

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

9 August, 2023  
04  
22/3260

## SITE INFORMATION

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

## INTRODUCTION

This application was deferred from the July planning committee meeting to allow further time to consider and respond to an e-mail complaint / objection that was received following the publication of the committee report.

Within the e-mail, the objector set out their view that the pre-application engagement with the applicant has compromised its Planning Committee members. It was alleged that the members who took part would be in the position of having a pre-determined state of mind in relation to the consideration of the planning application. It was also submitted that there was a lack of a constitutional basis for this and that this meant that these members cannot be in an unbiased position and should therefore be recused from the consideration of the case.

This complaint was not upheld.

There is a long standing and sound basis nationally for the conduct of pre application engagement through the National Planning Policy Framework and the Localism Act and the involvement of members in pre-application is actively encouraged and not discouraged.

Planning Committee members have a specific responsibility and role to play in determining planning applications. Pre-existing guidance in the form of Brent's Planning Code of Practice already gave a good basis for acting with probity at the time of the committee pre-application presentation. This was then strengthened in line with an independent review that confirmed that Brent's approach was already well regarded.

Meetings that took place were conducted properly and in an appropriate way. Documents relating to these meeting that were previously disclosed to the objector reinforced this and showed transparency.

In view of the above, it was not upheld that members who took part in the planning committee pre-application presentation should recuse themselves.

The remainder of the report remains unchanged from the previous planning committee agenda.

## RECOMMENDATIONS

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

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.
2. Notification of material start 28 days prior to commencement.
3. Affordable housing – late stage review mechanism in the form of a financial contribution towards the provision of off-site affordable housing within the Borough in the event that a surplus is identified.
4. Sustainability and Energy;
  - Detailed design stage energy assessment based on Part L 2021 of Building Regulations with a minimum 35% reduction on site. Initial carbon offset payment to be paid prior to material start if zero-carbon target not achieved on site.
  - Post-construction energy assessment. Final carbon offset payment upon completion of development if zero-carbon target not achieved on site.
  - Be seen' energy performance monitoring and reporting
5. Highways Works / Highway related;
  - Submission and approval in writing of Residential Travel Plans prior to first occupation of development including promotion of local car clubs through the provision of three years' free membership of a Car Club for residents;
  - Healthy Streets contribution (£50,000) towards highway improvements in the vicinity of the site
6. Indexation of contributions in line with inflation

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

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

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

Conditions \_

*Compliance*

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

*Pre-commencement*

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

*Post-commencement*

15. Land Contamination study, remediation works and verification report
16. Piling Method Statement
17. External Materials
18. Design specifications
19. Hard and Soft Landscaping
20. Balcony/roof terrace screens

*Pre-occupation or use*

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

**Informatives**

1. Building Adjacent to Boundary

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

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

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

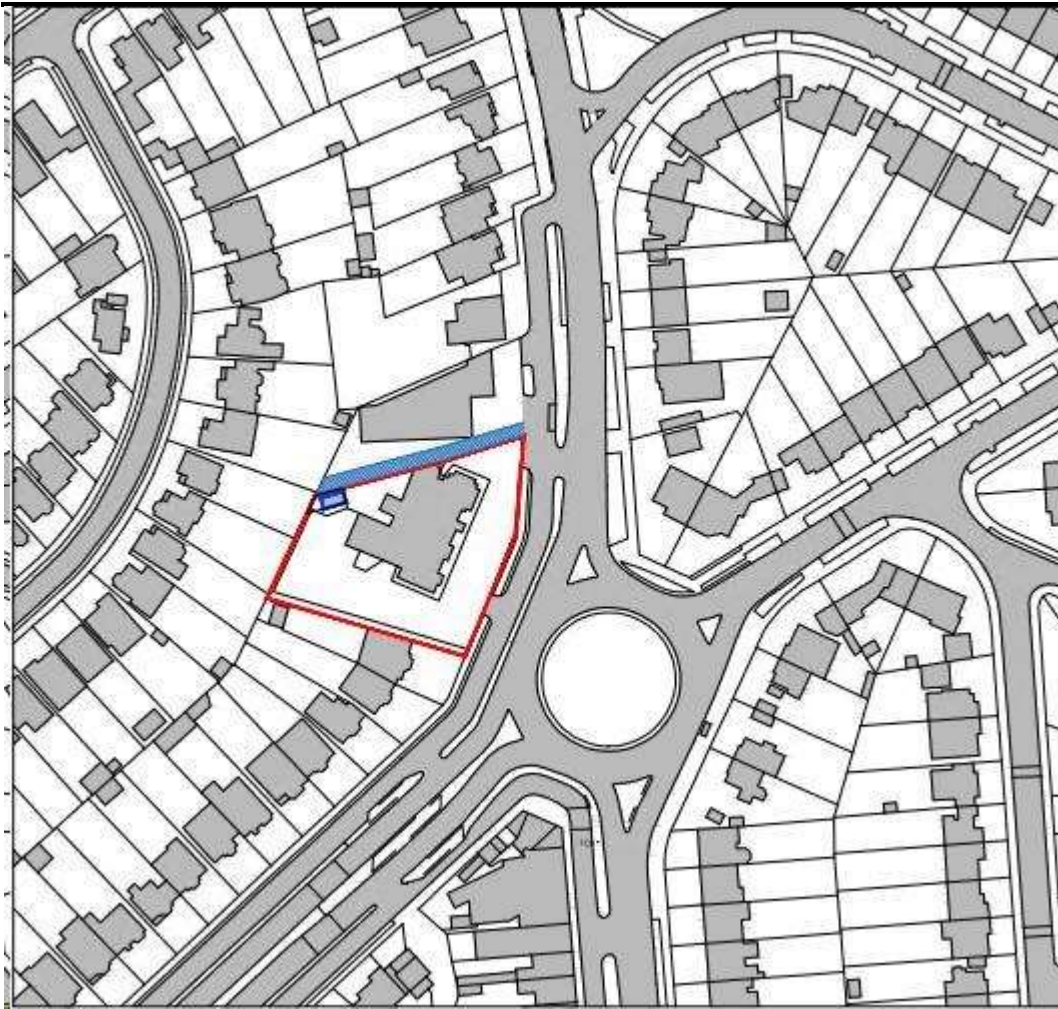
## SITE MAP



### Planning Committee Map

Site address: 231 Watford Road, Harrow, HA1 3TU

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This map is indicative only.

## **PROPOSAL IN DETAIL**

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

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

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

### **Amendments to the Proposal**

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

The changes are summarised as follows:

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

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

## **EXISTING**

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

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

## SUMMARY OF KEY ISSUES

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

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

**Principle of residential redevelopment of the site:** The loss of the existing restaurant is considered to be acceptable. The site is outside of a designated centre or shopping parade, and planning policy does not prevent the loss of restaurant uses in such locations. The proposal does not constitute a community facility or pub and thereby Policies BSI1 and BHC5 do not apply. The building although acknowledged as the former John Lyon public house does not make a significant contribution to the visual amenities of the area. The proposal would provide new homes that would meet an identified need within the borough on a "small site" in accordance with London Plan policies H1 and H2 and Brent policy BH1 and BH4. The residential use is supported in principle and considered to be in accordance with key strategic and local policies relating to housing provision.

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

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

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

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

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

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

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

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

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

## RELEVANT SITE HISTORY

### Relevant planning history

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

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

## CONSULTATIONS

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

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

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

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

### Summary of Objections

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

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

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

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

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

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

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

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



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

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

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

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

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

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

### **External Consultation**

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

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

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

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

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

## **Internal consultation**

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

## **Applicant's Public Consultation**

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

### **Social Media Engagement**

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

### **Consultation**

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

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

## **POLICY CONSIDERATIONS**

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

The development plan is comprised of the:

London Plan 2021  
Brent Local Plan 2019-2041

Key policies include:

### **London Plan 2021**

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

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

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

DMP1 - Development Management General Policy  
BP4 - North West  
BD1 - Leading the way in good design  
BD2 - Tall Buildings  
BH1 - Increasing Housing Supply  
BH4 – Small Sites and Small Housing Developments in Brent  
BH5 - Affordable Housing  
BH6 - Housing Size Mix  
BH13 - Residential Amenity Space  
BHC1 - Brent's Heritage Assets  
BGI1 - Blue and Green Infrastructure in Brent  
BGI2 - Trees and Woodland  
BSUI1 - Creating a Resilient and Efficient Brent  
BSUI2 - Air Quality  
BSUI4 - On-site Water Management and Surface Water Attenuation  
BT1 - Sustainable Travel Choice  
BT2 - Parking and Car Free Development  
BT3 - Freight and Servicing, Provision and Protection of Freight Facilities  
BT4 - Forming an Access on to a Road

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

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

## **DETAILED CONSIDERATIONS**

### **Background**

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



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

This was associated with the following documents being revoked:

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

## **Principle of Development**

### Background and Current Use

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

### Loss of Existing Building

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

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

### Residential Development

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

### **Affordable Housing**

#### Policy Background

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

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

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

#### Earlier refused scheme

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

#### Current proposal

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

#### Housing Mix

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

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

25. The NPPF emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials, while not discouraging appropriate innovation. Policy D3 of London Plan highlights the need for all development must make the best use of land by following a

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

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

### Height and Massing

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

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

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

#### Architecture and Materiality

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

#### Layout

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

#### Relationship with the Sudbury Court Conservation Area

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

family sized homes.

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

## **Impact on Neighbouring Residential Amenity**

### Separation Distance and Privacy

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

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

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

### *No. 135 Sudbury Court Drive*

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

### *Site to the north*

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

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

### *Summary*

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

### Outlook and Daylight

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

### *Nos 15 + 17 Amery Road*

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

### *No. 135 Sudbury Court Drive*

61. The rear projection of the proposal would comply with 45 degree line from the rear garden of No. 135 Sudbury Court Road. The 1:2 guidance has been applied in relation to the front element of the building as it is the closest element that sits alongside No. 135 Sudbury Court Road. When measured from the middle of the nearest rear habitable room window at first floor level, a distance of 7m would be maintained from the middle of this window to the flank wall of the development (including the balcony). The proposal would project out 3.5m from this window and therefore would comply with 1:2 guidance.
62. It is therefore considered that the scheme has overcome the earlier reason for refusal in relation to the impacts upon No. 135 Sudbury Court Road as it would no longer result in an unacceptable relationship in terms of an overbearing appearance or harmful levels of overlooking/loss of privacy. The proposal would accord with policy DMP1 and the guidance set out within SPD1.

### *Daylight + Sunlight Assessment*

63. In terms of impacts on daylight and sunlight to neighbouring properties, BRE Guidelines set out a number of tests. The initial test relates to 25 degree line where it recommends that adequate daylight would be achieved when there is an unobstructed 25 degree angle in relation to neighbouring windows. In such cases no further testing would be required from these windows. Where further testing is required, firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Secondly, the No Sky Contour or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. The BRE guidance sets a target of 0.8 times its former value.
64. To assess impacts on sunlight to existing south-facing windows and amenity spaces, an assessment of Annual Probable Sunlight Hours (APSH) is recommended. Adverse impacts occur when the affected window receives less than 25% of total APSH including less than 5% in winter months, or when amenity spaces receive less than two hours sunlight on 21 March or less than 0.8 times their former value.



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

### **Quality of Accommodation**

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

### Daylight and Sunlight

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

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

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

#### Floorspace Requirements

75. Policy D6 of London Plan sets out minimum floorspace requirements. It also requires single bedrooms to have a floor area of at least 7.5sqm and be at least 2.15m wide. A double or twin bedroom must have a floor area of at least 11.5sqm, with at least one of the double bedrooms at 2.75m wide, and the remaining double bedrooms at 2.55m wide. The Design and Access Statement submitted with the application highlights that all proposed units would meet the London Plan floorspace requirements.
76. The proposed first and second floors would include 11 units which would exceed recommended 8 homes per core as set out in the Mayor's Housing SPG. However, given the "T" shape of the buildings the homes are clustered around a centrally located core.
77. The section plans submitted with the application demonstrates that the proposal would meet the required floor to ceiling height of 2.5m of at least 75% of the internal floorspace as set out within the London Plan.

#### Outlook and Aspect

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

#### Relationship with the Existing Sub-Station

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

#### Accessibility

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

#### Privacy

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

#### External Amenity Space

92. Policy BH13 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 50sqm per home for family housing (3 bedrooms or more) situated at ground floor level and 20 sqm for all other housing.
93. The requirement for external private amenity space is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 or 50sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
94. With regard to quality of the space, the supporting text to policy BH13 specifies that private amenity should be accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight, whilst Brent SPD1 specifies that the minimum depth and width of the space should be 1.5m.
95. London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant.

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

### Play Space

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

### **Transport and Highway Considerations**

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

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

### Parking

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

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

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

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

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

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

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

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

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

#### Healthy Streets

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

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

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

### Cycle Parking

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

### Servicing

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

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

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

#### Trip Generation

125. The applicants have provided a trip generation analysis based on TRICS survey data for both the existing restaurant and the proposed residential flats. The trip rate calculations for the flats are based on five similar blocks of flats in areas of Outer London with a low PTAL rating, so are considered representative of this proposal.
126. The analysis indicates that the development will generate an extra 5 arrivals and 19 departures by car during the AM peak (8-9am) compared with the existing use, with an additional three vehicle movements in the evening peak hour (5-6pm). These additional flows are not considered significant enough to have a detrimental impact on highway network capacity in the area.

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

127. Policy BGI2 states that development with either existing trees on site or adjoining it that could affect trees will require a submission of a BS5837 or equivalent tree survey detailing all trees that are on, or adjoining the development site.
128. The site is not affected by any Tree Preservation Orders and it is not within a designated Conservation Area. It does sit opposite the Sudbury Court Conservation Area.
129. A Tree Report and Tree Protection Plan were submitted with the application. To implement the planning permission being sought, part of G1 (group located south of the site) and all of G3 (group located north east of the site) would need to be removed to facilitate the construction new building and garden space. The trees in G1 could be considered unsuitable for long term retention due to their growth potential. These are low quality trees, with G3 being partially in decline. The report highlights it will not be practical to try and retain the trees along the boundary in G1 where the building line comes close to it. The application is seeking for these trees to be replaced by suitable tree cover, including 30 new specimen trees of either advance nursery stock or semi mature specimens planted throughout the development.
130. The layout of the building means that the actual footprint of the new building sits outside of the calculated RPA (Root Protection Area) of the trees, so no deep excavation works will take place in this protected area and so significant roots will not be impacted. The findings identify that the layout of the building does not encroach into the RPA of the other trees to be retained and protected and therefore the deep excavation works will not impact on these protected areas.
131. The risks to the trees associated with construction activities apart from the direct way they could be impacted as discussed above, will be via indirect actions from construction activities such as, inconsiderate material storage, manoeuvring of materials, scaffold erection etc. The site contains the relevant for these actions to be carried sufficiently. Protective fencing will be erected in the locations shown on the tree protection plan. These protection mechanisms would be implemented next to the trees located to the front of the site. Hand digging and air spade works will be used within the RPA with an arborist on site to supervise proceedings. Site supervision will be conducted by an on site suitably qualified arborist.
132. The Council's Tree Officer has reviewed the information provided with regard to trees and raises no objection to the proposal. Whilst it is noted that the revised parking layout would require increased hardstanding provision within close proximity to the existing street trees, this would be acceptable, provided a no dig construction method was used within the Root Protection Areas. To this end, a tree protection and landscaping condition would be required as part of any consent.

#### Urban Greening

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

#### Ecology and biodiversity

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

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

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

#### **Sustainability**

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

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

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

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



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

## **Environmental Considerations**

### Noise

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

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

### Air Quality

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

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

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

### Construction Noise and Dust

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

### Contaminated Land

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

### Lighting

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

## **Flooding and Drainage**

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

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

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

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

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

## **Fire Safety**

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

'Golden Thread' of Information".

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

### **Equalities**

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

### **Conclusion**

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

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 22/3260

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

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

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

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

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

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

Date: 01/08/2023

Signature:

**Gerry Ansell**  
Head of Planning and Development Services

### Notes

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

DnStdG

**SUMMARY OF REASONS FOR APPROVAL**

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

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

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

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

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

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

Supporting Documents

Tree Protection Plan Rev 2

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

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

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

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

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

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

Flood Risk Assessment (prepared by Ardent, September 2022)

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

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

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

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

Reason: In the interests of proper planning.

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

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

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

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

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

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

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

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

- 8 The development hereby approved shall be carried out fully in accordance with the submitted Acoustic Plus Noise Assessment (Ref: 104170A Issue 5 dated 16th September 2022) unless otherwise agreed in writing by the local planning authority.

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

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

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

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

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

Reason: To ensure a satisfactory standard of accommodation.

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

Reason: To ensure a satisfactory standard of accommodation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 15 (a) Prior to the commencement of building works (excluding demolition of the existing building), a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options and a Remediation Strategy should any contamination be found that presents an unacceptable risk to any identified receptors.
- (b) Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be submitted to and approved in writing by the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- 16 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interest of local history.

## INFORMATIVES

- 1 (F16) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 2 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 3 (PWAL) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 4 The submission/approval of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.
- 5 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 6 The applicant is informed that, in relation to the discharge of conditions regarding the remediation of contaminated land, the quality of imported soil must be verified by means of in-situ soil sampling and analysis.  
We do not accept soil quality certificates from the soil supplier as proof of soil quality.
- 7 Thames Water advises the applicant of the following:
  - A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.thameswater.co.uk&d=DwlFaQ&c=OMjwGp47Ad5otWI0\\_lpOg&r=G\\_hzVvySAkixNxE\\_J\\_EjNJR\\_FDWFjexJLES8DRQ06qKk&m=-u-R\\_Q15lz4qif8awGaV1BUWN40lineKyqKZROLnXaA&s=NJ1M7Lt\\_xulFk4\\_2FpfFRZ9ippAbc0KqM1IRBH6yHdbE&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.thameswater.co.uk&d=DwlFaQ&c=OMjwGp47Ad5otWI0_lpOg&r=G_hzVvySAkixNxE_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=-u-R_Q15lz4qif8awGaV1BUWN40lineKyqKZROLnXaA&s=NJ1M7Lt_xulFk4_2FpfFRZ9ippAbc0KqM1IRBH6yHdbE&e=). Please refer to the Wholesale;

Business customers; Groundwater discharges section.

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

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

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

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