

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

15 November, 2023  
05  
23/0024

## SITE INFORMATION

RECEIVED	4 January, 2023
WARD	Brondesbury Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	2-78 INC, Clement Close, London, NW6 7AL
PROPOSAL	Demolition of one bungalow and various infill developments to deliver 21 residential units (Use Class C3) consisting of five separate developments of two terraces and three flatted blocks, with associated car parking, cycle storage, and enhancements to the Estate's amenity space
PLAN NO'S	Please refer to condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><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_163204">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_163204</a></p> <p><b><u>When viewing this as an Hard Copy</u></b></p> <p>Please use the following steps</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 "23/0024" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

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

### Conditions

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

### Informative


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

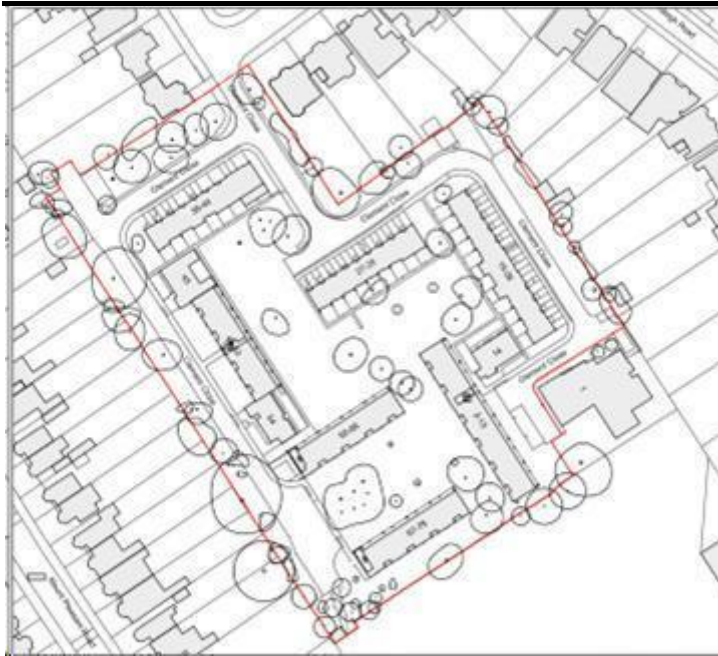
As set out within the draft decision notice

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

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

## SITE MAP

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



This map is indicative only.

## PROPOSAL IN DETAIL

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

## EXISTING

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

## AMENDMENTS SINCE SUBMISSION

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

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

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

## SUMMARY OF KEY ISSUES

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

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

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

by the benefits of affordable and family housing provision.

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

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

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

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

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

## RELEVANT SITE HISTORY

No relevant planning history.

## CONSULTATIONS

### Public Consultation

#### First consultation stage: January 2023

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

A Site Notice was displayed 03/02/2023

A Press Notice was published 02/02/2023.

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

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

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

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

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

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

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

### **Re-consultation on revised proposals: July 2023**

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

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

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

### **Environmental Health**

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

### **Statement of Community Involvement**

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

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



the proposed scheme.

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

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

## **POLICY CONSIDERATIONS**

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

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

Key policies include:

### **London Plan 2021**

SD1: Opportunity Areas  
SD6: Town Centres and High Streets  
SD7: Town centres: development principles and Development Plan Documents  
SD8: Town centre network  
D3: Optimising site capacity through the design-led approach  
D4: Delivering good design  
D5: Inclusive Design  
D6: Housing quality and standards  
D7: Accessible Housing  
D8: Public realm  
D11: Safety, security and resilience to emergency  
D12: Fire safety  
D13: Agent of Change  
D14: Noise  
H1: Increasing housing supply  
H4: Delivering affordable housing  
H5: Threshold approach to applications  
H6: Affordable housing tenure  
H7: Monitoring of affordable housing  
G1: Green infrastructure  
G5: Urban greening  
G6: Biodiversity and access to nature  
G7: Trees and Woodlands  
S4: Play and informal recreation  
S11: Improving air quality  
S12: Minimising greenhouse gas emissions  
S13: Energy infrastructure  
S14: Managing heat risk  
S15: Water infrastructure  
S16: Digital Connectivity Infrastructure  
S17: Reducing waste and supporting the circular economy.  
S112: Flood Risk Management  
S113: Sustainable drainage  
T1: Strategic approach to transport  
T4: Assessing and mitigating transport impacts  
T5: Cycling  
T6: Car Parking  
T6.1 Residential parking

T7: Deliveries, servicing and construction

## **Local**

Brent Local Plan 2019-2041

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

The following are also relevant material considerations:

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

Brent SPD/SPG:

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

## **DETAILED CONSIDERATIONS**

### **Background**

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

### **Principle of development:**

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

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

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

#### *Mix of units and affordable housing*

7. The proposals would provide 21 new dwellings (5 x 1-bed, 9 x 2-bed & 7 x 3-bed) in five blocks, an existing house would be removed (No.54); thus giving a net gain of 20 dwellings. Policy BH6 of the Local Plan seeks for 1 in 4 new homes in the borough to be family sized homes. This proposal puts forward 7 of its 21 homes as family homes (33%), and therefore complies with policy BH6.
8. Policy BH5 of the Brent Local Plan relates to affordable housing, it asserts that in Brent the strategic affordable housing target that will apply is 50% of new homes. It further states that the London Plan Policy H5 Threshold Approach to applications will be applied. It outlines that the affordable housing tenure split required to comply with London Plan Policy H5 for major developments is:
  - 70% Social Rent (SR) / London Affordable Rent (LAR) and;
  - 30% intermediate products which meet the definition of the genuinely affordable housing including London Living Rent, affordable rent within Local Housing Allowance limits and London Shared ownership. These must be for households within the most up to date income caps identified in the London Housing Strategy or London Plan Annual Monitoring Report

In this instance it is noted that the scheme is intended to be 100% affordable with rent at London Affordable Rent levels, which would exceed the 50 % required for the Threshold Approach. London Plan and Brent policy requires the provision of 30 % of the homes to be as Intermediate Affordable housing and the provision of all of the Affordable homes at London Affordable Rent levels would not be in full accordance with this policy. However, given the significant need for London Affordable Rent homes and the higher level of provision of Intermediate housing in some other schemes, this is considered to be acceptable, with the benefits of associated with the over-provision of London Affordable Rent homes considered to outweigh the harm associated with the absence of Intermediate homes. Affordable Housing is normally secured through Section 106 legal obligations, but in the case of applications on Council owned land, it must be secured through conditions attached to the planning

consent. Both conditions and obligations must only secure matters that are necessary to ensure that the development will accord with planning policy and guidance. As such, a condition is recommended which secures the provision of at least 50 % of the homes as London Affordable Rent.

## Design and Character

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

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

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

#### **Standard of accommodation**

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

#### **Floor to ceiling heights**

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

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

#### *Internal daylight and sunlight levels*

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

#### **Accessible Homes**

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

#### **External amenity space**

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

a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 or 50 sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.

37. With regard to quality of the space, the supporting text to policy BH13 specifies that private amenity should be accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight, whilst Brent SPD1 specifies that the minimum depth and width of the space should be 1.5 m.
38. London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. The minimum depth and 1.5 m is reconfirmed in the policy.
39. Moreover, the Council adopted the Brent Residential Amenity Space and Place Quality Supplementary Planning Document in June 2023. The SPD provides guidance on planning matters related to the provision of residential amenity space and public realm within developments. The schedule of the proposed amenity space for each unit is as below:

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

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

## Impact on neighbouring residential amenity

41. SPD 1 states that the building envelope of all new development should be set below a line of 30 degrees (from the horizontal) from the nearest rear habitable room window of adjoining existing properties which would face towards the development, measured from height of two metres above floor level. Where proposed development adjoins private amenity / garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of two metres. With regard to privacy and overlooking, directly facing habitable room windows normally require a minimum separation distance of 18m, except where the existing character of the area varies from this. A distance of 9m should be kept between gardens and habitable room windows or balconies which would look towards those gardens.
42. Brent's SPD 2 1:2 rule states that the depth of any two storey extension is restricted to half the distance between the side wall and the middle of any neighbours nearest habitable room window (this includes kitchens but excludes bathrooms, storage cupboards etc), up to a maximum depth of 3m. If the habitable room has a bay window, the measurement must be taken from the main wall of the elevation, not any part of the bay window. This rule ensures that the loss of amenity and light to the neighbouring properties is kept within reasonable limits.
43. Objections have been received from adjoining properties within Clement Close, Aylestone Avenue, Milverton Road, Mount Pleasant Road and Chudleigh Road regarding the impacts of the proposed blocks on residential amenity, including a perceived loss of daylight and outlook, increased overlooking and an increased sense of enclosure to habitable rooms and rear gardens.

### *Compliance with the 30 and 45 degree rules and privacy distances*

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



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

49. Block E would have enough separation distance for outlook towards the proposed Block D and the houses on Mount Pleasant Road in compliance with SPD 1 design guide. Only concern would be daylight impacts towards No. 55-65 CC block, however, the side of Block 55-56 CC looking towards Block E appear to be secondary windows and entrances to the units and do not serve habitable rooms, hence there would be no significant detrimental impact on their amenities.
50. The massing of Block F, a three storey apartment building, responding to the existing deck access block it adjoins. The massing steps back at first floor level, and the rear elevations projecting only marginally beyond the line of the adjacent block to meet both SPD requirements.
51. Block F would project beyond the principal rear wall of 67-78 Clement Close by 2.2 metres for the terraces which is in compliance with Brent's 1:2 rule as the middle of the habitable rooms are approximately 4.7 metres away. The proposal wouldn't comply with 9 metre separation distance to the rear boundary from the proposed terraces, however it is considered acceptable in this instance as it would look towards the community school open space grounds. Units F4 and F5 have balconies to the rear and front with side high fences towards No.52 Mount Pleasant Road private gardens to protect their privacy. The scheme would marginally breach the 45-degree rule on the parapet section only from No.52 Mount Pleasant Road, which is considered negligible given the depth of the private garden and trees on their shared boundary.
52. Having regard to the above, it is considered that the proposed units would not have any adverse impacts on the existing residential amenity of the surrounding properties and existing blocks on site.
53. Objectors have set out that the proposal will result in a loss of privacy that would be contrary to Article 8 of the Human Rights Act. The following is set out within Article 8:  
  
*Right to respect for private and family life*  
1) *Everyone has the right to respect for his private and family life, his home and his correspondence.*  
2) *There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*
54. The consideration of potential impacts to the privacy of nearby occupants are set out above. Compliance with the Council's guidance do not mean that a proposal will not have any impact on privacy, but rather establishes a framework for the consideration of impact, balancing benefit and harm. In this instance, the degree of harm to privacy is not considered to be significant, and the benefits of the proposal are considered to outweigh any harm.

#### Daylight and sunlight

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

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

#### *50 Milverton Road (Block A impact)*

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

#### *55-66 Clement House (Block E impact)*

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

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

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

#### Overshadowing to neighbouring amenities

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

#### Summary

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

#### **Transportation considerations**

##### Policy background

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

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

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

#### Car parking

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

#### Cycle parking

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

#### Access and layout

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

signing to prevent it being obstructed by parked cars).

### Transport assessment and trip generation

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

### **Trees and Landscaping**

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

minimised in an Arboricultural Method Statement and Tree Protection Plan.

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

### **Ecology:**

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

### **Construction Environmental Management Plan**

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

## Environmental impact, sustainability and energy

### Flood risk and SUDS

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

### Air quality

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

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

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

#### Construction Noise and Dust

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

#### Sustainable design and carbon reduction

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

#### Water consumption

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

#### **Electric Magnetic Field**

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



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

## **Fire Safety**

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

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

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

## **Noise**

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

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

## **Equalities**

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

## **Conclusion**

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

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

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 23/0024

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

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

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

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

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

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

Date: 07/11/2023

Signature:

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

### Notes

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

DnStdG

## SUMMARY OF REASONS FOR APPROVAL

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

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

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

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

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

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

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

#### Supporting documents

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure that risks from flooding are effectively mitigated

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

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

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

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

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

Reason: To ensure a satisfactory standard of accommodation.

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

Reason: To ensure a satisfactory standard of accommodation.

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

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

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

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

The applicant must employ measures to mitigate the impacts of dust and fine particles generated by the operation. This must include:

- (a) damping down materials during demolition and construction, particularly in dry weather conditions,
- (b) minimising the drop height of materials by using chutes to discharge material and damping down the skips/ spoil tips as material is discharged,
- (c) sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
- (d) ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
- (e) utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
- (f) installing and operating a wheel washing facility to ensure dust/debris are not carried onto the road by vehicles exiting the site.
- (g) the use of demolition equipment that minimises the creation of dust.

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

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

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

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

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

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

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

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

- 16 Details of the hard and soft landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding any demolition, site clearance and the laying of foundations), Such details shall include:
- I. A scaled plan showing vegetation to be retained and trees and plants to be planted, which shall include a minimum of 20 trees
  - II. A schedule detailing sizes and numbers of all proposed trees and use of native and/or wildlife attracting species as per the recommendations made within the Ecological Impact Assessment
  - III. Sufficient specification to ensure successful establishment and survival of new planting
  - IV. Details of all proposed hardstanding
  - V. Details of garden wall, fences or other form of boundary treatment to be provided within the site (including details of external materials and heights)
  - VI. Details of wildlife enhancements within the site as per the recommendation sets out within Ecological Impact Assessment, including the use of insect nest boxes/ dead wood piles, nest boxes for bird species on the building facade as well as on the retained and planted trees and bat boxes in areas of minimal light spill
  - VII. Details of specific infrastructure and/or apparatus forming the play spaces, within the communal open space
  - VIII. Details of cycle storage through the provision of secure, weatherproof cycle storage facility
  - IX. Details of any external lighting and overspill diagram
  - X. A schedule of landscape maintenance for a period of 5 years. which shall include details of the arrangements for its implementation and sufficient specification to ensure successful establishment and survival of new planting.

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

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

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

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

Reason: To ensure a suitably sustainable development.



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

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

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

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

- 20 Prior to the commencement of works the applicant shall enter into a Memorandum of Understanding (MOU) with the Local Planning Authority in order to provide appropriate offsetting measures for the development's carbon emissions as approved within the Energy Assessment.

No later than two months after practical completion of the development an Energy Assessment Review shall be submitted to and approved in writing by the Local Planning Authority. This shall include a review of the energy assessment commissioned at the applicant's expense and prepared by an independent assessor to demonstrate as built construction is in accordance with the approved Energy Assessment.

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

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

## INFORMATIVES

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

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

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

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

Monday to Fridays 08:00 to 18:00

Saturday 08:00 to 13:00

At no time on Sundays or Bank Holidays

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