour extraction system to be installed in line with guidance on odour from commercial kitchens. Additional mitigation measures had also been recommended in the form of a pre-filter/panel filter, or an electrostatic precipitator installed before the carbon filtration system supported by conditions in relation to noise and vibration which it was felt would also help to mitigate against any concerns regarding the impact on neighbouring amenities.
- Additional clarification was provided in relation to the design of the proposed extension with it noted that the window would be side rather than rear facing. Member also noted that as the gazebo which had been referred to was not classified as a permanent development structure the concerns raised in relation to its use would not be a matter falling within the remit of the Planning Committee. It was, however, felt that the erection of a permanent extension may help to address some of the concerns identified regarding that use. Similarly, confirmation was provided that concerns raised around the operating hours of the premises were not matters which could reasonably be addressed by conditions given the current application was not seeking to establish any new use.

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

DECISION

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The Committee **RESOLVED** to grant planning permission subject to the conditions and informatives detailed within the report.

(Voting on the above decision was as unanimous: For 8, Against 0 Abstentions 0).

7. Any Other Urgent Business

There was no other urgent business.

The meeting closed at 9.10 pm

COUNCILLOR KELCHER
Chair



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 9 April 2025 at 6.00 pm

PRESENT: Councillor Kelcher (Chair), Councillor S. Butt (Vice-Chair) and Councillors Akram, Begum, Chappell, Dixon, Johnson and J Patel.

1. **Apologies for Absence**

There were no apologies for absence.

2. **Declarations of interests**

There were no declarations of interests made during the meeting.

3. **Minutes of the previous meeting**

RESOLVED:-

That the minutes of the previous meetings held on Wednesday 11 December 2024 and Wednesday 15 January 2025 be approved as a correct record of the meeting.

4. **24/2052 - 21 Copland Avenue, Wembley, HA0 2EN**

PROPOSAL

Demolition of existing bungalow and erection of 4x 3-storey semi-detached dwellings including hard and soft landscaping, off street parking spaces, boundary treatment, alterations to existing drop kerbs and formation of new drop kerb, subject to Deed of Agreement dated xx under Section 106 of Town and Country Planning Act 1990, as amended.

RECOMMENDATION

That the Committee resolve to GRANT planning permission subject to:

- (1) The prior completion of a legal agreement to secure the planning obligations as detailed within the committee report.
- (2) The conditions and informatives, as detailed in the committee report.

Nicola Blake (Principal Planning Officer) introduced the report, detailing the proposal for the demolition of the existing detached bungalow at 21 Copland

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Avenue and the redevelopment of the site to provide four new residential dwellings. The proposed development comprised two pairs of semi-detached, three-storey dwellinghouses — four units in total — all of which would be family-sized homes with either three or four bedrooms.

The dwellings would be arranged in two pairs. Plots 1 and 2 would front Copland Avenue, occupying a similar building line to neighbouring properties, while Plots 3 and 4 would be positioned to the rear, fronting onto the head of the Copland Close cul-de-sac. The dwellings had been designed to reflect the scale and rhythm of the surrounding suburban context, with pitched hipped roofs and traditional materials such as facing brick and clay roof tiles, complemented by detailing such as soldier course brickwork around window and door openings.

The Chair thanked Nicola Blake for introducing the report. As there were no Committee questions raised at this point, the Chair then invited Graham Harris (who had registered to speak as an objector) to address the Committee in relation to the application, who highlighted the following points:

- Graham Harris, residing adjacent to 21 Copland Avenue, expressed strong opposition to the proposed development at 21 Copland Avenue.
- It was noted that the objection to the proposed development was supported by 6 nearby homeowners from roads Copland Close, and Crawford Avenue, as well as local ward councillors from both Graham Harris' ward and the neighbouring ward.
- It was highlighted that no support for the proposed development was noted during the consultation.
- The proposed development of four large, three-storey semi-detached properties on a small site was deemed an overdevelopment. The site was described as overly cramped and not in accordance with the space available in other properties backing onto Barham Park in the vicinity, either in Copland Avenue or Copland Close. It was felt that the development would result in approximately 30 residents on a site historically occupied by only two residents.
- The objector referenced Brent Design Guide SPD1 Principal 5.1, which stated that new developments should protect the privacy and amenity of

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existing properties. The objector felt that the proposed development would severely impair the privacy and amenity of the property, particularly the back garden and the rooms and windows at the rear of the house. It was also felt that the proposed semi-detached houses, positioned halfway up the neighbouring back garden, would overlook the objector's property, violating the guide's conditions on separation distances between habitable room windows and gardens.

- Graham Harris cited the London Borough of Brent Parking Policy 2020, which required residential developments to include some parking provision for residents. The site at 21 Copland Avenue was deemed too small to provide adequate off-street parking. It was noted that the proposed development would not comply with the policy, as there were no residents-only on-street parking facilities in Copland Avenue or Copland Close. It was further noted that the existing parking spaces were often occupied by police officers working at the nearby police station.
- The objector expressed concerns about the impact on biodiversity, stating that the proposed development would devastate the biodiversity of 21 Copland Avenue and reduce the biodiversity of their property.
- Graham Harris noted that the boundary fencing on the right-hand side of his garden, featured in the plans, was the responsibility and choice of the owners of the property, not 21 Copland Avenue. It was highlighted that no consultation had been offered regarding this matter.
- The objector also referenced a restrictive covenant dated 14 January 1907, cited on the deeds of Copland Avenue, which restricted the height of front fences and development in the properties' back gardens.
- In concluding his response, Graham Harris argued that the proposed development represented an overdevelopment of a small site, leading to degradation rather than improvement of the area. It was felt that the proposed development was not supported by current residents, as evidenced by comments and consultation representations. It was, therefore, strongly recommended that planning consent should not be granted.

The Chair thanked Graham Harris for addressing the Committee and invited members to ask any questions they had in relation to the information presented, with the following being noted:

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- The Chair observed that the area had a high Public Transport Accessibility Level (PTAL) as well as good transport links. It was also noted that the proposed development included x4 houses with three parking spots. As an initial query, the Chair requested further clarification on the parking concerns raised. In response, Graham Harris expressed that there was no on-street parking for residents. It was highlighted that Plot 2 had no parking facility and that police vehicles often parked on the road. It was also noted that all properties in Copland Avenue had two parking spaces, and it was inconsistent with the area to have a large house with no parking provision. The Chair acknowledged that small breaches of policy might be acceptable if the associated harm was not significant which would be assessed by officers in terms of parking.
- Views were sought around what Graham Harris would consider an acceptable limit for building on the site. In response, Graham Harris remarked that he would be content if there were no structures in the back garden. Satisfaction was expressed regarding the front buildings, but Graham Harris found that the back garden development would be too close and excessively cramped, impacting his privacy. The Chair explained that the Council's policies required maximising every site, and proposals that did not achieve this could be rejected, with different factors needing to be weighed.
- Members addressed the parking concern raised in the representation made to the Committee, stating as a point of clarity, that the police had no appropriated parking and that the street parking was public. It was also clarified that the public highway was available for anyone to park legally, and no one had exclusive rights to park outside their house unless it was a controlled parking zone. It was further noted that census data showed less than half of Brent households owned a vehicle, attributed to good transport links. In response, Graham Harris observed that most residents on the road had garages and at least two cars. The Chair conveyed that there was a downward trend in car ownership, with new residents likely to own fewer cars than existing residents.
- Members inquired about the method used to calculate the estimate that 30 people would reside in the x4 properties, as cited in his representation to the Committee. In response, Graham Harris explained that he calculated based on the presence of four bedrooms and an additional media room in

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the roof, leading to an estimate of 30 residents. It was conveyed that accommodating 30 individuals with merely three parking spaces was excessively cramped, contrasting with the historical occupancy of two residents over the past 70 years.

The Chair thanked Graham Harris for responding to the Committee's queries and then moved on to invite Councillor Rajan Seelan (who had registered to speak as an objector) to address the Committee in relation to the application, who highlighted the following points:

- Councillor Rajan Seelan, representing Wembley Central Ward, raised several objections to the proposed development at 21 Copland Avenue. The objections were based on concerns regarding parking, amenity, property value, and security, all of which were perceived to be compromised by the development.
- It was noted that the committee report stated that 'where proposed development adjoins private amenity or garden areas, 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 meters'. However, it was felt that the proposed development measured from three meters at the other side of the garden, which was considered a breach of the Supplementary Planning Document (SPD).
- It was highlighted that the proposed development included a structure slightly lower than the ground level, which would influence water drainage. Concerns were raised around the absence of adequate drainage measures to prevent flooding of surrounding houses.
- There was a perceived lack of cycle parking provisions in the proposed development, which was felt to have not been adequately addressed.
- The rear of the site was considered an overdevelopment, establishing a bad precedent for not only the local area but also the entire Borough and called for a reduction in height.
- Councillor Rajan Seelan raised concerns about major parking issues in the cul-de-sac, particularly with the turning cycle at the end. It was noted that

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the development's height and access would significantly impact residents' convenience and safety.

- It was opined that parking permits for the back of the development should be waived in accordance with London Plan policies.
- In concluding his response, Councillor Rajan Seelan stressed that many residents were distressed by the proposed development. While acknowledging the need to meet housing targets, it was argued that this should not be done at the expense of residents. It was conclusively asserted that the proposed development was excessive and required reconsideration and resizing.

The Chair thanked Councillor Rajan Seelan for addressing the Committee and invited members to ask any questions they had in relation to the information presented, with the following being noted:

- The Chair requested clarification on the cycle provision, noting that paragraph 65 in the committee report referred to the policy requiring 8 secure bicycle parking spaces for a similar development. The plans indicated that a bike store would be situated in the front gardens of plots 1, 2, 3, and 4, which would meet the policy requirements. The Chair expressed uncertainty regarding the objection to cycle provision, as it appeared to be in line with policy. In response, Councillor Rajan Seelan stated that if cycle parking was permitted, then car parking for plots 3 and 4 should be excluded, and parking permitted rights should be waived.
- The Chair explained that the Council aimed to reduce car ownership and reliance and that a parking survey, referenced on page 70 of the committee report, indicated that the area was likely parked overnight. It was suggested that one additional car parked on the street at night would not cause a significant issue. In response, Councillor Rajan Seelan contended that the survey did not account for event days and needed to be reviewed.
- In addressing the confusion around PTAL ratings on the proposed site, the Chair provided clarification that the site straddled the boundary between PTAL ratings of 3 and 4, with houses 1 and 2 fronting Copland Avenue having a PTAL rating of 4 due to proximity to Sudbury Town station, and houses 3 and 4 fronting Copland Close having a PTAL rating of 3.

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- Questions were raised around whether Councillor Rajan Seelan had encountered any waste collection issues on the road, to which Councillor Rajan Seelan stated that the road was wide enough for refuse trucks, but parking for Plots 3 and 4 would create difficulties for turning. Members suggested additional enforcement, such as double yellow lines, to ensure proper parking and clearance for vehicles. Following up, members questioned if there had been reports of any waste collection issues. In response, Councillor Rajan Seelan confirmed that there were parking issues, particularly on waste collection dates.
- Members referenced earlier points made by Councillor Rajan Seelan regarding parking, security, and amenity concerns and noted that officers had addressed these matters in paragraph 47 of the committee report by suggesting a condition to obscure windows on the flank wall overlooking the concerned resident's property. Members questioned whether this measure sufficiently addressed the overlooking issue, considering the housing need in Brent. In response, Councillor Rajan Seelan acknowledged the measure as reasonable but noted that the height contradicted SPD Policy and required further review. Flooding risk was also highlighted as a major concern that was perceived to not have been adequately addressed.

The Chair thanked Councillor Rajan Seelan for responding to the Committee's queries and then moved on to invite Richard Lewis (who had registered to speak as the applicant) to address the Committee in relation to the application, who highlighted the following points:

- The applicant had resided with their parents at 21 Copland Avenue until 1985. The property was a modest three-bedroom bungalow, the only bungalow on the street, which was otherwise comprised of seven pairs of semi-detached houses and five detached houses. The proposed semi-detached houses were deemed more in keeping with the area's established character and better aligned with the London Plan and local development framework.
- Richard Lewis shared that their father had passed away in 2015, and their mother's health had declined in the years following. The family's focus had shifted entirely to her care, allowing only essential maintenance. As a result, it was highlighted that the house had deteriorated and now required new electrics, plumbing, repointing, and likely a new roof. Despite this, the site was identified as having great potential due to its long back garden and side

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access. The proposed homes were aligned with 6 Copland Close to ensure they fit seamlessly into the street scene.

- The applicant expressed a desire to transform the neglected site into four modern family homes, each with a private garden and built to current standards. The location was highlighted as advantageous, being close to Barham Park, good local schools, the library, and excellent transport links. The design of the homes aimed to reflect the character of Copland Avenue and Copland Close.
- Richard Lewis extended thanks to the planning officer, Nicola Blake, for her collaborative work with the architect, Jack Jusek. This cooperation had been instrumental in shaping a thorough and well-evidenced application. Over the past six months, several important revisions had been made, including widening the pavement for disabled access, reducing parking, improving cycle storage, enhancing landscaping for biodiversity, and ensuring sustainable drainage. It was further mentioned that a substantial Community Infrastructure Levy (CIL) commitment had also been made.
- In concluding his response, Richard Lewis described the scheme as small but thoughtful, supporting Brent's local plan and the wider goals of the mayor and government to deliver high-quality homes in London. The proposal was presented as a positive new chapter for the site, and the applicant expressed hope that the Committee would support the application by granting approval.

The Chair thanked Richard Lewis for addressing the Committee and invited members to ask any questions they had in relation to the information presented, with the following being noted:

- Members inquired about the pedestrian footpath, noting that it was two meters wide and that some land was being sacrificed for access, which was viewed positively. Confirmation was sought that the gate to Barham Park would be used exclusively by plot number 3, which was affirmed by Richard Lewis.
- Following up, members further queried whether flooding had been considered in relation to the lower ground at the back of the site. In response, Richard Lewis confirmed that flooding had been considered and had never been a problem on the site. Richard Lewis noted his familiarity

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with the site, as his parents had lived there since he was 21. It was explained that Barham Park could absorb a significant amount of rainwater and that the slight slope of the site accounted for the lower ground at the back of the houses. As a point of clarification, the Chair cited paragraph 99 on page 74 of the committee report, stating that the proposed application site was located within flood zone 1, indicating the lowest risk with a 0.1% annual probability of flooding. Consequently, the planning application did not require the submission of a flood risk assessment.

- Members questioned whether it was felt that the concerns of the previous objectors had been adequately addressed in the current application, to which Richard Lewis affirmed that the architect had worked diligently with the planning officer, Nicola Blake, to address all concerns and praised her efforts in ensuring that every concern had been answered.
- Details were sought round the potential considered for the site, including whether more or less housing had been contemplated and the discussions that led to the current development proposal. In response, Richard Lewis explained that the application site had an exceptionally long garden, which was not standard. The original plans had included additional bedrooms on the rear houses, but these were reduced in collaboration with Nicola Blake and architect Jack Jusek to fit with the local plan.
- Queries were raised around whether there had been any specific issues with waste collections. In response, Richard Lewis highlighted that there had never been any waste collection issues. It was noted that Copland Avenue was a wide road and that the corner plot provided a substantial turning circle before entering Copland Close. Richard Lewis further mentioned that his elderly parents had always received excellent service from the waste collectors, who would take the bins onto the curtilage.
- Members sought assurance regarding the tree preservation order, noting that there was a preservation order on two trees and that nine new trees were to be planted. Confirmation was requested that the preserved trees would remain and the new trees would be planted. In response, it was confirmed that the preserved trees would remain and that the nine new trees would be planted. Richard Lewis emphasised his connection to the area and his commitment to ensuring that the proposed development would not be detrimental to the neighbourhood, which he described to be a nice, quiet area.

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The Chair thanked Richard Lewis 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, with the following being noted:

- The Chair noted changes involving a contribution being made to relocate where cars passed over the pavement and requested an explanation as to why officers insisted on this change and how they anticipated it would function. In response, John Bowman (Principal Development Control Engineer, Highways) explained that the site had a maximum allowable number of car parking spaces, necessitating a vehicle crossover for the new build. The new houses, situated in a higher PTAL area, currently had two vehicle crossovers. One of these crossovers, located at the junction with significant highway safety concerns, was to be removed. Following on from the previous question, the Chair inquired whether the safety concerns addressed by the new development would also improve safety for existing residents. In response, John Bowman (Principal Development Control Engineer, Highways) advised that the removal of the vehicle crossover at the junction and the widening of the footpath around Copland Close would significantly enhance safety for existing residents. The width of footways would be increased from approximately 1.2-1.5 meters to 2 meters, the minimum width normally required. It was also noted that the current development, likely built in the 1930s, did not meet modern standards for pedestrian comfort, and the improvements would greatly increase pedestrian access for both existing and new residents.
- Members referenced Google Street View images showing bins left on the street to reserve parking spaces and noted around five crossovers forming part of the turning circle. Details were sought around whether recommendations for double yellow lines at that location would be addressed by the Planning Committee or the local Ward Councillor with the Highways team. In response, John Bowman (Principal Development Control Engineer, Highways) observed that there was insufficient space between vehicle crossovers for safe parking. It was suggested that any car parked there would obstruct other residents parking. It was indicated that the only theoretical parking space on Copland Close away from vehicle crossovers was within the location of the proposed vehicle crossover, which would eliminate the problem of obstructive parking.

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- As a further issue raised, members questioned whether Veolia had expressed concerns about waste collection, given the potential congestion from increased parking and reserved spaces. In response, slides of the proposed plan were presented and John Bowman (Principal Development Control Engineer) indicated that the only current on-street parking location was where the large crossover was situated. It was noted that anyone parking there would obstruct the new occupants' right of access. The proposal included onsite bin stalls, with collection occurring within the site itself. No concerns from Veolia regarding access had been reported, and the existing highway layout would remain unchanged.
- Members cited Google Maps to illustrate their point, noting a 2.4-meter distance between parked vehicles, which was insufficient for refuse lorries requiring at least 2.5 meters. Enforcement measures, such as double yellow lines, were suggested to address parking issues and ensure waste collection access. In response, the Chair informed that this issue should be raised by the Ward Councillor. Victoria McDonagh (Development Management Service Manager) further recommended that the Ward Councillor address the issue of double yellow lines between Nos. 5 and 6 Copland Close with the Highways team. It was noted that the application included a new crossover to the plots at the rear, a slight alteration to one on Copland Avenue, and the removal of the junction crossover. These changes would be secured through the section 106 agreement, along with works to widen the pavement, improving public accessibility for both proposed and existing residents.
- The Chair acknowledged the objections raised regarding overlooking, blocking out light, and access and requested that officers demonstrate any breaches or explain why, in their judgment, the development would not cause significant harm in terms of overlooking. In response, Colin Leadbeatter (Development Management Area Manager) presented slides of the elevations for Plots 3 and 4. It was clarified that the 45-degree line, as per SPD 1 guidance, was measured from 2 meters above the boundary line of the garden adjacent to No. 19 Copland Avenue. However, for No. 6 Copland Avenue, the line was drawn from the top of an existing three-meter-high garage, as it would not affect any nearby habitable room windows. Broader questions regarding overdevelopment were addressed, noting that the site lay within a PTAL area of 3 to 4, identified in both the Brent local plan and London Plan policy H2 as a priority location for small site intensification. It was described that the site was generous in size, with

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an exceptionally deep garden, and could comfortably accommodate family-sized homes while exceeding private amenity space standards. The design reflected the suburban context with traditional materials and hipped roofs, respecting the existing street pattern. Issues of overlooking and loss of privacy were considered, with directly facing windows separated by approximately 20 meters from habitable rooms. Condition 9 was recommended to obscure glaze any side-facing windows to reduce potential overlooking.

- Following up, the Chair sought clarification on the objector's concern that the second semi-detached dwelling higher up would not be in line with the precedent set by other properties. In response, Colin Leadbeatter (Development Management Area Manager) explained that the separation distances between habitable rooms exceeded 20 meters, and mutual overlooking of rear gardens was common in suburban areas. While acknowledging the change, it was considered acceptable when balanced against the merits of delivering additional family-sized accommodation. Victoria McDonagh (Development Management Service Manager) additionally addressed the 45-degree line from the neighbouring garden, noting that the plans showed compliance with the 1:2 rule and the updated Residential Extensions Guide. The development would be similar to a two-storey extension in terms of depth from the rear windows of No. 6 Copland Close. Colin Leadbeatter (Development Management Area Manager) added that the ground level of the two units had been lowered by a meter to reduce their prominence and the amount of oblique overlooking from first-floor windows. Victoria McDonagh (Development Management Service Manager) further stated that permitted development rights for the four new houses had been restricted through conditions, requiring planning approval for extensions and outbuildings.
- Members raised queries around the covenant mentioned earlier by a speaker, which restricted the height of front fences and development in the back gardens. In response, David Glover (Head of Planning and Development Services) clarified that restrictive covenants were not a material planning consideration and would need to be addressed legally before development could proceed. It could not, therefore, be considered within the planning process.

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- Member inquired about the specific location of the nine trees proposed for planting, questioning whether they would be planted in the rear or another specified location.
- Further information regarding the specific location of the nine trees proposed for planting was sought by Members, with it being questioned whether they would be planted in the rear or another specified location. In response, Victoria McDonagh (Development Management Service Manager) clarified that three trees were being retained, with two situated within the garden of Plot 4 and one within the garden of Plot 1. The new trees were designated for the communal area. Following up, concerns were raised regarding the potential risk of subsidence and structural damage due to the roots of protected trees T3 and T4, querying whether this had been assessed. In response, David Glover (Head of Planning and Development Services) explained that the development would undergo the building regulations process, which included an assessment of the proximity of trees to determine if a different approach was required for the foundation. It was noted that deeper foundations might be necessary if the development was close to high water uptake trees. Colin Leadbeatter (Development Management Area Manager) further mentioned that a compliance condition had been recommended. The scheme was submitted with a horticultural impact assessment, and a condition was recommended to ensure the scheme was carried out in full accordance with the document, which had been reviewed and agreed upon by the tree officer.
- Members referred to an objector's concern about the potential devastation of ecology due to the proposed development and sought officers' comments on paragraph 85 of the committee report, which mentioned biodiversity enhancements. In response, Colin Leadbeatter (Development Management Area Manager) acknowledged that building on previously undeveloped land would have an impact. However, it was emphasised that efforts had been made to meet biodiversity and ecology requirements. It was confirmed that the proposed development complied with statutory and local policy requirements on biodiversity, urban greening, and ecology. A statutory BNG assessment submitted with the application confirmed a 10.05% net gain in habitat units and a 192% increase in hedgerow units, calculated using the Defra biodiversity metric. The scheme had satisfied the requirements under the Environment Act of 2021 and was policy compliant with BGI1 of the Local Plan, London Plan policy G6, and national BNG requirements. Under the section 106 agreement, a Habitat Management Plan and monitoring for

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biodiversity net gain were included. Additional conditions were recommended for the installation of bird and bat boxes, hedgehog highways, and other wildlife-friendly features. Landscaping conditions, approved plans, and the tree replanting strategy aimed to add value through additional soft landscaping.

- Members requested further explanation regarding the removal of permitted development rights for the new houses. In response, Victoria McDonagh (Development Management Service Manager) explained that permitted development rights for the four new houses had been restricted through condition. It was detailed that Schedule 2, part 1 of the General Permitted Development Order outlined various activities that could be undertaken on dwelling houses, including extensions, outbuildings, alterations, and roofs. Colin Leadbeatter (Development Management Area Manager) further clarified that land use classes were distinct from the classes of the General Permitted Development Order.
- As a final point, members referred to paragraph 109 of the committee report, which was deemed to strongly recommend air source heat pumps, and queried whether their installation was a requirement or a recommendation, noting condition 14, which specified that if air source heat pumps were installed, their noise level should not exceed 42dB(A). In response, Victoria McDonagh (Development Management Service Manager) informed that, from a planning perspective, there was no requirement for an Energy Strategy due to the size of the development. It was noted that air source heat pumps could be noisy, and the noise limits were specified to protect the amenities of neighbouring occupants. Colin Leadbeatter (Development Management Area Manager) additionally noted that, due to the removal of permitted development (PD) rights, normal PD rights for the installation of such equipment would not typically apply. The aim was to ensure future allowance for air source heat pumps while protecting neighbouring amenity.

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

DECISION

The Committee **RESOLVED** to grant planning permission subject to:

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(1) The prior completion of a legal agreement to secure the planning obligations as detailed within the committee report.

(2) The conditions and informatives, as detailed in the committee report.

(Voting on the above decision was unanimous).

5. Any Other Urgent Business

There was no other urgent business.

The meeting closed at 7.11 pm

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, 2025
04
24/1735

SITE INFORMATION

| | |
|---|---|
| RECEIVED | 21 June, 2024 |
| WARD | Willesden Green |
| PLANNING AREA | Brent Connects Willesden |
| LOCATION | 96, 96A-B, High Road, London, NW10 2PP |
| PROPOSAL | Demolition of existing dwellinghouses and outbuilding and erection of a four-storey building comprising 25 residential dwellings, part retention and upgrade of the original police station building as flexible commercial space with associated infrastructure works including private and communal space, cycle storage and public realm improvements. |
| PLAN NO'S | Refer to condition 2 |
| LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION | <p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_169326</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 "24/1735" (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 prior completion of a legal agreement to secure the following planning obligations:

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.
2. Notification of material start 28 days prior to commencement.
3. *Affordable Housing:*
 - a. On site provision 4 x social rented units). In the event that there is no Register Provider interest to take on the affordable homes and it has been demonstrated that robust marketing exercises have been made to find an RP over a 6-month timeframe, to allow the delivery of the 4 x social rent units on-site to be replaced with a £1,108,171 payment in lieu towards off site affordable housing delivery within the Borough.
 - b. Early and late stage review mechanism
4. *Energy assessment:*
 - a. Prior to a material start submission and approval of a detailed design stage energy assessment. Initial carbon offset payment (estimated to be (estimated to be around £14,421) / £95 per tonne) to be paid prior to material start if zero-carbon target not achieved on site.
 - b. Post-construction energy assessment. Final carbon offset payment (estimated to be (estimated to be around £14,421) / £95 per tonne) upon completion of development if zero-carbon target not achieved on site.
 - c. Be seen' energy performance monitoring and reporting
5. Car free restriction; parking permit restriction to be applied to all new residential units, save for disabled badge holders.
6. Car club membership for residents for a 2 year period.
7. S38/S278 highway works under the Highways act 1980 to secure:
 - a. remove the existing crossover to the site and reinstate it to footway with full height kerbs
 - b. amendments to the waiting and loading restrictions along the Huddleston Road frontage to provide a 10m loading bay and relocated parking bays in place of the existing zig-zag marking
8. Indexation of contributions in line with inflation from the date of committee resolution.

That the Head of Planning or other duly authorised person is delegated authority to negotiate the legal agreement indicated above.

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

Conditions

Compliance

1. Three year rule
2. Approved drawings and documents
3. Restrict number of C3 dwellings and commercial floorspace
4. Water consumption limit
5. External amenity space
6. Compliance with sustainable drainage measures
7. Non Road Mobile Machinery
8. Restricted roof access
9. Bins and Bikes
10. Accessible Homes
11. Obscure Glazed windows

12. Compliance noise impact assessment

Submission

13. Construction Method Statement
14. Construction Environmental Management Plan
15. Tree Protection measures
16. Construction Logistic Plan
17. Historic Recording
18. Contaminated land
19. District heat network
20. External materials
21. Bay studies
22. Hard and soft landscaping
23. Wildlife features
24. External lighting
25. Plant Noise
26. Materials for former police station


Informatives as listed in the Committee Report.

That the Head of Planning or other duly authorised person has 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 or other duly authorised person 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 or other duly authorised person has delegated authority to refuse planning permission.

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

SITE MAP

**Brent**

Planning Committee Map
Site address: 96, 96A-B, High Road, London, NW10 2PP
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This map is indicative only.

PROPOSAL IN DETAIL

Demolition of existing dwellinghouses and outbuilding and erection of a building of up to four-storey in height comprising 25 residential dwellings comprising 1 x studio, 9 x 1 bed, 8 x two bed and 7 x three bed homes, together with the part retention, refurbishment and alteration of the original police station building as flexible commercial space with associated infrastructure works including private and communal space, cycle storage and public realm improvements.

Amendments since submission

A number of amendments have been submitted since submission. These include:

Revised plans, to reflect ground levels between the site and relationship of proposed development to neighbouring sites. Amended elevations/sections to reflect this.

Revised Plans also show/include (but are not limited to):

- Spot levels have been added to the Proposed Ground Floor Plan
- Topographical Survey has been annotated to include more plot levels

Revised Design and Access Statement submitted to reflect updated/amendments

EXISTING

The site is located at the junction of Huddlestone Road with High Road, in Willesden Town Centre and forms site allocation BSESA23 in the Brent Local Plan and has an allocated use for mixed use employment and residential.

Close to the junction and fronting High Road, the site includes the former Willesden Police Station building. There are later additions to the side and rear of the building, and the site also includes a pair of two-storey, semi-detached properties which were built as police accommodation, outbuildings, and a rear yard with a gated access from Huddlestone Road.

The primary frontage is to the High Road, which is of varied commercial and residential character, although at this part of the High Road there are prominent religious buildings. Huddlestone Road is a residential road characterised by two-storey dwellings.

The site is within the Willesden Green Conservation Area and whilst the buildings on site are not listed, the former Police Station is considered to be a non-designated heritage asset. The site is also within the Willesden Green Creative Cluster.

The site is within Flood Zone 1 (low risk) but is located within a Critical Drainage Area as identified by the West London Strategic Flood Risk Assessment. It is within two Air Quality Focus Areas and an Air Quality Management Area. The site is subject to an Article 4 restricting permitted development rights relation to Homes in Multiple Occupation.

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. 39 Objections were received, including from Cllr Janice Long (Ward Councillor for Willesden Green) and Cllr Michael Maurice (Ward Councillor for Kenton). A number and variety of concerns have been raised and considered when evaluating this application. The concerns are summarised within the consultation section and discussed within the consultation and remarks sections of this Committee Report.

Principle of development / land uses: The principle of the residential-led mixed-use redevelopment of the site is acceptable. The proposal would make efficient use of previously developed land in a highly sustainable location. The principle of the loss of the former police station is considered to have been satisfactorily

justified, the property was disposed of as surplus to requirements by the Metropolitan Police Service and the funds from the station's disposal were used as part of a wider public service transformation plan. The principle of new flexible Class E floorspace is considered acceptable would contribute positively to Willesden Green Town Centre. The mixed use redevelopment of the site is supported by the Council's planning policies. Please see Principle of Development Section for more detail.

Housing Mix: The proposal would provide 7 no. three bedroom units, representing 28%, which would be a policy compliant scheme in regard to the provision of family homes as 1 in 4 homes are family sized. This is an improvement upon the appeal scheme that proposed 21.4% which provided 6 no. three bedroom units.

Affordable housing: The previous Appeal Scheme provided no affordable housing on site and no off site financial contribution. The proposal was accompanied by a Financial Viability Assessment which was assessed by viability experts acting on behalf of the Council and it was concluded that the scheme may be able to provide 5 affordable units; 3 x LAR & 2 x shared ownership. However, it is considered highly unlikely that a Registered Provider would take on such a small affordable housing package with 2 separate tenures inclusive of shared ownership, the applicant agree to provide 4 homes at social rent (3 x 2 bedroom 4 person flats and 1 x three bedroom 5 person flat) which resulted in financial equivalency.

The proposed development would provide the maximum reasonable amount of affordable housing which equates to 18.3% affordable housing by habitable room and 16% by unit or an off-site financial contribution of £1,108,171 subject to indexation (which represents the difference in RLVs between a wholly private scheme and delivering the 4 x social rent on-site) in the event that the developer is unable to secure the acquisition of the affordable homes by a registered provider following 6 months of robust marketing to a wide range of Registered Providers. The affordable housing provision would be subject to early and late stage review mechanisms.

It is considered that the development would provide the maximum provision of affordable housing either on site or via an off-site financial contribution and as a result the proposed development would in that regard comply with London Plan H5 and in part Brent Local Plan Policy BH5 in terms of the maximum reasonable provision. It would also be subject to both early and late stage review mechanisms to capture any uplift in affordable homes should viability improve.

Heritage: The site is located in Willesden Green Conservation Area. The historic police building is to be retained, although not formally listed or locally listed is considered to have some heritage merit and considered a non-designated heritage asset. A cluster of listed buildings sit to the southwest of the site St Andrews Church Grade II* building, the associated Vicarage Grade II and the Church School Grade II (now Islamic College).

Both Brent's Heritage Officer and Historic England did not identify harm in relation to the proposal upon the setting of nearby listed buildings or in relation to the character and appearance of the Willesden Green CA. Within the appeal decision, the Inspector highlighted that the heritage significance of the structures that would be demolished as part of the refused application would result in only negligible harm to the significance of the non-designated heritage asset which was outweighed by the benefits of the scheme.

The proposed development is considered to result in very limited harm to the non-designated heritage asset, which is outweighed by the benefits of the scheme including the delivery of 25 homes, 4 of which are affordable homes together and 7 of which are family sized homes.

Design: The scale and layout of the proposed development is sympathetic to its context which includes a range of buildings from 2-storey houses with pitched roofs through to 4-storey buildings. The development incorporates arched and rectangular openings along with brick and stone detailing. The principal material would be red brick and the detailing of the bricks adding visual interest. The scheme has been designed to form an appropriate backdrop to the former police station, an undesignated heritage asset, and respond well to the context which includes the conservation area setting within which the site is located. The proposed design is considered to be of high quality appropriate to the local context.

Quality of accommodation: The proposed accommodation would be of good quality size and layout, consistent with London Plan standards, with good access to light, outlook, whilst there is a shortfall in external amenity space, the benefits of the development are considered to outweigh the harm associated with the

identified shortfall.

Neighbour amenity: The overall impact of the development is considered acceptable, with some limited impact to neighbouring properties. This is discussed in detail in the relevant section of the report.

Highways: No significant harm is considered to occur to the highway network, subject to conditions.

Trees and landscaping: A total of 7 trees (T6 to T12) and one group of trees (G13) are proposed to be removed from the site to accommodate the development. These have all been categorised as C trees (Trees of low quality, or young trees) whilst 9 new trees would be planted within the site, 7 of which are located within the communal garden and 2 within the frontage on High Road. With appropriate conditions to secure the proposed mitigation and final planting details, it is considered that the proposed development would adequately protect retained trees and provide appropriate new planting.

Ecology and Biodiversity: An indicative 123% Biodiversity Net Gain is illustrated; this significantly exceeds the required 10%. Appropriately worded conditions secure further details and the implementation of landscaping and enhancements. None of the proposed habitats would be assessed as being “significant” for BNG and require a 30-year management plan.

The Ecology report states that the existing buildings on site provide negligible potential for roosting bats as such no further work is required for protected species. Habitats on the site were considered to be of low ecological value with the presence of protected species being of negligible to low potential. The report recommends mitigation measures through a CEMP.

Flood Risk and Drainage: The site is located in Flood Zone 1 (low risk), yet part of the site is within a Critical Drainage Area as identified by the West London Strategic Flood Risk Assessment and the Borough's Surface Water Management Plan. A Flood Risk Assessment has been submitted that concludes that the site is at low risk of flooding from all sources including surface water flooding.

The reduction in run off would be achieved through a permeable paving system and soft landscaping within the development site and would contain any runoff within extreme events within the application site. Appropriately worded conditions seek to secure further details of mitigation green such as tree pits and rainwater harvesting.

Environment and Sustainability: The residential and commercial taken together results in a targeted emission reported as 31.05 (tonnes CO₂/year) to achieve Part L Building Regulations, when taking into account the Be Lean (building fabric) measures and Be Green (ASHP and PV panels) it is expected that there would be a reduction to 26.36 (tonnes CO₂/year) in CO₂ emissions. This represents at 83.7 % improvement, which exceeds 35% improvement required within the London Plan.

A detailed design stage energy assessment would be secured and an initial carbon offset payment (estimated to be around £14,421) to be paid prior to material start if zero-carbon target not achieved on site. A post-construction energy assessment will be required and a final carbon offset payment upon completion of development if zero-carbon target not achieved on site. In line with Policy SI 2 'Be seen' energy performance monitoring and reporting will be sought via a Legal Agreement.

MONITORING

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

| Primary Use | Existing | Retained | Lost | New | Net Gain (sqm) |
|-------------|----------|----------|------|-----|-------------------|
|-------------|----------|----------|------|-----|-------------------|

Monitoring Residential Breakdown

| Description | 1Bed | 2Bed | 3Bed | 4Bed | 5Bed | 6Bed | 7Bed | 8Bed | Unk | Total |
|-------------|------|------|------|------|------|------|------|------|-----|-------|
|-------------|------|------|------|------|------|------|------|------|-----|-------|

RELEVANT SITE HISTORY

Relevant Planning History

18/4904 – Appeal Dismissed (APP/T5150/W/21/3272201) 05/04/2022

Part demolition of existing buildings and retention of the original police station building comprising flexible commercial space (Class A1, D1, B1a, B1b, B1c) and redevelopment of the site to provide 28 residential units within a building extending up to 4 storeys together with private and communal space, waste/cycle storage, associated landscaping and public realm (amended scheme)

CONSULTATIONS

Public consultation

A total of 275 nearby properties were notified of the application by letter on 23rd July 2024. In addition, a site notice was displayed in the locality on 08th August.

46 Objections were received, including from Cllr Janice Long (Ward Councillor for Willesden Green) and Cllr Michael Maurice (Ward Councillor for Kenton).

Consultation has also been carried out with all relevant statutory and non-statutory consultees, including.

Public Re-consultation:

A number of amendments were submitted since submission.

Revised plans, to reflect ground levels between the site and relationship of proposed development to neighbouring sites were requested Amended elevations/sections to reflect this. Revised Plans also show/include (but are not limited to):

- Spot levels have been added to the Proposed Ground Floor Plan
- Topographical Survey has been annotated to include more plot levels
- Revised Design and Access Statement submitted to reflect updated/amendments

A further public consultation was undertaken as follows:

A total of 275 nearby properties were notified of the application by letter/email on 7th May 2025. In addition, a site notice was displayed in the locality on 7th May 2025. A Press Notice was published on 8th May 2025. A number of further representations were received, including from some that had previously objected as well as additional objections from some that had not previously objected. A summary of all comments is included within the table below.

| Summary of Comments | Officer Comments |
|---|--|
| Character and appearance and Heritage Considerations | |
| Obtrusive, size, bulk mass and design out of character, would be harmful to character and appearance of Huddlesstone Road and wider locality. | See Impact to Character and Appearance Section of this report. |
| Overdevelopment. Too tall. Would dwarf two storey terrace. High rise will be like Wembley. | As above. |
| Design not in keeping, balconies not a feature of Victorian architecture. Contrary to SPD 1. | As above. |
| Out of character, should respect /complement existing character. | As above. |

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| Concern/queries on maintenance, including landscaping. Building and appearance of space. | A landscape maintenance condition is recommended. The building itself appears to be finished in durable materials and further details of materials would be conditioned. As with any building there may be deterioration with age, the owner of the building would be responsible for maintenance. |
| Flats small, concern balconies would be used as storage, impact to visual amenity, health and safety /fire risk concern. | See Standard of Accommodation section of this report which provides assessment of amenity space. All flats would meet Policy D6 of the London Plan's internal and external requirements. Although Brent Policy BH13 is not met for external amenity space, it is not considered reasonable or necessary to condition these matters, yet it may be something that is a management consideration for building owners/landlords. |
| Heritage | |
| Concern regarding the preservation of Heritage assets and non-designated Heritage assets and their setting. Reference made to heritage policies. | See Heritage Considerations section of this report. |
| Historic character of site should be preserved as part of Willesden Conservation Area. | As above. |
| Should be in keeping with conservation area, size, design and materials used should be more considerate. | As above. |
| Refers to Heritage Assets; Willesden Green Conservation Area, the Baptist Church with locally listed Huddlestone Hall and national Grade II listed St Andrews's Church and the former police station as an asset to the Conservation Area. | As above. |
| Impact to residential amenity | |
| Concerns development would impact light, outlook, overshadowing and privacy. | Please refer to Residential Amenity section of this report. |
| Conflicts with both the council's planning policies and guidance as well as general principles of maintaining residential amenity. | As above. |
| Loss of privacy, including safeguarding issues. Balconies should include screening. Reference made to overlooking, including from front balconies due to angled bays and overlooking to front gardens. Perception of overlooking raised. | The siting of the balcony in relation to the bays would not afford harmful overlooking, noting existing bays along the street which have angled windows as well as the distance and projection. It is not therefore considered reasonable or necessary to condition screening to the front balconies |
| Loss of outlook, oppressive, would create sense of enclosure. Outlook issues raised. | The appeal decision is a material consideration and this along with the change to the scheme compared to the appeal scheme and existing built form is addressed within the Residential Amenity section of this report. |
| Noise and disruption due to increased number of people, pedestrian/vehicular movements, congestion/parking/pollution, use of balconies (space for furniture noted) and communal garden (including from overcrowding of amenity space due to occupant numbers). Use of loading bay, deliveries, and rubbish collection. Noise on Huddlestone Road already a nuisance (a result of traffic, delivery scooters, and street drinkers). Impact to those who work from home. Concern about cooking smells. Impact to health and wellbeing. Storage on balconies could lead to vermin. | The site is located within a town centre location which is characterised by a mix of commercial and residential uses. There is no evidence to suggest that the reasonable use of the site for a commercial use and 25 flats would result in harmful levels of noise and disruption or attract street drinking. The site would be car free and the scale of development is not considered to give rise to harmful levels of noise, pollution, traffic or deliveries. |
| Concern with impact from deliveries. Use of loading bay should be time restricted. Also, noise impact from | Scale of development is not such that the deliveries associated with the development |

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| <p>rubbish collection.</p> | <p>would result in adverse harm in this urban area, in terms of impact to residential amenity nor environmental/parking/congestion.</p> |
| <p>Impact to daylight/sunlight and overshadowing to neighbouring properties and gardens.</p> | <p>Please refer to Residential Amenity section of this report.</p> |
| <p>Current plans reduce daylight and sunlight to number 6, states it should be re-calculated. States that Proposed VSC, NSL and APSH absent for window W7 & W8.</p> | |
| <p>Outlook impact/ loss of sky views to properties on opposite side of Huddlestone Road</p> | <p>As above.</p> |
| <p>Reference made to the Appeal Decision, particularly in regard to impact to the rear at 6 Huddlestone Road (noting most affected house, quality of life impacted. Referring to guidance that the new development should not extend beyond the neighbouring building line by more than half the distance to the centre of the nearest habitable room. Questions if the proposal conforms to this guidance, not clear from drawing how this has been addressed. Requests clarification with accurate and scaled drawings and compliance with design guidance.</p> | <p>Please refer to Residential Amenity section of this report. The appeal decision is a material consideration and this along with the change to the scheme compared to the appeal scheme and existing built form is addressed within the Residential Amenity section of this report.</p> |
| <p>Information in Design and Access Statement misleading/inaccurate, shows existing outlook as brick wall from number 6 Huddlestone Road, in reality there are view of the sky, as discussed in the Appel Decision. Refers to Appeal Decision and impact to number 6 in terms of sky views and outlook. Existing gap would be blocked. States outlook to number 6 is worse, it has not been addressed and it exacerbated.</p> | <p>Whilst the images shown within the Design and Access Statement appear to refer to view from one part of the room at number 6 Huddlestone Road, officers do consider this view would be different closer to the windows edge and have considered the loss of outlook, view of the sky and daylight and sunlight impact. Officers have not relied on this image only in the assessment. Regard has been paid to the Inspector's findings on impact to outlook and loss of view to the sky. In addition to this, a Vertical Sky Component measure has been carried out and is discussed with Residential Amenity section of this report.</p> |
| <p>Stated there is a legal right to light and light would be blocked and change light to land.</p> | <p>The 'right to light' is also a term relating to another legal matter that sits outside of the planning stage. The impact to daylight, sunlight and overshadowing is a material consideration and is discussed within the Impact to Residential Amenity section of this report.</p> |
| <p>Mound would cause overlooking; high boundary should be secured but would result in loss of light.</p> | <p>Mound shown indicatively in Landscape Proposal document, a condition requiring a scaled drawings and details is recommended for submission to ensure no issues with privacy or impact to light.</p> |
| <p>Housing Mix / Affordable Housing</p> | |
| <p>Concerns over the number and mix of proposed properties. Would lead to transient population.</p> | <p>Please refer to Housing Mix section of this report. A total of 7 family sized (3-bedroom) homes are proposed which represents 28 % of the total number of homes.</p> |
| <p>Small flats, type proposed likely to be bought by speculating landlords, resulting in high turnover of short terms tenants and lack of community cohesion.</p> | <p>As above.</p> |
| <p>Need for social housing, no provision proposed. Others raised that it should not include affordable housing.</p> | <p>Please see Affordable Housing section of this report.</p> |
| <p>Crime and anti-social behaviour /litter</p> | |
| <p>Crime and anti-social behaviour /litter as a result of the development concerns raised. Developer should include management measures to mitigate crime and ASB, including during construction.</p> | <p>There is no evidence to suggest that the proposal would give rise to a direct link/cause of anti-social behaviour/other negative impacts. The scheme has been designed</p> |

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| | with active frontage on both High Road and Huddlestone Road frontages providing good levels of natural surveillance. |
| Security gates in Landscape Report does not clearly show where intercom would be located. Concern if by communal entrance it would allow pedestrian access between High Road and Huddlestone Road which could be a hiding place. | Plans show that the main entrance to the commercial use is from the High Road, though there is a separate gate that provides a path to one of the residential access points. An indicative lighting strategy has been referred to, yet a condition requiring submission and approval of a strategy for lighting as well as a management plan for the commercial use which should cover these matters is recommended. |
| Result in more problems with waste and rubbish collection. As well as litter including unwanted furniture. | No suggestion within the application that it would result in more litter or fly tipping. Issues that may arise should be addressed under different channel, as this is not a material planning consideration. |
| Energy and Sustainability | |
| More sustainable schemes in terms of housing, amenities and impact on local infrastructure should be encouraged. | See Sustainable Energy section of this report as well as Standard of Accommodation and Transport sections. |
| Transport related concerns | |
| Concerns about parking impact | Please refer to Transport Considerations section of this report. The proposal would be "car free" meaning that no residents would be entitled to parking permits (with the exception of blue badge holders). Brent's Transport Team have reviewed the application and would have no objection subject to conditions/legal agreement. |
| Congestion impact, noting existing congestion and capacity. Notes location and characteristics, for example close to junction and near traffic lights. | Please refer to Transport Considerations section of this report. |
| Concern over the construction related impact. | Please refer to Transport Considerations section of this report. Please also see Air Quality section of report. |
| Concern over the impact on pedestrians using the surrounding roads. | The development would be car free. See Transport Section of report. |
| Queries parking restrictions. Car free: agreement' for owners not to have cars would be difficult to enforce and irrelevant between 6:30pm - 8:30am and on weekends, when parking on Huddlestone Road is free. Should be s106 agreement providing funding for consultation of changes to CPZ times, days, and operation. | The development would be car free. Brent's Transport Team have not advised that it would be necessary for the developer to fund a consultation on CPZ changes. The scale and type of development is such that it is not considered to result in harmful pressure on parking outside of the CPZ hours. |
| Loading bay on Huddlestone Road, impact on pedestrians. | Movements associated with loading bay for scale and type of development is not such that it would be harmful to pedestrians. Brent's Transport Team have not raised any particular safety concerns with the loading bay. |
| Impact/disruption from deliveries and rubbish collection. Suggests delivery bay to High Road instead. Notes existing loading bay on High Road. | Loading bay is considered to be acceptable, rubbish collections are a regular and normal feature within the environment and the level of disruption associated with deliveries and rubbish collection, given the scale and type of |

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| | development is considered acceptable and would not result in adverse harm. |
| Notes Huddlestone Road and surrounding road characteristics, suggesting funding should be for a consultation for one way traffic and to establish a direction. | One one-way system is not considered necessary to mitigate any impacts associated with this car-free development. |
| No provision for electric bikes. Should be provided in steel units and not within individual flats, should be prohibited under lease/tenancy agreements. | Cycle storage has been proposed to policy standards within the scheme. There is no requirement for electric bike charging facilities within policy. Terms of lease tenancy not a material consideration for planning in this instance. |
| Parking, bike storage, bin storage and waste management not clear | Please refer to Transport Considerations section of this report. |
| Standard of accommodation for future occupants | |
| Concerns about private and communal amenity space provision, refers to appeal decision and suggests communal garden could become overcrowded. | Please refer to Standard of Accommodation Section of this report. |
| A large communal garden would mitigate need for balconies. | Private amenity space operates differently from communal amenity space and would not in this instance adequately mitigate the need for private amenity space. |
| Privacy issues for balconies. | Please refer to Standard of Accommodation Section of this report. |
| Front balconies not appropriate on the High Road due to high volume of traffic, views and security issues. | Please refer to Standard of Accommodation Section of this report and Air Quality section of this report. |
| Too many flats, not suitable for families, overcrowding and unacceptable living conditions, harm to safety. | Please refer to Standard of Accommodation Section of this report. The size and expected use is not considered to give rise to safety concerns associated with overcrowding. |
| Inadequate internal space, too small. | All flats comply with the minimum space standards outlined in Policy D6 of the London Plan. |
| Planning Balance | |
| Agreement with Planning Inspector that; any potential benefits that this scheme might bring are not sufficient to outweigh the cumulative harm that would be caused to the living conditions of neighbouring and future occupants taken together with the failure to provide an appropriate mix of housing. | See relevant sections of this report; Residential Amenity, Standard of Accommodation and Housing Mix. |
| Impact to property values | |
| Concerns development would impact on property value, various reasons cited including low income residents. | Impact to property value is not a material planning consideration. |
| Fire Safety | |
| Number 100 High Road will not be able to open their windows, meaning no escape through these windows in event of a fire. Could be fatal if other egresses are blocked. | Properties at 100 High Road appear not to rely solely on side windows that would be blocked as a result of this development. |
| Storage on balconies and balconies themselves would be fire hazard. | Please see Fire Safety Section of this report. |
| Other matters | |
| Concerns raised, suggesting inaccuracies and poor presentation of application, suggests issues with scale. Mis-leading information. | Sufficient information has been provided for officers to assess the impact of the proposed development and officers have checked the scale on drawings which appear to be correct. Due to file size some documents |

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| | (such as the Design & Access Statement) have had to be split into multiple parts. |
| Added strain to already overburdened local infrastructure and facilities/public services. | The scale and type of development is not considered to result in significant pressure on local infrastructure. Furthermore, the development would be subject to paying a CIL Levy (Community Infrastructure). |
| More suitable to open the police station again. | Police station closed as part of the police transformation plans. |
| Acknowledges need for affordable housing, but suggests development is not the right fit for the neighbourhood. | NPPF and local policy encourages mixed communities and mixed tenures within Major development proposals and it is considered that all developments may be suitable for the provision of Affordable homes. |
| Unable to use portal after errors. | Documents were available through the Public Access System and given the number of representations received it is assumed that if there were any issues that these may have been temporary. |
| No one visited number 6 Huddlestone Road. | Officers visited the application site and together with the submitted documents, details from surveys and the levels across the site, photographs and aerial imager had sufficient information to assess the development. |
| Concern regarding flexibility of commercial use, concern it could be later changed to housing through permitted Development. Lists concern with particular uses and suggests other uses and requested assurances that use would benefit the local community. Questions use. | A flexible Class E commercial use is applied for. A condition restricting permitted development rights and the uses is recommended. It is not reasonable to condition it to be 'high end'. The scale, size and restricted uses within Class E are such that the foot traffic, congestion, noise/disruption in this location is not considered to be adverse. |
| Does not overcome previous reasons for refusal. Does not address if there have been improvements since appeal scheme. | It is considered that each reason for refusal has been adequately overcome, each matter is addressed within the relevant section of this report. |
| States not all views considered that were raised in Community Forum. | Noted. The assessment process has included consultation as part of the application stage and this report addresses representations made. |
| Plans for number 100 High Road to sub-divide kitchens and lounges to reduce heating costs and enhance energy efficiency, benefits of these upgrades as a result if light, privacy impacts could undermine benefits of upgrade (making the properties less desirable and potentially increasing tenants utility expenses.) Impact to sustainability. | The suggested changes appear hypothetical, in any case the properties benefit from other outlook and do not rely solely on side windows. |
| Issues at planning does not bode well for implementation stage and adherence to planning. | Applicant required to implement any planning permission in line with conditions attached to any planning consent. |
| Concerns about proposed mound, lacks detail, disingenuous way to 'pretend' to be for amenity flat space would be better for children, concern about demolition debris being uses and privacy concerns. | Mound shown indicatively in Landscape Proposal document, A section was also requested, however, a condition requiring a scaled drawings and details is recommended for submission to ensure no issues with privacy or contaminated debris, plus consideration of practical use would be considered. |

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| Mound not accessible to all, refers to those with mobility issues and disabilities. | The mound makes up relatively short area of the wider communal area which is more accessible. |
| Ground level difference of approximately 60cm between site and number 6 Huddlestone Road, not shown. | Amended drawings were submitted to show ground levels and subsequent relationship of proposed development to surroundings. A re-consultation was carried out. |
| Inadequate time to respond to disjointed application, planners should consult residents. | Consultation letters were sent to give notice of the Statutory 21 day period for making representations. However, consultation responses have been accepted throughout the entire application process which is considerably longer than this. |
| Maximum units packed in for profit at expense of residents/community. | The Financial Viability Assessment was scrutinised in relation to the provision of affordable housing. The impact to residents/community is assessed within the relevant sections of this report. |
| Vacant retail units on High Road , shopping changes, Council insists of retail/commercial where there has been previous business, citing examples, noting new retail units are empty and that the old police station could be used for housing. | See Principle of Development Section of this report. Planning permission would be required to for the conversion into housing. |
| Accuracy of drawings in relation to distances from balconies to adjacent properties/gardens. | Drawings do not appear to be inaccurate as suggested. |
| Part Wall and structural issues raised. | These are not material planning considerations. |

Statutory / non-statutory consultees

Historic England: In summary, Historic England (Statutory Consultee) stated that the ancillary ranges are elements that make a positive contribution to the conservation area's character, and in line with this policy test, their demolition would cause harm. We consider the harm to be at the low end of 'less than substantial'. In determining the application, it will be for your Council to consider whether this harm would be outweighed by public benefits in accordance with Paragraph 208 of the NPPF. See 'Heritage Considerations' section of report for further comments.

Greater London Archaeological Advisory Service: GLAAS stated that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. They stated that the proposed development does not include any significant below-ground excavation and is not in an Archaeological Priority Area. They concluded that no further assessment or conditions are therefore necessary.

Flood Risk & Drainage Consultant: The Council is the LLFA, we have taken advice from an expert consultant who, following the review of the revised Flood Risk Assessment and Drainage Strategy report, recommended that further details could be conditioned as part of any approval. See 'Flood Risk and Drainage' section of report for further comments on these issues.

Brent Internal Consultations

Environmental Health: Environmental Health raises no objections to the application subject to a number of conditions relating to noise levels and construction management. See 'Remarks' section of report for further comments on these issues.

Heritage: Brent's Principal Heritage Officer was consulted on the application, see 'Heritage Considerations' section of this report.

POLICY CONSIDERATIONS

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

application should be in accordance with the development plan unless material considerations indicate otherwise.

The development plan is comprised of the

- London Plan 2021
- Brent Local Plan 2019-2041

Relevant key policies include:

London Plan (2021)

GG1 Building strong and inclusive communities

GG2 Making the best use of land

GG3 Creating a healthy city

GG4 Delivering the homes Londoners need

GG5 Growing a good economy

GG6 Increasing efficiency and resilience

Policy SD6 Town centres and high streets

Policy SD7 Town centres: development principles and Development Plan Documents

Policy SD8 Town centre network

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

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 D8 Public realm

Policy D10 Basement development

Policy D11 Safety, security and resilience to emergency

Policy D12 Fire safety

Policy D13 Agent of Change

Policy D14 Noise

Policy H1 Increasing housing supply

Policy H4 Delivering affordable housing

Policy H5 Threshold approach to applications

Policy H6 Affordable housing tenure

Policy H7 Monitoring of affordable housing

Policy H10 Housing size mix

Policy S1 Developing London's social infrastructure

Policy S2 Health and social care facilities

Policy S4 Play and informal recreation

Policy S5 Sports and recreation facilities

Policy E8 Sector growth opportunities and clusters

Policy E9 Retail, markets and hot food takeaways

Policy E10 Visitor infrastructure

Policy HC1 Heritage conservation and growth

Policy HC5 Supporting London's culture and creative industries

Policy G1 Green infrastructure

Policy G5 Urban greening

Policy G6 Biodiversity and access to nature

Policy G7 Trees and woodlands

Policy G9 Geodiversity

Policy SI 1 Improving air quality

Policy SI 2 Minimising greenhouse gas emissions

Policy SI 3 Energy infrastructure

Policy SI 4 Managing heat risk

Policy SI 5 Water infrastructure
Policy SI 12 Flood risk management
Policy SI 13 Sustainable drainage

Policy T2 Healthy Streets
Policy T3 Transport capacity, connectivity and safeguarding
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car parking
Policy T6.1 Residential parking
Policy T6.3 Retail parking
Policy T6.5 Non-residential disabled persons parking
Policy T7 Deliveries, servicing and construction

Policy DF1 Delivery of the Plan and Planning Obligations

Brent Local Plan (2019-2041)

DMP1 – Development Management General Policy
BD1 – Leading the Way in Good Urban Design

BH1 – Increasing Housing Supply
BH2 – Priority Areas for Additional Housing Provision within Brent
BH5 – Affordable Housing
BH6 – Housing Size Mix
BH7 – Accommodation with Shared Facilities or Additional Support
BH13 – Residential Amenity Space

BE1 – Economic Growth and Employment Opportunities for All
BE4 – Supporting Strong Centres Diversity of Uses
BE7 – Shop Front Design and Forecourt Trading

BHC1 – Brent's Heritage Assets
BHC3 – Supporting Brent's Culture and Creative Industries

BGI1 – Green and Blue Infrastructure in Brent
BGI2 – Trees and Woodland

BSUI1 – Creating a Resilient and Efficient Brent
BSUI2 – Air Quality
BSUI3 – Managing Flood Risk
BSUI4 – On-site Water Management and Surface Water Attenuation

BT1 – Sustainable Travel Choice
BT2 – Parking and Car Free Development

Other material considerations

The following are also relevant material considerations:

National Planning Policy Framework
National Planning Practice Guidance

Supplementary Planning Guidance / Documents:

Brent Design Guide SPD
Sustainable Environment and Development SPD
Residential Amenity Space and Place Quality SPD
Shopfronts SPD
Planning Obligations SPD

Other

DETAILED CONSIDERATIONS

Background

1. Planning application 18/4904, for the *'Part demolition of existing buildings and retention of the original police station building comprising flexible commercial space (Class A1, D1, B1a, B1b, B1c) and redevelopment of the site to provide 28 residential units within a building extending up to 4 storeys together with private and communal space, waste/cycle storage, associated landscaping and public realm (amended scheme)'* was refused for the following reasons:
 1. *The proposed development by virtue of the insufficient provision of external amenity space for the proposed homes in terms of quality and quantity, would result in a poor standard of accommodation to the detriment of the amenities of future occupiers and indicative that the proposal represents the over-development of the site. This is contrary to policy 3.5 of the London Plan 2016 (Consolidated with alterations since 2011), policies DMP1 and DMP19 of the Brent Development Management Policies 2016, policy D6 of the Emerging London Plan (intend to publish version), policies DMP1 and BH13 of the emerging Brent Local Plan (Regulation 19 version), the Brent Design Guide SPD1 (2018), the Mayor of London Housing SPG (2016) and the guidance contained within the National Planning Policy Framework.*
 2. *The proposed development by virtue of its design, layout, scale and massing, would represent an overly dominant form of development which fails to pay an appropriate regard to its context and unduly detracts from the character and appearance of the street scene and area, contrary to Policies 7.4 & 7.6 of the London Plan 2016 (Consolidated with alterations since 2011), policy DMP1 of the Brent Development Management Policies 2016, policy D3 and D4 of the Emerging London Plan (intend to publish version), policies BD1 and DMP1 of the emerging Brent Local Plan (Regulation 19 version), the Brent Design Guide SPD1 (2018) and National Design Guide 2019 and the guidance contained within the National Planning Policy Framework*
 3. *The proposed development by virtue of its siting, size, design and layout, would be prejudicial to the amenities of neighbouring residential occupiers in terms of overshadowing, loss of light, overlooking and a loss of privacy, contrary to Policy DMP1 of the Brent Development Management Policies 2016, policy DMP1 of the emerging Brent Local Plan (Regulation 19 version), the Brent Design Guide SPD1 (2018) and the guidance contained within the National Planning Policy Framework.*
 4. *The proposed development, by reason of the insufficient number of family-sized homes (defined as homes with 3 or more bedrooms), would detrimental to the supply of family homes within the borough required to meet an identified need and would therefore be contrary to Policy 3.8 of the London Plan 2016 (Consolidated with alterations since 2011), Policies CP2 & CP21 of the Brent Core Strategy 2010, policy H10 of the emerging London Plan (intend to publish version) and policy BH6 of the emerging Brent Local Plan (Regulation 19 version).*
 5. *In the absence of a legal agreement to control such matters, the development would not secure:*
 - *Contributions towards the provision of Affordable Housing and a review mechanism;*
 - *Sustainability measures;*
 - *Necessary highway works;*
 - *Job and training opportunities for local residents;*
 - *Measures to support the travel plan, inclusive of a car club subsidy; and*
 - *Removal of rights for parking permits for future residents and business users.*
- As a result, the proposal would fail to comply with policies 3.12 and 5.2 of the London Plan (consolidated with alterations since 2011); policies CP1 and CP19 of Brent's Core Strategy (2010); policies DMP1, DMP12 and DMP13 of Brent's Development Management Policies (2016); policies E11, H5, SI1, SI2, T4, T6 and T9 of the emerging London Plan (intend to publish version 2019); policies DMP1, BE1, BH5, BT1 and BT2 of Brent's emerging Local Plan (Reg 19 Version 2019) and the guidance contained within Brent's S106 Planning' Obligations SPD (2013).*
2. This decision was appealed and dismissed (Appeal Ref: APP/T5150/W/21/3272201).

3. The Inspector set out the following at paragraph 81 of the Appeal Decision:

"The proposal would not harm the character or appearance of the area. However, there would be significant harm to the living conditions of the occupiers of 6 Huddleston Road and those of future occupiers of the development. The proposal would also fail to provide an appropriate mix of housing. Taken together, I consider these to be significant limitations of the development proposed, and I give these accumulated matters substantial weight. These shortcomings also result in conflict with Policies DMP1, BH6 and BH13 of the BLP and Policy D6 of the LP, and I have no firm reason to conclude that these policies are out of date for any reason."

4. This application is a revised scheme and includes, but is not limited to some key changes since the appeal scheme:
- 25 homes now proposed, as opposed to 28 in previous scheme.
 - Housing mix changes, notably that 28% (7 units) would be three-bedroom family sized flats. Compared to 6 three-bedroom dwellings in the previous scheme which was equivalent to 21.4% of the scheme.
 - All flats have access to private amenity space in the form of balconies or gardens at ground floor, compared to the previous scheme in which 3 flats (of which one was a family dwelling) has no access to private amenity space.
 - Second floor terrace adjacent to number 6 Huddleston Road has been removed.
 - Height of building adjacent to Huddleston Road reduced in height and depth, a pitched roof to similar to that of adjacent Number 6 Huddleston Road is proposed.
5. The appeal decision is a material consideration in the determination of this planning application. Consideration has been given to the outcome of the appeal, and it is referred to within the relevant sections of this report.

Policy and Guidance

6. The previous decision (ref: 18/4904) was issued by the Local Planning Authority pre-dates the adoption of the now adopted Brent Local Plan, though appropriate weight was afforded to the draft Local Plan given the stage of regulation at the time. However, the Appeal Decision was issued after the adoption of the current Brent Local Plan (2019-2041).
7. The following guidance documents have been since been adopted:
- Sustainable Environment and Development SPD
 - Residential Amenity Space and Place Quality SPD
8. These are material consideration in the assessment of this development proposal.

Principle of Development

9. The application site is comprised of a former Police Station with a service and training yard and ancillary buildings, in addition there is a pair of 1960s semi-detached two-storey dwellings, historically used for accommodating police staff.
10. This application seeks to demolish the existing residential buildings and outbuildings on the site and replace them with a "L" shaped building of up to 4 storey building comprising 25 residential units located on both the High Road and Huddleston Road frontages. The proposal also seeks to retain and upgrade the original police station building with 148 sqm (GIA) of the original police station building converted into a flexible commercial space (Use Class E).

Site Allocation

11. The site is covered by site allocation BSESA23: Former Willesden Green Police Station, with an allocated use as mixed-use employment and residential and an indicative capacity of 20 homes. The site allocation comments note, 'The police station building contributes positively to the character of Willesden Green

Conservation Area and the setting of the adjoining listed buildings. Any proposals for the police station building should include its retention and reuse as well its curtilage walls and structures'.

Principle of Residential Intensification

12. Policy BH1 sets out the need for the Council to maximise the opportunities to provide additional homes in the period to 2041, with a minimum 23,250 homes in the period 2019/20-2028-29 and a minimum of 46,018 homes in the period 2019-20-2040/41. The policy identifies Growth Area, site allocations and appropriate windfall sites to support the delivery of the additional homes.
13. Policy BH2 sets out priority areas for additional housing provision within Brent. In addition to Growth Area and Site Allocation, policy BH2 identifies town centres, edge of town centres, areas with higher levels of public transport accessibility levels and intensification corridors as priority location where the provision of additional homes would be supported.
14. London Plan Policy D3: Optimising site capacity through the design-led approach requires all developments to make the best use of land by optimising the capacity of sites. Furthermore, London Plan Policy H2 Small Sites highlights how smaller sites below 0.25 ha in size can add towards significantly increasing the contribution of these sites to meeting London's housing needs through increased intensity of use. It can also contribute towards diversifying the type and mix of housing supply.
15. In line with Policy H2, Brent Local Plan Policy BH4 Small sites and small housing development in Brent supports delivery of self-contained dwellings on small sites through more intensive and efficient use of sites in priority areas. This includes sites with good public transport of 3-6 rating, intensification corridors or a town centre boundary. The site is within the Willesden Green Town Centre and has a good PTAL rating (PTAL 4) and therefore falls within a priority area for intensification. Local Plan Policy BP6: South East (h) states that redevelopment of identified sites in Willesden Green Town Centre will be supported where development is of a high design quality and makes a positive contribution to the character of the conservation area.
16. As with the previous application/appeal scheme, the principle of residential development is supported and accord with the site allocation.

Change of Use of Former Police Station/ Loss of Social Infrastructure

17. The scheme seeks to retain part of the existing former police station to include alterations and refurbishment. Approximately 148 sqm (GIA) of the original police station building converted into a flexible commercial space (Use Class E). An open class E consent is sought for the proposed commercial floorspace owing to the flexibility this would offer in securing occupiers. These uses would be complementary to the town centre location and surrounding residential context.

18. London Plan Policy S1 related to developing London's social infrastructure. Paragraph f states that:

Development proposals that would result in a loss of social infrastructure in an area of defined need as identified in the borough's social infrastructure needs assessment required under Part A should only be permitted where:

- 1) there are realistic proposals for re-provision that continue to serve the needs of the neighbourhood and wider community, or;*
- 2) the loss is part of a wider public service transformation plan which requires investment in modern, fit for purpose infrastructure and facilities to meet future population needs or to sustain and improve services.*

19. Policy S1 paragraph g states:

Redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless this loss is part of a wider public service transformation plan (see Part F2).

20. Paragraph 5.17 of the London Plan states:

'It is recognised that there will be cases where social infrastructure providers are undertaking an agreed programme of social infrastructure re-provision or service reconfiguration, such as has been seen within healthcare. Where social infrastructure premises are deemed redundant as part of this process, such losses

may be acceptable in line with Parts D and F of Policy S1 Developing London's social infrastructure and Policy S2 Health and social care facilities and any related information or guidance to achieve the overall aims of the programme and to continue to meet the needs of Londoners.'

21. Policy BS11 of the Brent Local Plan relates to social infrastructure & community Facilities. It asserts that existing social infrastructure and community facilities will be protected and retained unless it can be demonstrated:
 - a) *The existing facility is not required in its current use and there is no demand for any other suitable community use on the site; and*
 - b) *The loss of social infrastructure would not result in a shortfall in provision of that use;*
 - c) *A replacement facility that would better meet the needs of existing users is provided; or*
 - d) *Redevelopment is part of an agreed programme of social infrastructure re-provision to ensure continued delivery of social infrastructure and related services, as evidenced through a service delivery/estates strategy*
22. It further states that in reference to criteria a and b, where there is no longer a community need for the facility's current use, the potential of re-using or redeveloping the existing site for an alternative social infrastructure use, particularly educational, religious, sports and leisure facilities or specialist housing, must be considered before other uses are pursued.
23. The former police station if a form of redundant social infrastructure, it is understood that the funds from sale of the police station are to be used for a wider programme of public service transformation. As a result, the loss of this former police station would be considered consistent with London Plan Policy S1 Paragraph F) 2) and G) and supporting London Plan paragraph 5.17. Furthermore, it is considered that the proposal generally accords with Policy BS11 criteria b and d, noting that whilst no delivery/estates strategy has been evidenced that the sale of the police station is part of the Metropolitan Police Service's wider transformation programme.
24. However, no information has been provided to demonstrate that there is demand for another suitable community use on the site in accordance with Policy BS11 criteria a. Nevertheless it is noted that the site allocation does not make reference to the need to provide an alternative community use, and re-providing an element of community use would likely result in an impact to the scheme viability and could result in a reduction in the affordable homes. This was also not raised as an issue within the earlier appeal decision where regard was had to policies within the current adopted plan.
25. As noted, the site allocation (BSA23: Former Willesden Green Police Station) makes reference to the site being appropriate for a mixed use employment and residential scheme. An open class E is sought for the proposed commercial floorspace owing to the flexibility this would offer in securing occupiers. These uses would be complementary to the town centre location and surrounding residential context, although some of the uses within Class E (Commercial Uses) are not considered 'Employment Uses' in line with the site allocation, the flexible use class is considered to be appropriate in order to help support the vitality and viability of the Town Centre in this location.
26. The absence of a dedicated employment use is acknowledged to depart from what is sought within the site allocation. However, when considering the aspirations of the site allocation, the proposal must also be considered in the round. To restrict the use to only an employment use could impact on the viability of the site. The delivery of an open E Use Class (which could result in an employment generating use such as E (g) coming forward) would be complementary in this Town Centre location and established use of the neighbouring sites. Furthermore, the flexible use class is considered to be appropriate in order to help support the vitality and viability of the Town Centre in this location.
27. On balance, the delivery of 25 new homes towards Brent's housing targets, of which 28% would be family sized which would contribute to an identified need in the borough, along with the delivery of an appropriate commercial town centre use (which has the potential to be employment generating) in a sustainable location is considered to outweigh the absence of securing an employment use as outlined in the site allocation or an alternative community use.
28. The principle of development is therefore considered acceptable, subject to other planning matters

discussed within this report.

Housing Mix

29. Brent Local Plan Policy BH6 Housing size mix sets a target of 25% of new homes as family sized units of 3 bedrooms or more. For every four dwellings included within developments, at least one must be 3 bedrooms or more.

30. A total of 25 flats are now proposed in the following housing mix:

| Size | Number | Percentage of scheme |
|-----------------|--------|----------------------|
| Studio | 1 | 4% |
| One bed flats | 9 | 36% |
| Two bed flats | 8 | 32% |
| Three bed flats | 7 | 28% |

31. The proposal would provide 7 no. three bedroom units, representing 28%, which would be a policy compliant scheme in regard to the provision of family homes as 1 in 4 homes are family sized.

Affordable Housing

32. London Plan affordable housing policy (Policies H4, H5 and H6) sets out the Mayor's commitment to delivering 'genuinely affordable' housing and requires the following split of affordable housing provision to be applied to development proposals: a minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent); a minimum of 30% intermediate products; 40% to be determined by the borough based on identified need.

33. Brent's Local Plan policy (BH5) echoes while supporting the Mayor of London's Threshold Approach to applications (Policy H5), with schemes not viability tested at application stage if they deliver at least 35% (or 50% on public sector land / industrial land) and propose a policy-compliant tenure split.

34. Policy BH5 sets a target of 70% of those affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split marries up with the 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, bringing Brent's target split across adopted policies as 70% for low cost rented homes (social rent or London Affordable Rent) and 30% for intermediate products.

35. The development was supported by a Financial Viability Assessment (FVA) which was independently reviewed by the Council's independent advisor. Contrary to the initially submitted FVA, (which suggested that the scheme could not support any affordable housing as scheme with 100% market housing generates a deficit of c. £0.33m). The Council's independent advisor reported that there would be a surplus of c. £1.66m when benchmarked against a site value of c. £1.82m. They advised that the surplus if converted into on site affordable housing could support 7 affordable homes within the development.

36. The applicant subsequently submitted an email dated 7 November 2024 in addition to a letter dated 18 November 2024 prepared by Res Property Surveyors. This further evidence was reviewed, and the independent assessor valued the site at £1.35m equating to a capital value per sq/ft of £240. They advised that the adopted value reflects that extensive work will be required to the existing site. Including the value of c. £1.07m for the existing homes they have adopted a revised site value of £2.40m.

37. In summary, the independent review of the additional evidence/information submitted resulted in a revised proposed scheme appraisal with 5 affordable housing units is viable. Consequently, they advised a scheme could support 5 affordable housing units.

38. A developer's profit of return of 17.5% on value for the market housing units and 15% on value for the commercial unit was set out in the FVA and agreed by the assessor.

39. Units 6, 7 and 13 were modelled as London Affordable Rented units whilst units 1 and 25 were modelled

as shared ownership units. The appraisal results are summarised below:

| Proposed Scheme Residual Land Value | Benchmark Site Value | Surplus |
|--|-----------------------------|----------------|
| c. £2.44m | £2.40m | c. £0.04m |

40. In summary, the independent assessors concluded that the scheme may be able to provide 5 affordable units; 3 x LAR & 2 x shared ownership. However, it is considered highly unlikely that a Registered Provider would take on such a small affordable housing package with 2 separate tenures inclusive of shared ownership. It is sometimes more preferable to registered providers to have a single tenure and given that Brent is in much need of social rented housing the independent assessors were asked to test the following 4 units at social rent:

| Unit | Location (all accessed via southwest core) | Size |
|-------------|---|-------------|
| 00_06 | Ground Floor | 2B4P |
| 00_07 | Ground Floor | 3B5P |
| 01_06 | First Floor | 2B4P |
| 01_07 | First Floor | 2B4P |

41. It is acknowledged that some registered providers are reluctant to acquire smaller affordable housing schemes from developers. In recognising this on a site of this scale, with 4 homes to be delivered as social rent, it is considered reasonable to include a cascade mechanism within the legal agreement. The affordable housing section of the Legal Agreement would follow a hierarchy, in which on site provision would be the priority, yet it would include a clause which would enable an off-site financial contribution of £1,108,171 subject to indexation (which represents the difference in RLVs between a wholly private scheme and delivering the 4 x social rent on-site) in the event that the developer is unable to secure the acquisition of the affordable homes by a registered provider.
42. This would require robust evidence from the applicant over a six month period to demonstrate early engagement with sufficient registered providers, both in terms of number and type, this would be robustly scrutinised by the Council and would only be considered acceptable if evidence is sufficient.

Summary

43. The proposed development would not comply with Policy BH5 in terms of the tenure split (30% Intermediate and 70% Low Cost Rent) as the scheme would secure only social rented homes, however this is considered acceptable in this instance when considering the scale of the development and the acute need for social rent units.
44. The proposed development would provide 18.3% affordable housing by habitable room and 16% by unit or an off-site financial contribution of £1,108,171 subject to indexation (which represents the difference in RLVs between a wholly private scheme and delivering the 4 x social rent on-site) in the event that the developer is unable to secure the acquisition of the affordable homes by a registered provider.
45. It is considered that the development would provide the maximum provision of affordable housing either on site or via an off-site financial contribution and as a result the proposed development would comply with London Plan H5 and in part Brent Local Plan Policy BH5 in terms of the maximum reasonable provision. It would also be subject to both early and late stage review mechanisms to capture any uplift in affordable homes should viability improve.

Design, scale and appearance considerations

Policy background

46. 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.
47. Policy DMP1 sets out the need for development proposals to be among other criteria, of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality.
48. Policy BD1 highlights the need for all new development must be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects and complements historic character but is also fit for the future.
49. 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.
50. While the previous scheme was refused partly due to the virtue of its design, layout, scale and massing and the resultant effect of the proposal on the character and appearance of the area, the Inspector's appeal decision APP/T5150/W/21/3272201 concluded that the proposal would be a sympathetic addition that would preserve local distinctiveness and would not result in unacceptable harm to the character or appearance of the area.
51. The Appeal Decision is given weight as a material consideration in the assessment of the proposed development.
52. Some key changes include, but are not limited to:
 - All flats have access to private amenity space in the form of balconies or gardens at ground floor, compared to the previous scheme in which 3 flats (of which one was a family dwelling) has no access to private amenity space.
 - Second floor terrace adjacent to number 6 Huddlestone Road has been removed.
 - Height and design of building adjacent to Huddlestone Road reduced in height and depth, a pitched roof to similar to that of adjacent Number 6 Huddlestone Road is proposed.
 - Addition of 3 dormer windows within north facing roofscape
 - Decorative interlinking balustrades to balconies as opposed to brick balustrades that were previously proposed.

Site and surrounding context

53. The former Willesden Green Police Station is considered to make a positive contribution to the heart of the Willesden Green Conservation Area, a designated heritage asset. The Conservation Area Character Appraisal describes it as a 'significant building'. It is considered a non-designated heritage asset.
54. The site is located at the junction of Huddlestone Road with High Road in Willesden Town Centre. Close to the junction and fronting High Road, the site includes the former Willesden Police Station building which is dated by the appellant to 1896. There are later additions to the side and rear of the building, and the site also includes a pair of semi-detached dwellings which were built as police accommodation, outbuildings, and a rear yard with a gated access from Huddlestone Road.
55. The site is within the Willesden Green Conservation Area which has a largely linear form focussed around High Road and Walm Lane. The Willesden Green Conservation Area Appraisal which notes that the conservation area is generally characterised by late-Victorian architecture, with buildings predominantly comprising parades of ground floor units in mixed-uses with residential and office accommodation above. Although most are three-storeys, overall heights vary, and there are also a number of four-storey buildings present, including marking corners.
56. Institutional buildings including those on the appeal site, the Willesden Green Baptist Church to the opposite side of Huddlestone Road, the Willesden Green Library, and a distinctive cluster of listed

buildings at St Andrew's Church, School and Vicarage add some further diversity to the overall layout, form and scale of buildings along the High Road. This variety contrasts with the remainder of Huddlestone Road which is outside the boundary of the conservation area and is generally characterised by two-storey terraced properties of similar appearance arranged on consistent building lines, contributing a strong sense of uniformity to much of the street scene.

Layout

57. One of the main issues cited within the appeal decision was the effect of the proposal on the character and appearance of the area. The layout of the site remains largely unchanged compared to the appeal scheme. The development would include the part-demolition of the police station building, and the demolition of the associated outbuildings and dwellings. The retained part of the police station building would be converted to provide flexible commercial space, while a broadly 'L-shaped' building with frontages along High Road and Huddlestone Road would be positioned to the rear of the retained building as it fronts High Road and would accommodate 25 dwellings.
58. There would be two entrances to the residential component, both address the High Road. The ground floor frontages include front garden areas and communal courtyard is located to the northwest of the site.
59. The footprint of building would broadly reflect the front building line along Huddlestone Road and would be on a similar alignment to the police station. The building itself would not project beyond the bay features of Huddleston Road, yet the balconies on upper floor would.
60. While it would be on a different alignment to adjacent development at 100 High Road, the upper part of the High Road façade would include angled sections of comparable orientation, providing for a sympathetic reference and visual connection to the development to the west. The Inspector found that the transition would not be discordant or visually jarring.
61. The proposed residential building would span nearly the full width of the site along High Road as well as a fairly significant proportion of the depth along Huddlestone Road. It would be of larger footprint, bulk and mass than the existing development on the site and the retained police station.
62. The proposed height, scale and massing remains broadly similar to the appeal scheme.
63. The proposed broadly L-shaped development would largely be four storeys in height with a series of gabled frontages and setbacks in the building fronting High Road and Huddlestone Road.
64. The proposed development would be 4 storeys in height along its High Road frontage, it would largely be four storeys on Huddlestone Road, yet it would reduce in height, bulk and mass adjacent to number 6 Huddlestone Road where it would be two storeys with a pitched gable roof.
65. The proposed height would be the same as the appeal scheme withing paragraph 16 of the Appeal Decision the Inspector noted:

'The Council also conceded at the Hearing that the development would be lower than the main roofs of St Andrew's Church and Willesden Green Baptist Church, and lower still than the spires to these buildings. It would also be lower than Faith Court which sits adjacent to the Baptist Church. While the development would be slightly taller than 100 High Road, the difference would not be large, and it would be a similar height at the eaves. As a result and having regard to the High Road roofline which is not uniform and which includes other four-storey development, including on corners, I do not find that the height of the building in this street scene would be striking. Irrespective of the overall scale of the development, I further consider that the lower height of the building in combination with its set back from the High Road frontage and relative to adjacent buildings would ensure that it would be appropriately subservient to both the Baptist Church and St Andrew's Church, maintaining their prominence in the street scene.'

66. At Paragraph 17 of the Appeal Decision, the Inspector noted:

'The set back of the building from High Road would also provide for areas of landscaping to the front of the building, including around retained trees, which in my judgement would offer a suitable setting to balance the scale of the building. The varied roofscape and the use of stepped and angled façades would additionally help to break up the building's physical bulk and mass, while the arrangement of balconies and fenestration would provide for further visual relief and texture that would lessen the impression of scale and the visual

impact of the development. In my view, the resulting size of the development would not appear out of keeping with the mixed development along High Road, and I am satisfied that the overall coverage of the site would not be excessive or at odds with its surroundings.'

67. At Paragraph 18m the Inspector noted:

'I acknowledge that there would be more of a distinction in the scale of the development against two-storey dwellings on Huddlestone Road. However, the height of the building would step down to two-storeys adjacent to the closest dwelling at 6 Huddlestone Road providing for a sense of transition to these neighbours. Moreover, the development would be seen in the context of the contrast that already exists between larger buildings on High Road and residential development on streets that branch from it, and would be similar to the opposite side of Huddlestone Road where the Baptist Church is also of notably greater height and scale than neighbouring dwellings. Given these factors, I do not find that the scale of the development would be inappropriate or unduly conspicuous when seen from Huddlestone Road.'

68. The bulk, mass and design of this east side of the development adjacent to number 6 Huddlestone Road has been changed since the appeal scheme. The appeal scheme was four storeys in height adjacent to number 6 and followed the design of the rest of the scheme in that it included a gable ended roof with a front pitched gable.

69. This proposed roof style, and height (approximately 15cm taller than ridge height at number 6 Huddlestone Road) is similar to that of adjacent number 6 Huddlestone Road, it is considered to sympathetically bridge the gap in terms of bulk, mass and design between the adjacent terrace and the rest of the proposed scheme to the south. The ridge height of the proposed two storey element would broadly meet the height of the eaves of the adjacent 4 storey proposed element.

70. Given that the proposed bulk, mass and design is largely similar that the amendment to the northeast side of the site is considered sympathetic to the terrace at Huddlestone Road it is considered the proposal would be a sympathetic addition that would preserve local distinctiveness, and the proposal would not unacceptably harm the character and appearance of the streetscene.

Architecture and materiality

71. The design three repeating forms with pitched roofs and brick texturing to articulate the façade and create depth.

72. The upper part of the High Road façade would include angled sections of comparable orientation, providing for a sympathetic reference and visual connection to the development to the west. The Inspector found that the transition would not be discordant or visually jarring.

73. The development incorporates arched and rectangular openings along with brick and stone detailing. The principal material would be red brick. The detailing and principle of materials used would relate sufficiently to the established palette of materials within the area. A condition would be recommended for the submission and approval of materials.

Heritage considerations

Policy background

74. Section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990 (as amended) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Furthermore, paragraph 202 of the NPPF recognises that heritage assets are an irreplaceable resource and seeks to conserve them in a manner appropriate significance. It is appropriate to consider the desirability of new development making a positive contribution to the local character and distinctiveness. This is reflected in Local Plan Policy BHC1.

75. The first step is for the decision-maker to consider each of the designated heritage assets, which would be affected by the proposed development in turn and assess whether the proposed development would result in any harm to the significance of such an asset.

76. The assessment of the nature and extent of harm to a designated heritage asset is a matter for the planning judgement of the decision-maker, looking at the facts of a particular case and taking into

account the importance of the asset in question. Proposals that are in themselves minor could conceivably cause substantial harm, depending on the specific context, or when viewed against the cumulative backdrop of earlier changes affecting the asset or its setting. Even minimal harm to the value of a designated heritage asset should be placed within the category of less than substantial harm.

77. The NPPF (paragraph 213) states that any harm to, or loss of, the significance of a designated heritage asset requires "clear and convincing justification". The NPPF expands on this by providing (paragraph 214) that planning permission should be refused where substantial harm or total loss of a designated heritage asset would occur, unless this is necessary to achieve substantial public benefits that outweigh that harm or loss, or unless all the four tests set out in paragraph 214 are satisfied in a case where the nature of the asset prevents all reasonable uses of the site. Where less than substantial harm arises, paragraph 215 of the NPPF directs the decision-maker to weigh this against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
78. In terms of what constitutes a public benefit, this can be anything that delivers economic, social or environmental objectives, which are the three overarching objectives of the planning system according to the NPPF. The Planning Practice Guidance advises that "public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit". The degree of weight to attach to any particular public benefit is a matter for the decision-maker, having regard to factors such as the nature and extent of the benefit and the likelihood of the benefit being enjoyed. Different benefits may attract different amounts of weight.
79. The decision-maker is directed therefore by the NPPF to balance any harm to the significance of a designated heritage asset against the public benefits that flow from the proposal by considering in the case of less than substantial harm whether this harm is outweighed by the public benefits of the proposal, or in the case of substantial harm whether the tests in paragraph 214 of the NPPF are met. Importantly, these balancing exercises are not simple unweighted exercises in which the decision-maker is free to give the harm whatever degree of weight they wish.
80. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision-maker to have "special regard" to the desirability of preserving a listed building or its setting. In *Barnwell Manor* the Court of Appeal identified that the decision-maker needed to give "considerable importance and weight" to any finding of likely harm to a listed building or its setting in order properly to perform the section 66 duty. In the case of conservation areas, the parallel duty under section 72 of the same Act is to pay "special attention" to the desirability of preserving or enhancing the character or appearance of the conservation area. The courts have held that 'preserving' in this context means 'doing no harm'.
81. The NPPF at paragraph 212 provides that "great weight" should be given to the "conservation" of a designated heritage asset, and that "the more important the asset, the greater the weight should be". The High Court in *Field Forge* explained that "it does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognise, as the Court of Appeal emphasised in *Barnwell*, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering".
82. In *Bramshill*, the Court of Appeal (endorsing the Court's earlier decision in *Palmer*) observed that "the imperative of giving "considerable weight" to harm to the setting of a listed building does not mean that the weight to be given to the desirability of preserving it or its setting is "uniform". That would depend on the "extent of the assessed harm and the heritage value of the asset in question". These are questions for the decision-maker, heeding the basic principles in the case law."
83. It is important also to note that as the Court of Appeal stated in *Bramshill* (which concerned a listed building) "one must not forget that the balancing exercise under the policies in [...] the NPPF is not the whole decision-making process on an application for planning permission, only part of it. The whole process must be carried out within the parameters set by the statutory scheme, including those under

section 38(6) of the Planning and Compulsory Purchase Act 2004 [...] and section 70(2) of the 1990 Act, as well as the duty under section 66(1) of the Listed Buildings Act. In that broader balancing exercise, every element of harm and benefit must be given due weight by the decision-maker as material considerations, and the decision made in accordance with the development plan unless material considerations indicate otherwise...".

84. Where the significance of more than one designated heritage asset would be harmed by the proposed development, the decision-maker needs to account for the individual harms and to consider the level of harm arising when the assets are considered cumulatively.
85. As regards non-designated heritage assets, these are buildings, monuments, sites, places, areas, or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. For the most part, non-designated heritage assets will have been included on the Council's Local List, but it is not necessary for an asset to be included on the Local List in order for it to be treated as a non-designated heritage asset.
86. If there is harm to the significance of a non-designated heritage asset, paragraph 216 of the NPPF requires the decision-maker to arrive at a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset.
87. What follows is an officer assessment of the extent of harm which would result from the proposed development to any designated and non-designated heritage assets that have been identified as potentially affected by the proposed development.

Assessment of Significance of Heritage Assets

St Andrew Church - Grade II listing*

88. 1885, by James Brooks. Cruciform plan, brick, stone dressings. Four bay nave with triforium, clerestory and small aisles, transepts and lower 3 bay chancel. Small bell turret with flèche at crossing. An elaborate and spacious design with good contemporary fittings and glass.

St Andrews Vicarage – Grade II listing

89. 1889 by James Brooks. Three storeys, 4 irregular bays wide; red brick ground floor, tile-hung above. First floor oriel window to left hand bay. A picturesque example of Brook's late work with central entrance porch; 3 main gables to front elevation.

St Andrews Vicarage – Grade II listing

90. 1889 by James Brooks. Three storeys, 4 irregular bays wide; red brick ground floor, tile-hung above. First floor oriel window to left hand bay. A picturesque example of Brook's late work with central entrance porch; 3 main gables to front elevation.

Islamic College - Grade II listing

91. Circa 1890 by James Brooks. Long range of church school buildings of picturesque appearance. Two buildings, total of 20 bays to street; mostly single storey, end 2 bays raised to 2 storeys. Raised entrance arch and gable emphasized in roof by tall bell-cote. Red brick facing throughout; timber mullioned and transomed windows of Gothic style.
92. Within the appeal decision for the refused application, the Inspector considered the impact of the proposal upon the designated heritage assets. The Inspector concluded that whilst the appeal site was within the setting of nearby listed buildings at St Andrew's Church, Vicarage and School, that the proposal would not adversely affect the ability of the public to experience or interpret their heritage significance on any of the approaches, and that they were satisfied that the development would not compete with or dominate the listed buildings so as to detract from their importance. The Inspector concluded that they found no harm in this regard in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Willesden Green Conservation Area

93. The Willesden Green Conservation Area was originally designated in January 1993 and takes the form of a Victorian commercial centre with buildings of note by several well-known architects: James Brooks, Newman and Newman and Gabriel contributed St Andrew's Church, the library and the bank premises respectively. Sexton's Spotted Dog (1881) and Clark's faience-tiled Met. Station of 1924 are worthy of note.
94. Within the appeal decision for the refused application, Inspector also paid special attention to the desirability of preserving or enhancing the character or appearance of the Willesden Green CA in accordance with section 72(1) of the LBCA Act. The Inspector noted that the significance of the Willesden Green CA is informed in large part by the quality of the buildings, including listed buildings which act as landmark buildings within the area, and the pattern and relationships between these as part of a Victorian commercial centre of distinctive character and appearance. The Inspector concluded that the proposal would not harmfully erode these qualities or the contribution that the site makes to the significance of the CA. Nor would it undermine the character or features which contribute to the CA's significance including the existing police station as a non-designated heritage asset.
95. The current scheme is of a similar design, sitting and scale to the appeal scheme and therefore it is considered that the current scheme would not cause harm to the setting of nearby listed buildings. Furthermore it is considered that the design and scale of the new gabled building facing the High Road would preserve this part of the conservation area and streetscene through its use of quality and contextual materials. It is therefore considered that there would be no harm to the character or appearance of the Willesden Green CA.
96. Both Brent's Heritage Officer and Historic England did not identify harm in relation to the proposal upon the setting of nearby listed buildings or in relation to the character and appearance of the Willesden Green CA.

The application site Willesden Police station (non-designated heritage asset)

97. The main police building is considered to have some historic merit the original development originating from the late Victorian era, the building has some latter additions, a non-original ground floor addition to the side is to be removed. The buildings are not locally listed, nonetheless they are considered to be non-designated heritage assets, and have some heritage and architectural value as does the historic use of the site. The significance of the non-designated heritage asset is limited and the siting of the new development, which retains the original police station as a key feature of the site.
98. The Police Station, rear yard and ancillary buildings was developed in the latter part of the Victorian era. The main police building retains a visually pleasing aesthetic however the rear yard area, associated dwellings and outbuildings are of limited heritage or architectural interest and their loss is not considered to be significant, especially when replaced with a scheme of good quality design. The retention of the police building retains the historical connection of the site for future generations to appreciate.
99. Within the appeal decision, the Inspector highlighted that the heritage significance of the structures that would be demolished as part of the refused application would result in only negligible harm to the significance of the non-designated heritage asset. In their judgement, this harm would be considerably outweighed by the benefits of the proposal including most notably the delivery of housing.
100. As per the earlier scheme, the significant part of the former Police Station restored and retained. This includes key features such as, windows, chimneys. Details of the new front door and railings would be conditioned. The plans are not labelled for materials to be used or repairs and a materials schedule for works to the building would therefore be conditioned. The former drill yard and some of the ancillary buildings would be demolished and the gabled end section of the former Police Station would be lost, however Brent's Heritage Officer accepted that this is of less significance than the main building. The post-war housing facing the High Road as these properties do not contribute towards the conservation area and as a result Brent's Heritage Officer raised no objection to their demolition.
101. Brent's Heritage Officer stated that they supported the design and scale of the new gabled building facing the High Road. Noting it is of an interesting design and will preserve this part of the conservation area and streetscene. It uses quality and contextual materials. They raised no concern with the bulk and scale of the new build to Huddleston Road.
102. Brent's Heritage Officer stated that the scheme did not dominant the former Police Station and with clarifications that the proposed would preserve the Willesden Conservation Area. Historic England have

also been consulted. They have advised that the ancillary ranges are elements that make a positive contribution to the conservation area's character, and in line with this policy test, their demolition would cause harm. Historic England consider the harm to be at the low end of 'less than substantial'.

103. As per the previous refused scheme, the new development would improve the appearance when viewed from the frontage facing the High Road, with the removal of the two houses and replacement with an appropriately proportioned building that has a better quality design. The other elements of the new building would tie in well with the High Road frontage and set down well to the neighbouring. When considering the impact of the proposed development overall, there would be very limited harm to the non-designated heritage asset due to the design quality of the proposal and removal of the low quality buildings. The benefits of the scheme including the delivery of 25 homes, 4 of which are affordable homes together with a policy compliant number of family sized homes are considered to be significant benefits that outweigh the limited harm identified above.

Standard of Accommodation

104. Policy D6 (Housing quality and standards) and Table 3.1 of the London Plan reflect the adoption of nationally prescribed minimum space standards. Local Plan Policies DMP1 and BH13 confirm that dwellings need to meet the private internal space standards set out in London Plan Policy D6. The proposal should also comply with the guidance contained within Brent Design Guide SPD1.

105. All homes would meet the minimum space standards and provide adequate room sizes, storage space, and access to private balconies/external space that comply with minimum standards. With respect to floor to ceiling heights, the residential minimum standard is 2.5m for at least 75% of the GIA and section drawings provided confirm that the floor to ceiling heights would satisfy this requirement.

106. Adopted policies and guidance seek to maximise dual aspect dwellings within a development, although recognising that single aspect dwellings may need to be provided when it is considered a more appropriate design response when trying to meet with the requirements for optimising site capacity (London Plan Policy D3) providing that adequate passive ventilation, daylight, privacy, and overheating avoidance can be demonstrated.

107. Of the 25 no. dwellings, 14 no. would be dual aspect (44%). No single aspect units would be north facing and just one of the single aspect flats would be south facing.

108. Whilst no overheating assessment has been submitted, the high level of dual aspect flats and layout would allow an element of cross ventilation and only one single aspect flats would be south facing. Overheating also needs to be considered in at the Building Regulations stage for new dwellings, which is sufficient to address the matter in this case.

Accessible Homes

109. London Plan policy D7 requires proposals to provide suitable housing and choice to cater for London's diverse population. In line with policy, 90% of the dwellings (22 of 25) will be designed to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings', and 10% of the dwellings (3 of 25) will be designed to meet Building Regulation requirement M4(3) 'wheelchair user dwellings'.

110. The submitted plans indicate that Units 00_01 and 00_07 on the ground floor and Unit 01_02 on the first floor would be designed to M4(3) standards. Such details are recommended to be conditioned.

Privacy and Outlook

111. Policy DMP1 of the Local Plan states that *"For those in the development and neighbours it is important that the development creates a high-quality environment, addressing issues like spaces between buildings, privacy, outlook..."*.

112. The proposed development would not be directly and harmfully overlooked by the existing built form. It is noted that the first-floor office to the rear of number 100 High Road has south facing windows, yet these are not located directly opposite the site, they are located approximately 9m from the nearest proposed habitable room window (relationship to balconies is discussed in the external amenity section of this report). As such the oblique angles, distance and use is not considered to result in adverse issues of overlooking to the proposed development. Each home would also benefit from good levels of outlook.

Defensible space to ground floor flats:

113. SPD 1 asserts that privacy should be balanced with active frontage and overlooking of public spaces. Too small privacy strips or too small overlooking distances cause people to leave the blinds closed, reducing animated facades and active frontage as well as views from within the home. Front gardens of 2-4m depth can provide the right balance.
114. The ground floor residential units front both High Street and Huddlestone Road, the front gardens fronting Huddlestone Road include amenity spaces and boundary planting, the boundary treatment is a low brick wall with hit and miss railings above, with total height of approximately 1.16m, the distance between the windows and the pavement would be between the suggested 2-4m prescribed in SPD 1 guidance.
115. The front gardens of those properties addressing the High Road would have a similar boundary treatment with planting to the front gardens and the front gardens associated with Units 00_05 and 00_06 provide generous defensible space in excess of 6m with planting to the front boundary. It is acknowledged that Unit 00_07 would have triangular shaped front garden which is the narrow portion would not meet the 2-4m distance prescribed in SPD 1, with two windows serving a bedroom being within approximately 0.8m -1.8m of the front boundary. The other bedroom within this unit would have windows placed approximately 2.5 and 3.8m respectively from the front boundary and would include planting to the boundary. Whilst two bedrooms in Unit 00_07 would be set closer to the boundary with the pavement than the guidance, it is acknowledged that the property would benefit from more private spaces to the rear where the rear garden would provide good levels of privacy to the windows that serve the living/kitchen/dining room and bedroom within the same unit.
116. Overall, it is considered that the proposed defensible space and planting is considered to strike the right balance between privacy and activated frontages in this urban context and the proposed living conditions of each flat are considered to be good.

Daylight/Sunlight Proposed

117. The application has been accompanied by an 'Daylight and Sunlight Report' (February 2025) and it states this assessment has been undertaken in accordance with the current updated BRE guidance (2022), and also references the British Standard BS EN17037: 2018 'Daylight in buildings'. The assessment looks at the quality of internal amenity within the proposed development.
118. Two methodologies are applicable for assessing internal daylight amenity to new residential properties, these are known as 'Daylight Illuminance or 'Daylight Factor'. In this case Daylight Illuminance and the daylight factor have been tested.

Daylight Illuminance

119. The illuminance method involves using climatic data for the location of the site is based on a weather file for a typical or average year, to calculate the illuminance at points within a room on at least hourly intervals across a year. The illuminance is calculated across an assessment grid sat at the reference plane (usually desk height). The guidance refers to target illuminance levels that are expected to be achieved.
120. The results of the Daylight Illuminance assessment indicate that 65 (90%) of the 72 habitable rooms meet or exceed the BRE targets for daylight. There are four LKDs, two bedrooms and one studio that fall below the BRE targets.
121. Paragraph 7.4.4 states that; *'Of the four rooms LKD's that fall below the targets, two would deviate only very marginally from the 50% illuminance target receiving 44% and 49%.*

The two remaining LKD's are located on first floor (R6 and R21) and the windows are obstructed by balconies above. Balconies are a design requirement to provide each unit with sufficient private amenity space, there is therefore a direct trade-off between balconies and the lower potential for daylight to a very small number of rooms.'

122. Paragraph 7.4.5 states that; *'Of the two bedrooms that fall below the targets, one would deviate only very marginally from the 50% illuminance target receiving 46%. The other bedroom would be on ground floor (R15) with a result of 18% illuminance and 45 median lux (target lux 100). The room*

would be obstructed by balconies above and therefore has a lower potential for daylight.'

123. Paragraph 7.4.6 states that; *'The one studio that falls below the targets is positioned at ground floor level (R5) with a result of 104 lux (target lux 200). Similar to the LKD's and Bedrooms noted above, this room would have a balcony above and therefore has a lower potential for daylight'.*
124. The studio described as R5 above, would comply with minimum space standards and would benefit from an amenity space that exceeds that stated in Policy D6 of the London Plan.

Sunlight

125. In respect of direct sunlight, the 2022 BRE guidance reflects the BS EN 17037 recommendation that a space should receive a minimum of 1.5 hours of direct sunlight on a selected date between 1 February and 21 March with cloudless conditions. It is suggested that 21 March (equinox) be used for the assessment.
126. The BS EN 17037 criterion can be applied to all rooms of a unit, but it is preferable for the target to be achieved within a main living room. Rooms in all orientations may be assessed and the sunlight received by different windows may be added together providing there is no 'double-counting'.
127. The report states that 22 of the proposed 25 units would meet sunlight targets, representing 88% compliance. Paragraph 7.4.9 states that some north-facing flats which have no windows that face within 90 degrees of due south and do not meet sunlight targets.
128. Overall, the proposed development achieves a high overall level of compliance with the internal daylight and sunlight amenity.
129. Where deviations do occur, then typically this is as a result of the building design which includes overhanging balconies, driven by the need to provide essential private outdoor amenity space. Where deviations occur in bedrooms these are considered to be of lower sensitivity, as per the BRE guidance (2022).
130. On balance, the high level of compliance demonstrated in respect of daylight illuminance results indicates daylight levels to the majority of rooms tested will be BRE compliant. Deviations do occur however, as set out above, which is to be expected in a development of this density and scale, in this urban context and given the sites allocation, and such deviations must be weighed against the public benefits in the overall planning balance.

External Amenity Space

131. Policy BH13 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 50sqm for family housing (homes with 3 or more bedrooms) at ground floor level and 20sqm for all other housing.
132. The requirement for external private amenity space established through BH13 is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 or 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.
133. More recently, the Council adopted the Residential Amenity Space & Place Quality SPD. The SPD asserts that where the full area requirement cannot be provided, at least part of each dwelling's required amenity space will be private space and comply with London Plan policy as a minimum.
134. 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.
135. Policy D6 of the London Plan specifies that where there is no higher local standard, a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1sqm should be

provided for each additional occupant. The minimum depth and width of 1.5m is reconfirmed in the policy.

136. The table below provides an analysis of the proposed private amenity space in relation to the London Plan Policy D6 targets as well as Brent's Local Plan policy BH13.

| Unit | Policy D6 (sqm) | Policy BH13 (sqm) | Total Provision (sqm) *Relevant Notes | Shortfall against Policy D6 | Shortfall (sqm) against Policy BH13 |
|---------------------|-----------------|-------------------|---|-----------------------------|-------------------------------------|
| Ground Floor | | | | | |
| 00_01 - 1B2P | 5 | 20 | 11.76 | N/A | - 8.24 |
| 00_02 -1B2P | 5 | 20 | 9.81 | N/A | -10.19 |
| 00_03 - 1B1P | 5 | 20 | 7 | N/A | -13 |
| 00_04 - 2B4P | 7 | 20 | 19.5 | N/A | -0.5 |
| 00_05 - 1B2P | 5 | 20 | 11.5 | N/A | -8.5 |
| 00_06 - 2B4P | 7 | 20 | Rear terrace of 20 Front terrace of 5.5 Total = 25.5. | N/A | N/A |
| 00_07 - 3B5P | 8 | 50 | 50 | N/A | N/A |
| First Floor | | | | | |
| 01_01 - 1B2P | 5 | 20 | 5 | N/A | -15 |
| 01_02 - 1B2P | 5 | 20 | 5.2 | N/A | -14.79 |
| 01_03 - 3B4P | 7 | 20 | 7 | N/A | -13 |
| 01_04 - 3B4P | 7 | 20 | 7 | N/A | -13 |
| 01_05 - 2B3P | 6 | 20 | Rear Balcony (L/K/D), 8sqm , 2m depth. Front Balcony (bedroom) splayed min. depth 1.5m = 6.8sqm Total = 14.8sqm | N/A | -5.2 |
| 01_06 - 2B4P | 7 | 20 | Rear Balcony (L/K/D), 8sqm, 2m depth Front Balcony (bedroom) splayed min. depth 1.5m = 6.8sqm Total = 14.8 | N/A | -5.2 |
| 01_07- 3B5P | 8 | 20 | Rear balcony (L/K/D), 7sqm, 2m depth. Front balcony (bedroom) 6.6sqm splayed min. depth of 1.5m. Total =13.6 | N/A | -6.4 |

| Second & Third Floor | | | | | |
|----------------------|---------------|---------------|---|--------------|----------------|
| 02_01 - 3B4P | 7 | 20 | 7 | N/A | -13 |
| 02_02 - 1B2P | 5 | 20 | 5.7 | N/A | -14.7 |
| 02_03 - 3B4P | 7 | 20 | 7 | N/A | -13.09 |
| 02_04 - 2B3P | 6 | 20 | Rear Balcony L/K/D, 8sqm , 2m depth Front balcony (bedroom) 6.8sqm, splayed min. depth of 1.5m Total = 14.8sqm | N/A | -5.2 |
| 02_05 - 2B4P | 7 | 20 | Rear balcony L/K/D, 8sqm, 2m depth Front balcony (bedroom) 6.8sqm -splayed min. depth of 1.5m. Total = 14.8sqm | N/A | -5.2 |
| 02_06 - 3B5P | 8 | 20 | Rear balcony L/K/D, 7sqm, 2m depth Front balcony (bedroom), 6.6sqm, splayed minimum depth of 1.5m = Total =13.6 | N/A | -6.4 |
| 03_01 -2B4P | 7 | 20 | 7 | N/A | -13 |
| 03_02 - 2B3P | 6 | 20 | 6 sqm – balcony accessed from bedroom. | N/A | -14 |
| 03_03 - 1B2P | 5 | 20 | 6.48 | N/A | -13.52 |
| 03_04 - 1B2P | 5 | 20 | 6.8 | N/A | -13.2 |
| 03_05 - 2B3P | 6 | 20 | 7 | N/A | -13 |
| Total | 156sqm | 530sqm | | -0sqm | -242.44 |

137. The Inspector identified one of the main issues as *‘whether or not living conditions for future occupiers of the development would be acceptable with particular regard to the provision of external amenity space’*.

138. In reference to the provision of private amenity spaces within the appeal scheme Paragraph 60, the Inspector specified that 3 third floor flats (one of which would be a three-bedroom and thus family sized property) would have no private outdoor space at all and six further dwellings (including 2 other three-bedroom properties) would also fail to meet even the lower standards for private outdoor space, which Policy D6 of the LP indicates should be required where there are no higher local standards. The Inspector then noted that occupiers of these dwellings would derive no benefit from private amenity spaces exceeding BLP or LP standards that would be provided for some other dwellings in the development.

139. The revised scheme has been amended (please refer to Table above for details) to ensure that all 25 flats benefit from private external amenity space. They all meet or exceed the London Plan Policy D6 requirements but some fall short on Brent’s private external amenity space standards by a total of 268.54sqm. Nevertheless, as noted above policy BH13 advises that where there is a shortfall in private amenity space then additional space should be provided in the form of communal amenity space.

140. The Inspector noted (paragraph 61) the limitations of the dimensions and triangular shape of

balconies to 6 first and second-floor flats fronting High Road would also result in somewhat awkward spaces, restricting their overall practicality and value to future occupiers. They further acknowledged whilst 4 of those flats would have additional balconies to the rear and that these would be accessed through bedrooms, thereby limiting how they could be used and that this would be contract to the supporting text to BLP Policy BH12 that private amenity spaces should be accessible from a main living room.

141. No triangular balconies are proposed, and all proposed balcony spaces exceed the minimum depth of 1.5m cited within Policy D6. All spaces are considered to be functional and practical to use. Although, some balconies to the site frontage are splayed, they all meet the minimum plan requirements in that they exceed 1.5m in depth. All homes with the exception of units 02_02 and 03_02 have access to balconies from their living/kitchen/dining space and some are supplemented with balconies from the bedroom as additional private external amenity space.
142. Unit 03_02 home is accessed through its bedroom. Unit number 02_02's (1B2B) balcony is accessed via a study. Policy BH13 highlights the need for external amenity space to preferably be accessed via a living space but in both instances the amenity space in question would still be useable, and provide a good quality of accommodation for future occupants.
143. Private amenity spaces are proposed in the form of ground floor terraces to the front and rear of the site as well as north and west facing balconies at the rear and upper floor balconies to the front elevation.
144. The balconies at upper floors are considered to have sufficient outlook and privacy and would not be directly overlooked by any existing built form. I

Communal Amenity Space

145. At Paragraph 54 of the Appeal Decision the Inspector referred to a considerable cumulative shortfall of over 300sqm against the 590sqm total requirement for private amenity space that would be sought under Policy BH13.
146. At Paragraph 58 of the Appeal Decision the Inspector referred to the supporting text to Policy BH13 *'which further recognises that meeting the overall minimum external space requirement might be challenging, and that flexibility could be allowed where it can be shown that all reasonable options for provision have been considered. In such circumstances however, it advises that the quality of any communal space will need to be particularly high, and proposals will need to demonstrate how the level of amenity space provided is considered to be acceptable taking into account factors such as accessibility of dwellings to their own amenity space and its quality, the amount and quality of communal space, proximity to other areas of open space nearby and internal amenity spaces.'*
147. The proposed development results in a cumulative shortfall in private amenity space across the scheme of 242.53sqm against a total requirement for private amenity space that would be sought under Policy BH13. A communal amenity space is proposed to the rear of the site and measures approximately 111.4sqm resulting in an approximate shortfall of 131.13sqm.
148. The calculation of communal amenity space does not include areas to its frontage having regard to the appeal decision. Where the limitation of such space was noted at paragraph 56 and at paragraph 58, the Inspector did not find that these areas would realistically contribute in any meaningful way to meeting the needs of residents of the development for external amenity space. Furthermore, this calculation has had regard to the principles outlined in Brent's Residential Amenity Space SPD, whilst it is acknowledged that the defensible planting improves privacy and has other benefits such as visual amenity and biodiversity benefits, it cannot be practically used by residents.
149. The Inspector acknowledged that the previous proposal also included a courtyard garden to the rear of the building which would offer communal space to residents but found this would still result in a shortfall in external amenity space provision of over 100sqm which they found to be significant.
150. Paragraph 59 the Inspector when referring to the communal garden states that *beyond the fact that it is sheltered from the street and associated noise and vehicle emissions, there is little firm detail before me to demonstrate that the proposed communal amenity space provided would be of particularly high quality.'*

151. Within Paragraph 65 of the Appeal Decision the Inspector stated;

'In my judgement, the extent of the shortfalls in the quantum of private amenity space for individual dwellings taken together with the significant shortfall in external space across the scheme as a whole would harmfully diminish the wellbeing and quality of life of occupiers of the development, and I am not satisfied that the proposal would offer suitably high quality accommodation. I find that there would be particularly significant adverse effects on the occupiers of the three-bedroom dwellings which are more likely to include families with children; and those dwellings that would not meet even the LP Policy D6 minimum requirements.'

152. Although there is still a shortfall in private amenity space when measured against Brent Local Plan BH13 standards, unlike the previous scheme all flats now achieve private amenity that broadly meets the target size and depth outlined in Policy D6 and it is considered that this would improve the quality of accommodation hugely for future occupants, furthermore amendments have been made to the communal amenity space since the appeal scheme. This would provide some further mitigation against the underprovision when measured against Policy BH13.

153. The previous scheme included a communal courtyard to the rear, whilst the provision of a BH13 compliant 50sqm garden has been incorporated into this revised scheme, which has reduced the communal amenity space in comparison to the appeal scheme. It is considered that the quality of this space has been improved.

154. The submitted Daylight and Sunlight Assessment has undertaken assessed the provision of sunlight to the proposed communal and private gardens using the BRE's two-hour sun contour (sunlight amenity) assessment.

155. The BRE guide suggests that the test is undertaken on 21st March as this is when the sun is at its midpoint through the year. The report states that some additional tests were conducted to determine when each garden will meet the 50% target, if not by the 21st March.

156. In regard to the communal garden the results show it would fall short of the BRE target with 28% of the space receiving two-hours of sun on 21st March. The report states that further tests on this space were conducted and established that it would meet the 50% target on the 30th March, noting that this is just 9 days after the 21st March.

157. The proposed communal garden would not meet the BRE Guidance in that it would not receive more than two hours of sunlight on 21st March. BRE guidance suggest that *'1.6 The guide is intended for building designers and their clients, consultants, and planning officials. The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.'*

158. It is acknowledged that the access to sunlight in the communal garden is constrained by their location on the northern side of the site and in line with BRE guidance, flexibility is applied to the numerical targets in this allocated urban site. Furthermore, sunlight is just one facet used to assess the quality of amenity space.

The applicant has had regard to the Residential Amenity Space SPD and provided a summary of key criteria in reference to the SPD within the Design & Access Statement. In reference to the communal garden, they detail the following:

159. Naturalistic planting between private terraces and the central play and relaxing area

- Sheltered seating
- Provision of 'play zones'
- Provision of 'relaxing spaces'
- The Landscape Chapter Document provides details of the Landscape Strategy and Strategy among other details. Trees and other natural planting with varied textures and seasonality throughout the site, is considered to result in high quality amenity spaces whilst also enhancing biodiversity. A mound, boulders and wooden logs are shown as well as planting to provide defensible space, as well as benches.

160. Brent's RASPQ SPD acknowledges that in some locations, in high density developments, such as town centre locations, meeting the overall minimum might be challenging. As such, flexibility could be allowed where it has been shown that all reasonable options for provision have been considered, and that an overall high quality of amenity space is to be provided, which is considered to be the case in respect of the proposed landscape, public realm and amenity space elements.

Playspace provision

161. Play space provision to cater for a range of age groups should be made in accordance with the Mayor's 'Play and Informal Recreation' SPG and Policy S4 of the London Plan, and a benchmark of 10sqm per child should be provided.
162. The total expected child yield for the proposed development is calculated to be 9.35 children. This would result in the need for around 96.3sqm of playspace. It is recommended that a condition is secured to provide informal playspace features within the communal garden as part of the landscape design.

Summary

163. The revised scheme has significantly improved the type and quantum of private amenity space, unlike the appeal scheme, all flats would now benefit from private amenity space that meets or exceeds the size and shape prescribed in London Plan Policy D6. Unlike the previous scheme, all three-bedroom family homes have access to private amenity space, which meets Policy D6 and the ground floor family unit meets the 50sqm prescribed in Policy BH13.
164. Furthermore, as assessed, the proposed communal amenity space, albeit smaller in size compared to the Appeal Scheme, has had regard to the principles set out in the Brent Residential Amenity SPD and is considered to have demonstrated that the proposed design, planting and play strategy results in an improvement upon the previous scheme in terms of quality (improved high quality planting strategy and defensible space, more clearly designed spaces). It is considered that the revised communal garden would be and high-quality space that it likely to use by residents.
165. On balance, while there would be a shortfall in the provision of external space of 131 sqm in total, officers that the quality of the amenity space is good and that the benefits of the proposal, including the provision of new homes including affordable homes and 7 family sized homes, outweighs the limited harm associated with the shortfall.

Impact to Residential Amenity

166. SPD1 advises that development should ensure a good level of privacy inside buildings and within private outdoor space. 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.
167. Reduced distances between new frontages may be acceptable subject to consideration of overlooking and privacy as well as high quality design and solutions which can sometimes mitigate impacts and allow for efficient use of land.
168. The building envelope 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.
169. SPD1 refers to the use of the 2:1 guidance contained in SPD2 (the previous Residential extensions and alterations SPD) in relation to the depth of a rear projection relative to the windows of an adjoining. However, new guidance document has since been adopted in regard to residential extensions and alterations. The Appeal referred to the now superseded guidance relating to two storey rear extensions.
170. The updated SPD has omitted the '2:1 guidance' in reference to the depth of two storey rear extensions. This has been replaced by new guidance which states that two storey rear extension should among other criteria must not extend beyond the 45-degree line(s) as measured from the middle of the

nearest habitable room 1 window(s) on the original rear wall of any neighbouring properties.

171. Privacy should be balanced with active frontage and overlooking of public spaces.

Appeal Summary

172. The Council's refusal of planning application reference 18/4904 relating to impact to residential amenity was as follows:

3. The proposed development by virtue of its siting, size, design and layout, would be prejudicial to the amenities of neighbouring residential occupiers in terms of overshadowing, loss of light, overlooking and a loss of privacy, contrary to Policy DMP1 of the Brent Development Management Policies 2016, policy DMP1 of the emerging Brent Local Plan (Regulation 19 version), the Brent Design Guide SPD1 (2018) and the guidance contained within the National Planning Policy Framework.

173. Among other main issues, the subsequent dismissed appeal decision identified '*the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to privacy; light and outlook for occupiers at 6 and 8 Huddlestone Road; and light and outlook for occupiers at 100 High Road*' as one of four main issues.

174. The Inspector found that the subject to a planning condition that there would not be unacceptable harm to the living conditions of occupiers of dwellings at 100 High Road through loss of privacy, light or outlook. Further, that they were satisfied that there would not be harmful loss of light or overshadowing to occupiers at 6 or 8 Huddlestone Road.

175. However, they concluded that there would be a loss of outlook and privacy for occupiers of 6 Huddlestone Road which would in combination cause significant harm to their living conditions.

176. Key differences between the appeal scheme and this revised proposal, relevant to the impact to neighbouring amenity include but are not limited to:

177. The bulk, height mass and design of the northern part of the scheme has been reduced and altered adjacent to number 6 Huddlestone Road. The previous scheme included a mono-pitch roof that would appear similar to number 6 from Huddlestone Road, but the ridge would then continue to form a three storey element with a flat roof to the rear. This part of the development would have included a further projection at two storey, with a terrace and balustrade above. The revised scheme would have a gabled roof, similar to that of number 6 Huddlestone Road, but to the rear the height would drop to two storeys.

- There would be no balconies or terraces to this transitional part of the development adjacent to number 6.
- Addition of windows to the side elevation (north facing) of the set in three storey element at second floor.
- Addition of three side dormers located within the north facing roofspace at third floor of the set in three storey elements.
- The design and boundary treatment to the partly projecting balconies on the south elevation are altered from solid brickwork to hit and miss balustrades with an interlinking bar design.

Privacy: Impact to Number 6 Huddlestone Road

- The appeal scheme included an enclosed balcony adjacent to number 6 Huddlestone Road at first floor and a terrace at second floor which extended across to from a balcony to previously proposed Unit 02_08, thereby extended from the boundary with number 6 to extend approximately 10.5m south into the proposed site.

178. The Inspector concluded that the terrace to the boundary with number 6 Huddlestone Road would create unacceptable amenity impacts even in the event a condition was imposed on a permission to require screening to be installed to the side of the terrace.

179. This scheme has omitted the previous terrace and as has overcome the harm in terms of privacy and

overlooking issues of the appeal scheme.

180. The upper floor north facing balconies exceed the SPD 1 guided distance of 9m to private amenity space, with distances of approximately 11m to the garden boundary of number 6 Huddlestone Road. The rear facing windows of the proposed north elevation exceed an 11m distance to the boundary to the garden of number 6 Huddlestone Road.
181. Balconies are proposed to the west elevation, one enclosed at first floor and one projecting at second floor. These are located at an oblique angle to number 6 and 8 Huddlestone Road. The first-floor enclosed and second floor projecting balcony is set in 6.5m from the boundary with number 6 Huddlestone Road, and a condition can be secured for the second floor balcony to have a screen at 1.7m high on its northern side.
182. As outlined above, this revised proposal introduces windows and dormer windows to the side elevation (north facing) of the three-storey element, at second and third floor respectively. At second floor level the windows are around 6.75m away from the boundary with the flank wall of No. 6 Huddlestone Road. The windows either serve non – habitable rooms or are not the sole window to a habitable room and therefore can be conditioned to be obscured glazed and high opening only (1.7m above internal floor level). At third floor level the windows are set in further from the boundary with No. 6 Huddlestone Road maintaining a distance of around 7.8m. Whilst two of the windows either serve non-habitable rooms or are not the sole window to a habitable room and therefore can be conditioned to be obscured glazed and high opening only (1.7m above internal floor level), the middle window is the sole window to a bedroom, and therefore requires adequate levels of outlook. It is noted that the earlier refused scheme also included a bedroom window at third floor level in a similar location to the current scheme with a distance of around 7.9m to the boundary with No. 6 Huddlestone Road. Concerns with loss of privacy to the neighbouring occupier from this bedroom window were not raised as a concern within the appeal decision. Given that the window in question is in a similar location and similar distance from the neighbouring site, it is not considered that the bedroom window in this location would result in a harmful level of overlooking into the neighbouring site when compared to the appeal scheme.
183. Therefore, the proposed development would not result in a material adverse loss of privacy to any nearby residential occupiers. Furthermore, the alterations since the appeal scheme have addressed the previous harm to the privacy of the private amenity spaces associated with number 6 and 8 Huddlestone Road.
184. Some objections raised concern about the loss of privacy to properties on the opposing side of Huddlestone Road. Balconies and windows are located on the front elevation, fronting Huddlestone Road. The windows would represent a similar relationship between the existing properties on opposing sides of the road. Given the distance and location on a public road, the proposed amenity spaces and windows are not considered to result in an unacceptable loss of privacy.

Privacy: Impact to Number 100 High Road

185. In regard to the impact of overlooking and loss of privacy to number 100 High Road, in paragraph 29 of the Appeal Decision, the Inspector noted:

'Balconies to the flats closest to the boundary with 100 High Road would project beyond the rear elevation of this neighbour at its first and second-floor levels. I am satisfied though that screening to the closest sides of these balconies could be secured by a planning condition, and would ensure there would not be opportunities for views from the balconies back onto the windows at the rear of No 100 so as to cause a harmful loss of privacy.'

186. Although the revised scheme has introduced interlinking hit and miss permeable decorative bars to the balcony, instead of the previously approved solid balustrades. The height of previously proposed rear balustrades was 0.83m in height. It is considered that a condition could be recommended to the south sides of balconies located closest to the boundary with number 100 High Road.
187. The nearest windows/balconies that face directly into 100 High Road are located over 18m from the boundary.

Outlook: Impact to number 6 Huddlestone Road

188. The proposed two storey element of the proposal adjacent to number 6 Huddlestone Road would not breach the 45 degree line taken from the middle window of the window within the central window of the bay..
189. The Inspector did note that outlook is a distinct concept and may still be adversely affected by a development even where there would not be harmful light loss. Noting that at present, there is a pitched-roof building on the boundary of the appeal site with No 6 which extends significantly beyond the rear of an outrigger projection to this neighbour. Closest to the boundary, the proposed development would not project quite as deep beyond the rear of No 6 as the existing structure. The two-storey section at the rear of this part of the proposed development would also be lower than the ridge to the existing building on the boundary. It is noted that the existing building has a gabled roof and as such, part of the proposed two storey element closest the boundary with number 6 would be higher than part of the existing roof.
188. At paragraph 42 of the Appeal Decision the Inspector explained:
- 'However, the ridge to the existing pitched roof building runs perpendicular to the boundary a little to the rear of No 6, and the roof reduces in height towards the eaves at the deepest part relative to the rear of this neighbour and alongside its outrigger. While the rear part of the development would have a lower maximum height, it would be taller than the eaves of the existing building with a flat roof form, and would result in an overall increase in the bulk and mass of the upper part of the development alongside the boundary. This would be particularly noticeable at the deepest part of the development relative to No 6 where there would be a fairly large increase in height over the existing eaves. In addition, the provision of screening or enclosure that would be likely to be necessary around the flat roof in conjunction with its proposed use as a terrace would further increase the overall height of this part of the development. In my judgement, these increases would far offset the benefit of the slightly reduced depth of development along the boundary.'*
189. Within paragraph 43 of the appeal decision, the Inspector explained that there were views of open sky from the site visit at number 6 Huddlestone Road. Stating that; *'The additional height and bulk of the deepest part of the development would at least partly close these views resulting in an appreciable increase in the impression of enclosure and a further diminution of outlook. In addition, the partial second-floor level to the closest part of the development would also have a flat roof at the rear which would extend at considerable height along the boundary with No 6 to a similar depth as its outrigger.'*
192. The revised scheme has been reduced in height, bulk and mass adjacent to number 6 Huddlestone Road where it would be two storeys with a pitched gable roof which would then reduce in height to the rear to a two-storey form with a flat roof. Whereas the previous scheme which proposed a partly three storeys addition in this part of the site which would have had a bulkier form.
193. This previous proposed three storey element adjacent to number 6 Huddlestone Road with the flat roof has been removed. In regard to the two-storey element now proposed, this would have depth beyond recessed part of the rear bay of number 6 Huddlestone Road by 2.66m (approximately 1.85m beyond the rearmost part of the existing bay window at number 6). This is a significant reduction in depth of the two-storey element which had a depth of approximately 4.53m (approximately 3.75m beyond the rearmost part of the existing bay window at number 6).
194. Furthermore, the height relative to the boundary is an important factor, the proposed two storey rear element adjacent to number 6 would be minimally higher (0.35m) than the roof at number 6. . The roof height relative to number 6's outrigger roof was slightly lower 0.38m in the previous scheme, however the bulk and mass at the boundary was approximately 0.46m when considering the height of the proposed balustrade, giving a total height of 6.85m for the height of the proposed rear element adjacent to number 6. The height of the proposed two storey extension relative to the ground level at number 6 Huddlestone Road is 6.53m. element measured from respecting proposed west elevation drawings). The revised drawings demonstrate the change in ground level between the site and number 6 Huddlestone Road.
195. The proposed scheme would not result in any significant harm in terms of outlook or sense of enclosure given its siting. It is noted that the third storey element of the appeal scheme projected

approximately 1.1m beyond the recessed part of the adjacent bay at number 6 and 30cm beyond the rearmost element of the bay with a sloped roof at the ridge measuring 9.5m reducing to 9.05m to the rear.

190. The Inspector in reference to the appeal scheme acknowledged that though the rear part of the development would have a lower maximum height, it would be taller than the eaves of the existing building with a flat roof form, and would result in an overall increase in the bulk and mass of the upper part of the development alongside the boundary. This would be particularly noticeable at the deepest part of the development relative to No 6 where there would be a fairly large increase in height over the existing eaves. In addition, the provision of screening or enclosure that would be likely to be necessary around the flat roof in conjunction with its proposed use as a terrace would further increase the overall height of this part of the development. In my judgement, these increases would far offset the benefit of the slightly reduced depth of development along the boundary.
191. Furthermore, some weight is given to the benefit of the demolition of the existing building adjacent to number 6 Huddleston Road which currently includes a gabled roof, in which the total height is notably higher than the proposed height of the development.
192. The south part of the development with an approximately L-shape form would also breach the 45 degree line in reference to the windows to number 6 Huddleston Road, yet this would occur at over 11m from the boundary with number 6 Huddleston Road. This element, given the distance from the boundary (over 11m), proposed height (4 storeys) and acknowledge the existing built form which would be demolished as part of the development is therefore not considered to result in adverse harm to the light, outlook or sense of enclosure to the neighbouring habitable windows or gardens at number 6 Huddleston Road.
193. The four storey element of the proposed development would breach the SPD 1 prescribed 45 degree angle, however, given the level of breach and separation to the boundary with number 6 Huddleston Road (over 6.75m) it is not considered to result in an overdominant element that would be harmful to the outlook or sense of enclosure to number 6 Huddleston Road. This was supported at paragraph 45 of the appeal decision where the Inspector noted that they were satisfied that there would be sufficient separation to ensure that the four-storey part of the building would not in itself be unduly dominant.
194. The Inspector found (paragraph 39) that despite some breaches of the guidelines within the Design Guide SPD, that the proposal would not in this case cause harmful overshadowing or loss of light to Nos 6 and 8 so as to diminish the quality of life of occupiers of these dwellings.
195. Notwithstanding this, a Daylight and Sunlight Report accompanied this report and an assessment of this is outlined within a later section of this report.

Daylight and Sunlight Assessment - Neighbouring Impact

196. The applicant has submitted a Daylight and Sunlight Report (prepared by EB7, dated February 2025) to demonstrate the impact of the development on surrounding existing properties, utilising the recommended methodologies set out in the BRE 'Site layout planning for daylight and sunlight - a guide to good practice (2022)' document. In assessing the likely daylight impact on neighbouring dwellings, BRE recommends the application of two tests: Vertical Sky Component (VSC) and No-Skyline (NSL).
197. Where buildings would be within a 25 degree line of existing windows, the BRE considers that levels of light to these windows could be adversely affected and recommends further analysis of the impacts. A more detailed assessment of daylight and sunlight impacts based on the BRE's Site Layout Planning for Daylight and Sunlight (BRE209) 2022 guidance is required where the 25 degree test is not met.
198. In terms of impacts on neighbouring properties, BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window to a room. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. In addition, existing daylight may be affected if levels of No-Sky Line (NSL) within rooms (the proportion of a room's area from which the sky would be visible) are reduced to less than 0.80 times their former values.
199. To assess impacts on sunlight to existing south facing windows and amenity spaces, assessment of Annual Probable Sunlight Hours (APSH) is recommended. Adverse impacts occur when the affected

window receives less than 25% of total APSH including less than 5% in winter months and that the amount of sunlight, following the proposed development, is reduced to less than 0.80 times its former value.

200. The BRE guide defines criteria by which the impact of a proposed development on open spaces can be assessed, using the sunlight amenity test. This test quantifies the area of each space that receives at least two hours of sunlight on the 21st of March, in both the existing and the proposed situations. The 21st of March is chosen as it represents the mid-point of the sun's position throughout the year (equinox). The guidance suggests that, for a space to appear adequately sunlit throughout the year, at least 50% of its area should receive two or more hours of sunlight on the 21st of March. If the space fails to meet the above, then the area which does not receive at least 2 hours of sunlight should not be reduced to less than 0.80 times its former area.
201. The neighbouring sites and developments that were analysed for the purposes of the Daylight and Sunlight Report include:
- Willesden Green Baptist church
 - 123-131 High Road
 - 100 High Road
 - 6-8 Huddlestone Road
 - 3-9 Huddlestone Road
1. It is considered that this adequately captures all properties near to the site which have the potential to be affected in daylight and sunlight terms.

Willesden Baptist Church

202. To the east of the site is Huddlestone Road, beyond which is the Willesden Baptist Church. This is a two storey Edwardian Church, but has been partly converted into residential use. The conversion included extensions and alterations to the building and incorporates habitable room windows and dormers within the roofspace which face the application site.
203. It is understood that the development was not carried out in complete accordance with the approved plans. The applicant's report states that the approved plans for reference 18/4746 formed the basis of their modelling, but that site photographs were used to attempt to verify any inconsistencies (externally) so that the VSC assessment can be used to assess daylight impact to this property. Officers would agree that the conversion of the building has not been undertaken in accordance with the approved plans and that, as per the BRE guidance which stipulates the NSL calculation can only be carried out where room layouts are known (and that the use of estimated room layouts is likely to give inaccurate results), accurate NSL testing cannot reasonably be carried out in this case. For completeness, and noting the caveat regarding accuracy, the NSL testing results for the approved layouts have been included within the applicant's report.

Daylight

204. In respect of the VSC testing, paragraph 7.2.5 of the applicant's report identifies that 26 of the 27 windows assessed would retain good levels of daylight with the proposal in place, retaining at least 0.8 times their former values, in line with BRE guidance. Just one window on the mezzanine floor (Window 3 (W3) in Room 2 (R2) would not meet the target by a very marginal amount, maintaining 0.79 times its former value, just one percentage point below the 0.8 target. Whilst it should be understood that the NSL values are not likely to be accurate (as per the discussion above), the NSL testing of the approved plans for Room 2 indicates compliance with the NSL test (retaining 1.0 of its former value). In any case, the marginal non-compliance is considered to be acceptable in this instance given the urban setting of the site and the understanding that the BRE guidelines are to be interpreted flexibly, as per paragraph 130(c) of the NPPF.
205. The NSL testing of the approved layout further identifies that all rooms as approved would pass the tests (retaining between 0.94 and 1.0 of their former NSL values) with the exception of one room (R1) on the mezzanine level which retains 0.6 of its former NSL value. In any case, the window serving this room

meets the VSC criteria, thereby confirming that there would be no adverse effect on daylight in Room 1 as per BRE guidance.

206. Whilst officers do not consider that the NSL testing should be used to inform the judgement of impact in this case, and agree that it was not reasonably within the gift of the applicant to obtain accurate NSL results for the building in this instance, the VSC testing demonstrates a marginal impact to the daylight of habitable room windows within the residential component of the converted Willesden Baptist Church.

Sunlight

207. The BRE guidance outlines that only windows which face within 90 degrees of due south are relevant for consideration as part of an APSH assessment.

208. In respect of impact to sunlight, it is reported at paragraph 7.2.9 that the assessment has shown full compliance with the BRE guidance, and all relevant rooms will retain good levels of sunlight.

123-131 (Odd) High Road

209. This is a row of five, three-storey houses located directly to the south of the development site, on the other side of High Road. They each have a number of windows within their front, north-facing elevations which have a direct view of the proposal.

Daylight

210. In respect of the VSC testing, the applicant's report indicates that all windows serving habitable rooms will retain high levels of daylight, in excess of the numerical criteria set out within guidance from the BRE guidance.

211. The report also conveys that the indicative NSL results result in no material change to the daylight received within the properties (123 -131 Odd High Road) and daylight levels will remain in excess of the BRE criteria in all cases.

Sunlight

212. In accordance with BRE guidance, most of the windows/rooms within these properties that face the proposal are not orientated within 90 degrees of due south and are therefore such windows have not been tested.

213. One room at second floor level (R1) within No.125 High Road meets the parameters for sunlight testing owing to its orientation but would retain high levels of sunlight and would receive no change to its sunlight with the proposal in place.

100 High Road

214. Number 100 High Road is a three-storey, mixed-use property located directly to the west of the development site. It contains a commercial unit at ground floor and residential units on the first, second and third floors.

Daylight

215. Nineteen windows serving habitable rooms have been included within the assessment. Four of these windows are set within its flank, east-facing elevation and sit directly on the boundary to the application site which would overlook the proposal. These four windows do not meet the BRE guidelines for VSC impact, with the proposal resulting in the windows achieving between 0.06 and 0.43 times their former values. However, each of these rooms are served by additional windows in the front and rear elevations which are impacted to a lesser extent, with the front elevation windows retaining 0.98 and 1.0 times their former values respectively (thereby complying with BRE guidance), and the rear elevation windows retaining 0.7 to 0.81 times their former values respectively (thereby resulting in compliance with the BRE guidance for the rear room at the 2nd floor and a minor non-compliance for the rear room at the 1st floor). Overall, just three of the four rooms served by a window for which BRE compliance is not achieved will not be served by another window that achieves BRE compliance. The room which would not be served by a BRE compliant window would still be served by a rear window achieving a 25.6 VSC

score, which is considered to be high in an urban environment and in the context of the flexibility with which the guidance is intended to be interpreted.

216. Overall, despite some minor transgressions of the guidance with regard to VSC impact in the case of 5 windows, all rooms within the development would retain an NSL score of at least 0.94 their former values, meaning that all rooms within the development would exceed the BRE guidance and not experience noticeable impact in the daylight they receive.
217. Because some of the windows at no. 100 High Road are set close to the boundary, are largely dependent on light from across the development site. The BRE guidance suggests that in such situations an additional 'mirror assessment' is undertaken to consider what effect the neighbouring building would have upon itself. Such an assessment could consider whether the neighbouring building is a '*good neighbour or takes more than its fair share of light*'. Accordingly, an additional 'mirrored' VSC assessment was undertaken and the results included within the applicant's report. The results show that the proposed development has considerably less impact upon daylight and sunlight to the four directly facing windows (labelled 'W4' and 'W5') compared to the 'mirrored' development scenario. Therefore, this impact is considered to be reasonable on balance and would not have an adverse impact on the overall living conditions of this neighbouring property.
218. The previous application was refused by the Council on grounds of impact in terms of impact to light, outlook and privacy impacts to occupiers at 100 High Road. The appeal decision addressed impact to light and outlook for occupiers of number 100 High Road.
219. Paragraph 47 of the appeal decision noted that it was accepted at the Hearing, that contrary to the understanding that a window serving a second-floor flat was the only window serving a living room within a flat, that all of the windows to the side of number 100 were secondary windows to rooms with other windows to the front and rear elevations. Having regard to the availability of alternative open aspect to the front and rear of the affected rooms, the Inspector considered the impact was acceptable.
220. The appeal decision stated that all relevant rooms would also retain levels of sunlight consistent with BRE targets. It noted that windows of the side elevation at 100 High Road would fall below BRE guideline targets for VSC, but the rooms affected would be served by other windows that would retain VSC levels in excess of targets and that rooms would meet NSL targets, indicating that daylight levels would remain adequate.
221. The inspector concluded, notwithstanding the very close proximity of the development to the windows to the side of No 100, that the proposal would not harmfully reduce levels of light or outlook for the occupiers of these dwellings.

Sunlight

222. The report states that the APSH assessment showed that all relevant rooms would retain good levels of sunlight with the proposal in place, entirely consistent with numerical targets recommended by the BRE guidance.

6 & 8 Huddleston Road

- 223.** Two terraced properties located directly to the north of the development site. They each have a number of windows within their rear, west-facing elevations which have an oblique view of the proposal.

Daylight

224. With respect to both the VSC and NSL assessments, the applicant's testing shows that all the main habitable windows in both properties would retain levels of daylight above the guidance suggested by the BRE guidance.

Sunlight

225. The applicant's APSH assessment shows that all relevant rooms will retain good levels of sunlight with the proposal in place, consistent with numerical targets recommended by the BRE guidance.

3-9 (Odd) Huddleston Road

- 226.** This is a row of four, two-storey properties located to the northeast of the development site, beyond

Huddlestone Road. Each have a number of windows in the front, west-facing elevations, Numbers 3 & 5 have a direct view of the proposal, and the others have an oblique view.

Daylight

227. In respect of the VSC testing, the applicant's testing confirms that all habitable rooms will retain good levels of daylight with the proposal in place consistent with the BRE guidance.

228. NSC results showed that the daylight received within No.9 and daylight levels would remain in excess of the BRE criteria.

229. Whilst it is acknowledged that NSL results should not be used where layouts are not accurate, the indicative NSL results included for the all of the tested properties would see no change in their NSL performance compared with the existing scenario.

Sunlight

230. The report states that the APSH assessment showed that all relevant rooms will retain good levels of sunlight with the proposal in place, consistent with numerical targets recommended by the BRE guidance.

Overshadowing to neighbouring amenity spaces

231. The rear gardens of numbers 6 and 8 Huddlestone Road are located directly north of the development site and have the potential to be impacted by the proposed development.

232. The applicant has carried out the BRE recommended 'two-hour sun contour' analysis in regard to impact to overshadowing to the rear garden of number's 6 and 8 Huddlestone Road.

233. The 'two-hour sun contour' analysis involves dividing the areas that can receive at least two hours of sunlight on ground (shaded in yellow on the drawings) from those that receive less than two hours (shaded in blue) on 21 March (the equinox) in respect of the existing and proposed scenarios.

234. BRE guidance suggests that a well-sunlit garden or amenity space should receive two hours of sunlight to at least 50% of its area. If, as a result of new development, the area receiving two hours of sunlight falls below 50% then it should not be reduced to less than 0.8 times its former value.

235. The results show that both gardens would meet the BRE guidance, it shows that number 6 does not currently meet the 50% area receiving two hours of sun metric described above, yet it would retain more than 0.8 times its former value. With only a nominal reduction of 0.01% reduction reported. Whilst number 8 does meet the 50% area receiving two hours of sun metric in the existing scenario, it would not maintain the 50% BRE target of are maintaining at least 2 hours of sun, however it would retain 0.98 of its former value and the reduction would be minimal from 50% of area as existing to 49% area of the garden receiving two hours of sun.

236. As a result, it is not considered that that the proposed development would have an adverse or unacceptable impact to neighbouring amenity in respect of loss of sunlight/overshadowing to number 6 and 8 Huddlestone Road.

Summary of Daylight and Sunlight Impact

237. As a result of the proposal, all neighbouring properties would see a fully BRE compliant (and therefore, unnoticeable) impact in relation to sunlight to windows and rooms and overshadowing to gardens / outdoor amenity spaces.

238. With regard to daylighting, the applicant's analysis has identified just one window within one property (window 3 (W3) in Room 2 (R2)) within the converted Willesden Baptist Church to the east) that would experience a noticeable daylighting impact, since it would fall marginally below the BRE guidance for VSC impact, as a result of the proposal. The marginal non-compliance is considered to be acceptable in this instance given the urban setting of the site and the intention of the BRE guidelines to be interpreted flexibly.

239. Given these considerations, and the planning benefits of the scheme overall, on balance the proposal is considered acceptable in respect of daylight, sunlight and overshadowing effects.

Transport Considerations

Car Parking

240. Car parking standards are outlined in the Brent Local Plan which requires compliance with the standards in Table 10.3 of the London Plan.
241. On the basis that the site has good access to public transport services and is located in the well-connected southeastern part of the Borough, up to 0.5 spaces per flat would be allowed. The proposed 25-unit scheme would therefore now be allowed a maximum of 12.5 spaces.
242. The parking allowance for the commercial unit would depend upon its use, but at most, two spaces would be allowed for a retail unit. However, no off-street parking is proposed and therefore maximum standards would not be exceeded.
243. The adjoining streets do not have sufficient spare parking capacity to cater for the additional demand from 25 new flats, so a 'car-free' agreement would be required via a condition or Legal Agreement to remove the ability of residents to obtain on-street parking permits. This has been acknowledged by the applicant in their Transport Statement. It would again be beneficial for the developer to offer two years' free membership of the Car Club operating from the Huddlestone Road site frontage and this has been accepted within the Transport Statement.

Bike Provision

244. A minimum of 45 secure long-stay bicycle parking spaces are required for the flats, along with two short-stay spaces. An internal store is shown with capacity for 44 bikes on two-tier racks together with two widely spaced 'Sheffield' stands for non-standard bikes. An external publicly accessible 'Sheffield' stand is also proposed for visitors.
245. For the commercial unit, one long-stay space within the building and four external short-stay spaces are required. The Transport Statement confirms that the external bicycle parking will be co-ordinated with the landscaping proposals and further details are sought as a condition of any approval.

Refuse

246. Internal refuse storage is also shown in line with Brent's standards (6 Eurobins & 3 wheeled bins) along the Huddlestone Road frontage, to allow easy access for collection.

Servicing

247. The commercial unit would generally require servicing by transit-sized or 8m Luton vans, depending on its precise use. No off-street servicing space is proposed within the site, so it was previously agreed that a 10m long loading bay would be provided on Huddlestone Road close to the junction with Willesden High Road, with the two displaced pay and display parking bays relocated to the area currently marked with zig-zag markings across the redundant crossover to the site. These works together with the removal of the existing crossover on Huddlestone Road and reinstate it to footway and to alter the parking/loading bays in the street would be secured within the legal agreement.

Transport Impacts

248. The Transport Statement has considered the likely transport impact of the proposal. However, as the development is car-free, few if any of the predicted trips are likely to be by car.

Sustainability and Energy

Policy and Context

249. Chapter nine of the London Plan sets out a comprehensive range of policies underpinning London's response to climate change and mitigation, supported by policies within the Local Plan (Chapters 6.7).
250. London Plan Policy SI 2 seeks to minimise greenhouse gas emissions. Policy SI 2, Part A, states that major development should be net zero. 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 management 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*

251. Policy SI 2 paragraph C states '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.'*

252. Policy BSUI1 seeks to create a resilient and efficient Brent, it includes a requirement for a Sustainability Statement to demonstrate how sustainable design and construction methods have been used to enable the development to mitigate and adapt to climate change over its intended lifetime of development.

Energy and Carbon Reduction

253. The submitted Energy and Sustainability Statement outlines the approach to carbon emission savings and renewable energy, as set out in the table below:

Be Lean

254. At the 'Be Lean' stage, applicants must achieve carbon emissions savings through passive energy saving measures. As stated above, new developments must show a 10% improvement over the current SAP Target Emission Rate (15% for non-residential).

255. For this proposal, the applicants have considered the building fabric and air permeability rate in order to reduce the demand for heating, cooling and artificial light. The applicant has outlined the use of the following passive features:

256. High levels of insulation for exposed solid envelope elements

257. High level of air-tightness; and

258. 100% efficiency lighting

259. The report outlines that the 'Be Lean' measures (enhancing the air permeability rate and optimising the building fabric) are expected to achieve a reduction of 15.1% (total in table) for the residential component, 15.2%, resulting in a combined reduction of 15.1% units against the Baseline set by Building Regulations Part L 2021. This exceeds the London Plan Policy SI 2 C minimum requirements.

Be Clean

260. The 'Be Clean' stage of the energy hierarchy requires development to exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly.

261. Applicants have explored the feasibility of connecting into a district heating network (DHN). As there are no DHN close to the site, a condition is recommended for details of how the development is designed to allow future connection to a district heating network should one become available, with a compliance element requiring the development shall thereafter be completed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

262. Nevertheless, in the absence of a connection to a DHN, the development will not achieve any carbon

savings through the 'be clean' stage of the hierarchy.

Be Green

263. The 'Be Clean' stage of the energy hierarchy requires development to maximise opportunities for renewable energy by producing, storing and using renewable energy on-site to reduce carbon emissions.

264. The renewable technologies feasibility study carried out identified photovoltaics (PV) and air source heat pumps as the most suitable for the development.

265. Other technologies were considered but discounted including Biomass (due to NOx emissions and limitations for fuel storage and delivery) and wind turbines (on account of average surface roughness in built-up areas is high, leading to both reduced wind speeds and increased turbulence).

266. Reduction of CO2 emissions:

| | Regulated CO2 Emissions (Tonnes CO2/yr) | | Carbon Reduction (%) |
|--------------|---|----------|----------------------|
| | Be Lean | Be Green | |
| Domestic | 25.3 (15.1%) | 4.78 | 83.7% |
| Non-domestic | 1.06 (15.2%) | 0.28 | 77.6% |

267. The residential and commercial taken together results in a targeted emission reported as 31.05 (tonnesCO2/year) to achieve Part L Building Regulations, when taking into account the Be Lean (building fabric) measures and Be Green (ASHP and PV panels) it is expected that there would be a reduction to 26.36 (tonnesCO2/year) in CO2 emissions. This represents an 83.7 % improvement, which exceeds 35% improvement required within the London Plan.

268. In line with Policy SI 2 any shortfall should be provided, in agreement with (in this instance) a cash in lieu contribution to the borough's carbon offset fund which would be secured via a S106 Legal Agreement.

269. The proposed development is expected to produce 5.06 tonnes of CO2 per year, it is expected that a figure of £95/tonnes will be used over 30 years. Therefore, it is expected that a financial contribution of £14,421 would be secured.

270. A detailed design stage energy assessment would be secured and an initial carbon offset payment (estimated to be around £14,421) to be paid prior to material start if zero-carbon target not achieved on site. A post-construction energy assessment will be required and a final carbon offset payment upon completion of development if zero-carbon target not achieved on site. In line with Policy SI 2 'Be seen' energy performance monitoring and reporting will be sought via a Legal Agreement.

Water Consumption

271. Policy BSUI4 highlights the need to meet the target for mains water consumption of 105 litres or less per person per day. The scheme would achieve this requirement, with details to be conditioned.

Air Quality

272. The site is located within two Air Quality Focus Areas (High Road/Dudden Hill Lane to High Road/Walm Lane), as well as a wider Air Quality Management Area.

273. London Plan Policy SI1 requires major developments to be supported by an air quality assessment and to demonstrate 'air quality neutral' impacts. The assessment should consider the potential emissions to the area associated with the development as well as the potential impact on receptors to the development.

274. In addition, policy BSUI2 of Brent's Local Plan 2019-2041 sets out the requirements for Major developments within Growth Areas and Air Quality Focus Areas to be required to be Air Quality Positive and elsewhere Air Quality Neutral. Where on site delivery of these standards cannot be met, off-site

mitigation measures will be required.

275. The application included an Air Quality assessment which has been reviewed by Brent's Environmental Health Team. They have advised that the assessment is considered to be acceptable and demonstrates that air quality levels are suitable for this development and that no mitigation measures are required.
276. During the course of the application, an Air Quality Positive Statement was submitted. It states that of the measures outlined (building design, heating strategy, backup electric supply, transport emissions, cycle parking provision and car free scheme, as well as innovation and future proofing, such as the Urban Greening Factor) are implemented as set out in Table 2.1 of the report then it is considered that the proposed development is in line with an Air Quality Positive approach.
277. The submitted assessment sets out measures to minimise or prevent dust and particulates to be implemented on site throughout the construction works, and these would be covered through a Construction Method Statement. Due to the site being located very close to other commercial and residential premises. Demolition and construction therefore have the potential to contribute to background air pollution levels and cause nuisance to neighbours. The construction management plan provides good controls on noise and dust, including a requirement for bored piles as opposed to driven. Additionally, a condition is recommended to ensure non-road mobile machinery complies with appropriate emissions standards.

Noise

278. Policy D14 (Noise) of the London Plan requires that noise sensitive development should be separated from major sources of noise wherever practicable. Policy D13 (Agent of change) of the London Plan expects that planning decisions reflect the Agent of Change principle and take account of existing noise and other nuisance-generating uses in a sensitive manner when new development is proposed nearby, with the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development.
279. A Noise Impact Assessment (dated June 2024 Ref: 23-12147 Rev A) has been submitted.

Internal Noise Levels

280. In developing a proposal that demonstrates good acoustic design, the site layout and the dwellings should be designed so that the internal target levels can be achieved with open windows in as many dwellings as possible. Where it is not possible to meet internal target levels with windows open, internal noise levels can be assessed with windows closed, however any façade openings used to provide whole dwelling ventilation (e.g., trickle ventilators) should be assessed in the "open" position and, in this scenario, the internal LAeq target levels should not normally be exceeded.
281. The report identifies that the site is in an area of mixed residential and commercial use, with shops, businesses and residential properties on High Road to the south of the site. To the north of the site is a residential area. It states that noise at the site is dominated by road traffic noise from High Road.
282. The report outlines that the assessment is based on the results of a noise measurement survey that has been carried out over a five-day period at the proposed development site and has considered the advice of local and national planning policy and best practice guidance. The initial site risk assessment identified that the site has a high risk in terms of noise.
283. The submitted Syntegra noise impact assessment dated June 2024 was reviewed by Brent's Environmental Health Team. Brent's Environmental Health Team advised that assessment has suitably assessed noise within the vicinity of the proposed development and identified noise mitigation measures (acoustic glazing and alternative ventilation means) for the development to ensure that internal noise levels are in line with BS8233:2014. The assessment was therefore accepted, and they had no objections to the application provided the mitigation measures are installed.
284. Conditions relating to noise levels in terms of plant noise are recommended.

Trees

285. London Plan policy G7 sets out the need for development proposals to ensure that, wherever

possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments – particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy.

286. Policy BGI2 highlights in the case of major development to make provision for the planting and retention of trees on site. Where retention is agreed to not be possible, developers shall provide new trees to achieve equivalent canopy cover or a financial contribution for off-site tree planting of equivalent canopy cover will be sought. Replacement canopy cover will be measured as total canopy area of new trees at time of planting being equal to canopy area of existing mature trees proposed for removal.
287. Following an initial consultation response from Brent's Principal Tree Officer, the applicants were asked to submit a Tree Protection Plan, details of levels within the RPA of existing trees, location of services and any other construction within the RPA and to address concerns raised by the Tree officer in an addendum document.
288. A Tree Protection Plan was submitted as well as a revised Impact Assessment & Method Statement. It is recommended that such details are conditioned to any forthcoming consent. There are 12 trees and 1 group of trees on or adjacent to the site, one of which is significant public amenity (T1 – Sycamore Tree) which is a Category B tree located on High Road frontage
289. A total of 7 trees (T6 to T12) and one group of trees (G13) are proposed to be removed from the site to accommodate the development. These have all been categorised as C trees (Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm) and not of sufficient quality to present a constraint to development. The submitted report notes that G13 are low quality shrub like planting located within the current front garden.
290. Brent's Principal Tree Officer was satisfied with their removal subject to their replacement as part of the landscaping scheme. The scheme proposes 9 new trees within the site, 7 of which are located within the communal garden and 2 within the frontage on High Road.
291. To facilitate the development works are proposed to two of the retained trees, T1 Sycamore and T3 Birch. T3 Birch would also require minor access facilitation pruning to allow erection of protective fencing and site hoarding. This is not considered to be a major issue.. It is proposed to further construct walls and patio areas within the RPA of T1 which is the Sycamore Tree located to the frontage on High Road, Willesden. It is proposed to Crown Reduce the Sycamore tree (T1).
292. The submitted Arboricultural Impact Assessment notes that in order to minimise impact on retained trees T1 and T3 where the proposed pedestrian surfacing is proposed within their projected RPAs or root sensitive areas and no-dig surface design should be used.
293. Brent's Tree Officer advised that they were satisfied with a wall installed along the highway boundary using the details submitted in the submitted Arboricultural Method Statement, however, they requested a condition to secure an alternative boundary treatment (other than a brick wall) between the front gardens (boundary between front gardens of Unit's 00_06 and 00_05 as shown on Drawing No: AL (01) 100 Rev A – Ground Floor Plan) in order to minimise any further disturbance to the T1 Sycamore Tree. Such details are recommended to be secured within the landscape condition.

Ecology and Biodiversity

294. London Plan Policy G6 D (Biodiversity and access to nature) seeks to ensure that proposals manage impacts on biodiversity and aim to secure net biodiversity gain. Policy BGI1 (Green and blue infrastructure) promotes the enhancement and support of biodiversity and ensuring that developments do not undermine the biodiversity of green chains.
295. The Environment Act 2021 mandates a minimum 10% biodiversity net gain (BNG) for all developments in the UK (other than those that are exempt), requiring developers to demonstrate measurable improvements to biodiversity, either on-site or through off-site compensation. Where these are not met, the biodiversity net gain hierarchy seeks to determine where biodiversity offsets could be located, by following a sequential approach with the aim of keeping them as close and relevant to the

impact site as possible.

296. A Biodiversity Impact Calculation Report has been submitted in support of the application in order to establish whether the scheme will achieve a net gain in biodiversity. It is calculated that there are 0.4 area habitat units before development and 0.90 area habitat units after development resulting in increase of 123%. 0.06 hedgerow units are also proposed.
297. The proposed development is considered to comply with Policy G6 of the London Plan and Local Plan Policy BGI1, and vastly exceeds the mandatory 10% net gain requirement. Conditions and / or planning obligations would be imposed to ensure that details of the landscaping and biodiversity enhancements are secured, including over the long-term and therefore a net gain is achieved post development and that it will be maintained over time. Further landscape details to be submitted for approval through condition shall also demonstrate the consideration that has been given to ensuring enhancement of the wildlife corridor to the south and improve connectivity along this green corridor.
298. The proposed development would result in an improvement over the existing arrangement and would achieve a 10% Biodiversity Net Gain in line with Policy.
299. The proposed development is therefore considered to comply with Policy G6 of the London Plan and Local Plan Policy BGI1. In this circumstance it is a planning condition is recommended to secure the Biodiversity Net Gain on site.
300. The Ecology report states that the existing buildings on site provide negligible potential for roosting bats as such no further work is required for protected species. Habitats on the site were considered to be of low ecological value with the presence of protected species being of negligible to low potential. The report recommends mitigation measures through a CEMP in relation to any nesting birds or mammals during the construction phase, and the use of appropriate lighting. A net gain for biodiversity has been achieved through the new development with a predicted uplift of greater than the mandatory 10%. Whilst a copy of the Statutory Metric has not been provided, it is acceptable for an updated metric to be submitted along with the Biodiversity Gain plan, and site conditions once scheme has been determined.
301. The ecology report providing sufficient information to understand the value of the baseline site in contrast to the future development. Proposed planting includes grassland, introduced shrubs and new trees and hedgerows, providing urban greening and benefit to local wildlife. None of the proposed habitats would be assessed as being "significant" for BNG and require a 30-year management plan.
302. The proposed landscape design looks to provide high diversity and wildlife value for pollinators. In terms of ecological enhancements, the landscape strategy sets out the ecological features to be included within the landscape strategy. Details of which could be conditioned to any forthcoming consent..
303. The statutory framework for biodiversity net gain requires a Biodiversity Gain Plan to be submitted and approved by the planning authority to discharge the biodiversity gain condition prior to the commencement of development. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

Urban Greening:

304. Policy G5 highlights the need for an urban greening factor score of 0.4 to be achieved on predominantly residential developments, and a target score of 0.3 for predominantly commercial development (excluding B2 and B8 uses).
305. The submission demonstrates that the development will UGF score of 0.38 whichn is slightly below the target of 0.4. The landscape strategy sets out how the UGF would be achieved through semi-nature planting, new trees, hedges, flower-rich perennial planting, green walls, amenity grassland and permeable paving. It is recommended that a condition is secured to maximise UGF within the site including the options of looking at whether it is feasible to look at green roofs or rain gardens as part of the wider landscape strategy in line with policy G5 of London Plan.

Flood Risk and Drainage

306. 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. Proposed development must pass the sequential and exceptions test as required by national policy. The design and layout of proposals requiring a Flood Risk Assessment must contribute to flood risk

management and reduction and:

- a) minimise the risk of flooding on site and not increase the risk of flooding elsewhere;
- b) wherever possible, reduce flood risk overall;
- c) ensure a dry means of escape;
- d) achieve appropriate finished floor levels which should be at least 300mm above the modelled 1 in 100 year plus climate change flood level; and
- e) not create new basement dwellings in areas of high flood risk.

307. Policy BSUI4 highlights the need to achieve greenfield run off rates for surface water, unless clearly justified by the applicant. Major development proposals or minor developments and changes of use which would impact on the current drainage regime must be accompanied by a drainage strategy. Proposals that would fail to make adequate provision for the control and reduction of surface water run-off will be refused.

308. The site is located in Flood Zone 1 (low risk), yet part of the site is within a Critical Drainage Area as identified by the West London strategic Flood Risk Assessment and the Borough's Surface Water Management Plan. A Flood Risk Assessment has been submitted that concludes that the site is at low risk of flooding from all sources including surface water flooding. The Drainage Strategy submitted with the application sets out that runoff would be reduced as follows, resulting in a significant reduction in run off within the site:

| Return Period | Existing site runoff Rate l/s | Proposed site runoff Rate l/s |
|---------------|-------------------------------|-------------------------------|
| 1 in 1 | 9.0 | 3.4 |
| 1 in 30 | 22.0 | 5.0 |
| 1 in 100 | 28.5 | 5.0 |
| 1 in 100+40% | n/a | 5.4 |

309. The reduction in run off would be achieved through a permeable paving system and soft landscaping within the development site, and would contain any run off within extreme events within the application site. It is recommended that as part of the landscape conditions options should be explored to integrate green infrastructure i.e. tree pits and rainwater harvesting as an additional offer for stormwater storage capacity.

310. Details have also been set out on the ongoing management of the drainage system.. It is considered that the sustainable drainage measures are accept and in accordance with policy BSUI4. Such details are recommended to be conditioned to any forthcoming consent.

Fire Safety

311. Policy D12(B) of the London Plan requires all major proposals to submit a Fire Statement. The Statement should demonstrate that the development would achieve the highest standards of fire safety by reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape.

312. The statement should detail how the development proposal will function in terms of:

- 1) the building's construction: methods, products and materials used, including manufacturers' details*
- 2) the means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach*
- 3) features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans*
- 4) access for fire service personnel and equipment: how this will be achieved in an evacuation*

situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these

5) how provision will be made within the curtilage of the site to enable fire appliances to gain access to the building

6) ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures

313. In addition to the above, Policy D5 of the London Plan at Part B5 requires the developments to be designed to incorporate safe and dignified emergency evacuation for all users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.

314. A Fire Statement was submitted in support of the application, it details the recommended fire safety features to be incorporated into the building design to meet the building regulation requirements. The report also sets out methods to reduce the spread of fire and access strategy for fire services. It is considered that the submitted fire statement sufficiently addresses the matters set out within policy D5 and D12 of London Plan.

315. 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

316. 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

317. The proposal is considered to accord with the development plan, having regard to all material planning considerations, and that the application should be approved subject to conditions and a Section 106 Agreement to secure the planning obligations.

318. The assessment has given significant weight to the appeal decision as a material consideration, and it is considered that this scheme has overcome the previous reasons for the dismissed appeal.

319. The proposal would deliver 25 new homes towards Brent's housing targets, of which 28% would be family sized which would contribute to an identified need in the borough. Whilst the proposal would result in less than substantial harm to the Willesden Green Conservation Area, such harm is significantly outweighed by the benefits of the scheme. Furthermore, the retention of part of the non-designated heritage asset, along with the delivery of an appropriate commercial town centre use (which has the potential to be employment generating) in a sustainable location is considered to outweigh the absence of securing an employment use as outlined in the site allocation and the limited conflict with policy would be outweighed by the planning benefits.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: **24/1735**

To: Mr Thomas
Savills
33 Margaret Street
London

I refer to your application dated **21/06/2024** proposing the following:

Demolition of existing dwellinghouses and outbuilding and erection of a four-storey building comprising 25 residential dwellings, part retention and upgrade of the original police station building as flexible commercial space with associated infrastructure works including private and communal space, cycle storage and public realm improvements.

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

at **96, 96A-B, High Road, London, NW10 2PP**

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: 03/06/2025

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:-

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 drawings:

AL(00)001 Site Location Plan Revision A
AL(01)100 REVISION C – Proposed Ground Floor Plan
AL(01)101 REVISION B - Proposed First Floor Plan
AL(01)102 REVISION B – Proposed Second Floor Plan
AL(01)103 REVISION B - Proposed Third Floor Plan
AL(01)104 REVISION C – Proposed Roof Plan
AL(02)220 REVISION B – Proposed Sections A and B
AL(03)320 REVISION G – Proposed North Elevation
AL(03)340 REVISION D – Proposed East Elevation
AL(03)360 REVISION D – Proposed South Elevation
AL(03)380 REVISION D - Proposed West Elevation

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

- 3 The scheme hereby approved shall contain 25 residential dwellings within Use Class C3 and 148sqm of commercial floorspace within Use Class E as detailed in the drawings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Notwithstanding the provisions of 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), the commercial floorspace shall be used only for purposes in Use Class E, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

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

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

- 5 The 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.

- 6 The works shall be carried out in full accordance with the recommendations set out within the approved Flood Risk Assessment & Drainage Strategy prepared by Syntegra Consulting dated 16th October 2024 (Ref: 23-12147) 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.

- 8 All roof areas on approved plans unless indicated as a balcony, terrace, private terrace or communal terrace shall not be accessible except for maintenance, repair or emergency means of escape unless otherwise agreed in writing with the local planning authority.

Reason: To protect neighbour amenity

- 9 The approved cycle store and bin store facilities shall be installed and made available for use prior to first occupation of the development hereby approved and thereafter retained, kept free from obstruction and maintained for the life of the development and not used other than for purposes.

Reason: To ensure the suitable provision for cycle parking provision and refuse facilities.

- 10 Units 00_01, 00_07 and 01_02 shall be designed to comply with Building Regulation M4(3) 'wheelchair adaptable homes' standards and the remaining residential units designed to comply with Building Regulations M4(2) 'accessible and adaptable homes' standards.

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

- 11 The windows identified as 'obscure glazed' on plan: AL(03)320 Revision G – Proposed North elevation located at second and third floor levels shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.7m above floor level) and shall be permanently returned and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

Reason: To ensure that the development does not prejudice the ability of the adjoining land coming forward for redevelopment and in the interests of neighbouring amenity.

- 12 The development shall be constructed in accordance with the mitigation measures set out within the Noise Impact Assessment prepared by Syntegra Consulting dated June 2024 (Ref: 23-12147 Rev A) unless an alternative strategy is submitted to and approved in writing by the Council and thereafter implemented in full.

Reason: In the interest of the amenities of the proposed occupants.

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

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

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

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

- 14 Prior to development commencing, a Construction Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority, setting out how the construction process will be managed so as to protect the existing ecology of the site and off-site receptors, in accordance with the recommendations of the approved Preliminary Ecological Appraisal & Biodiversity Net Gain Report, and the approved plan shall be implemented in full throughout the construction of the development.

Reason: In order to ensure that the development results in no net loss to biodiversity or protected species during construction.

Pre-commencement reason: The condition seeks to exercise control over the construction phase of the development to protect the existing ecology and SINC Grade I on the site boundary and therefore needs to be discharged prior to construction.

- 15 Notwithstanding the Arboricultural Impact Assessment submitted with the application, prior to the commencement of development further details of a suitable methodology and tree protection plan including monitoring and supervision during works within the Sycamore and Weeping Birch trees' notional RPA during demolition and construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and adhered to throughout all demolition and construction works.

Reason: To minimise the impacts of the development on existing trees.

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

- 16 Prior to commencement of the development hereby approved (including site clearance and demolition works), a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority. The CLP shall include, but is not limited to the following:
- i. Construction programme, forecast construction trip generation (daily) and mitigation proposed;
 - ii. Site set up and access arrangements and booking systems, ensuring vehicle loading and unloading takes place clear of the highway;
 - iii. Construction phasing and details of times when the use of a crane would be

- required;
- iv. Vehicular routes to the site;
- v. Parking of vehicles of site operatives and visitors;
- vi. Storage of plant and materials used during the construction period;
- vii. Wheel washing facilities;
- viii. Any temporary lighting;
- ix. Protection of the carriageway and any footway users at all times during construction;
- x. Erection of hoardings, security fencing and scaffolding on/over and pavements and carriageway;
- xi. Contact details of personnel responsible for the construction works

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

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

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

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

- 17 No development shall take place before a comprehensive record of the former Police Station Building (internally and externally) has been undertaken in accordance to Historic England Level 2 and submitted to and approved in writing by the Local Planning Authority. The recording is to be carried out by a professional archaeological/building recording consultant or organisation in accordance with the approved details.

Reason: In the interests of recording the historic fabric of the heritage asset.

Pre-commencement reason: To ensure a record of the building is made for future generations of the historic fabric both internal and external and the architectural significance of the heritage asset is recorded prior to demolition and alteration.

- 18 (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.

- 19 Prior to commencement of development (excluding site clearance and below ground works), details of how the development is designed to allow future connection to a district heating network should one become available, shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details thereafter unless otherwise agreed in writing by the local planning authority.

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

- 20 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).

This shall include details of privacy screens to:

- The south side of the balconies to the rear elevation at first floor serving Unit 01_07, Unit 02_06 at second floor and Unit 03_05 at third floor
- The north side of the rear balcony located at second floor, serving Unit 02_02

The work shall be carried out in accordance with the approved details thereafter, and the agreed privacy screens shall remain in perpetuity 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 and in the interest of privacy.

- 21 Detailed bay studies including indicative technical sections illustrating how specific elements of the façade may be constructed, such as typical windows, typical parapets and typical balconies, 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.

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

- (i) Details of hard surfacing, including details of permeable paving, tree pit design, underground modular systems, etc.
- (ii) Boundary treatment, means of enclosure and retaining structures
- (iii) Other equipment and structures including precise locations of all Sheffield cycle stands to be provided within the public realm for a minimum of 5 Sheffield stand for short-term cycle spaces;
- (iv) Details of informal playspace features
- (v) Species, locations and densities for existing landscaping to be retained and the provision of 9 new trees, grass and shrubs;
- (vi) Provision for rain gardens where feasible;
- (vii) Details to maximise the urban green factor (UGF) for the site in line with policy G5 of London Plan 2021 and biodiversity net gain in conformity with the Biodiversity Gain Plan
- (viii) A Landscape Management and Maintenance Plan setting out details of the proposed arrangements for maintenance of the landscaping, including management responsibilities.

The landscaping scheme shall thereafter be carried out in full accordance with the approved details prior to first occupation of the development. It shall thereafter be maintained fully in accordance with the approved Landscape Management and Maintenance Plan, unless otherwise agreed in writing by the Local Planning Authority.

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

unless otherwise agreed in writing with the Local Planning Authority.

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. Unless required by a separate landscape management condition, all soft landscaping scheme shall incorporate written five year maintenance programme following planting.

Reason: In order to introduce high quality landscaping in and around the site in the interests of the ecological value and biodiversity of the site and to ensure a satisfactory landscaping of the site in the interests of urban greening and visual amenity having regard to Local Plan Policies DMP1, BGI1 and BGI2 and London Plan policies G5, G6 and G7.

- 23 Prior to commencement of development above ground level, a scheme for wildlife and nesting features in accordance with the recommendation of the Preliminary Ecological Appraisal & Biodiversity Net Gain Report shall be submitted to and approved in writing by the Local Planning Authority. The scheme will include full details on: numbers of each feature, type of feature / box / brick, location (plan and elevation views) of each feature, height above ground (if applicable) and nearest external lighting (if likely to have an impact).

Features shall be undertaken in accordance with the approved scheme and thereafter retained throughout the lifetime of the development.

Reason: To enhance the biodiversity value of the land in accordance Policy BGI1 of the Brent Local Plan.

- 24 Details of the height, type, position, angle and spread of any external lighting shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area and to minimise the impact on wildlife.

Reason: In the interests of visual amenity, safety, residential amenity and to ensure that light sensitive receptors are not unduly affected

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

Reason: To protect acceptable local noise levels.

- 26 Notwithstanding the approved plans details of materials for all external building work, relating to the retained/refurbished former police station building/proposed commercial building this shall include, but not be limited to; Details of new front door, railings, a materials schedule/method statement in relation repair works, 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 and in the interest of preserving the retained part of the non-designated

heritage asset.

INFORMATIVES

1 - The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Brent Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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 - (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.

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