

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

11 June, 2025
04
24/1735

SITE INFORMATION

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| RECEIVED | 21 June, 2024 |
| WARD | Willesden Green |
| PLANNING AREA | Brent Connects Willesden |
| LOCATION | 96, 96A-B, High Road, London, NW10 2PP |
| PROPOSAL | Demolition of existing dwellinghouses and outbuilding and erection of a four-storey building comprising 25 residential dwellings, part retention and upgrade of the original police station building as flexible commercial space with associated infrastructure works including private and communal space, cycle storage and public realm improvements. |
| PLAN NO'S | Refer to condition 2 |
| LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION | <p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_169326</p> <p><u>When viewing this as an Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "24/1735" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab |

RECOMMENDATIONS

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

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

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

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

Conditions

Compliance

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

12. Compliance noise impact assessment

Submission

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

Informatives as listed in the Committee Report.

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

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

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

SITE MAP

**Brent**

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

PROPOSAL IN DETAIL

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

Amendments since submission

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

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

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

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

Revised Design and Access Statement submitted to reflect updated/amendments

EXISTING

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

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

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

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

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

SUMMARY OF KEY ISSUES

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

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

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

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

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

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

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

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

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

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

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

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

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

identified shortfall.

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

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

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

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

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

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

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

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

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

MONITORING

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

Floorspace Breakdown

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

Monitoring Residential Breakdown

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

RELEVANT SITE HISTORY

Relevant Planning History

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

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

CONSULTATIONS

Public consultation

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

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

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

Public Re-consultation:

A number of amendments were submitted since submission.

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

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

A further public consultation was undertaken as follows:

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

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

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

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

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

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

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

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

Statutory / non-statutory consultees

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

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

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

Brent Internal Consultations

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

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

POLICY CONSIDERATIONS

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

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

The development plan is comprised of the

- London Plan 2021
- Brent Local Plan 2019-2041

Relevant key policies include:

London Plan (2021)

GG1 Building strong and inclusive communities

GG2 Making the best use of land

GG3 Creating a healthy city

GG4 Delivering the homes Londoners need

GG5 Growing a good economy

GG6 Increasing efficiency and resilience

Policy SD6 Town centres and high streets

Policy SD7 Town centres: development principles and Development Plan Documents

Policy SD8 Town centre network

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

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivering good design

Policy D5 Inclusive design

Policy D6 Housing quality and standards

Policy D7 Accessible housing

Policy D8 Public realm

Policy D10 Basement development

Policy D11 Safety, security and resilience to emergency

Policy D12 Fire safety

Policy D13 Agent of Change

Policy D14 Noise

Policy H1 Increasing housing supply

Policy H4 Delivering affordable housing

Policy H5 Threshold approach to applications

Policy H6 Affordable housing tenure

Policy H7 Monitoring of affordable housing

Policy H10 Housing size mix

Policy S1 Developing London's social infrastructure

Policy S2 Health and social care facilities

Policy S4 Play and informal recreation

Policy S5 Sports and recreation facilities

Policy E8 Sector growth opportunities and clusters

Policy E9 Retail, markets and hot food takeaways

Policy E10 Visitor infrastructure

Policy HC1 Heritage conservation and growth

Policy HC5 Supporting London's culture and creative industries

Policy G1 Green infrastructure

Policy G5 Urban greening

Policy G6 Biodiversity and access to nature

Policy G7 Trees and woodlands

Policy G9 Geodiversity

Policy SI 1 Improving air quality

Policy SI 2 Minimising greenhouse gas emissions

Policy SI 3 Energy infrastructure

Policy SI 4 Managing heat risk

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

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

Policy DF1 Delivery of the Plan and Planning Obligations

Brent Local Plan (2019-2041)

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

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

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

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

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

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

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

Other material considerations

The following are also relevant material considerations:

National Planning Policy Framework
National Planning Practice Guidance

Supplementary Planning Guidance / Documents:

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

Other

DETAILED CONSIDERATIONS

Background

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

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

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

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

Policy and Guidance

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

Principle of Development

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

Site Allocation

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

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

Principle of Residential Intensification

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

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

17. The scheme seeks to retain part of the existing former police station to include alterations and refurbishment. Approximately 148 sqm (GIA) of the original police station building converted into a flexible commercial space (Use Class E). An open class E consent is sought for the proposed commercial floorspace owing to the flexibility this would offer in securing occupiers. These uses would be complementary to the town centre location and surrounding residential context.
18. London Plan Policy S1 related to developing London's social infrastructure. Paragraph f states that:

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

 - 1) *there are realistic proposals for re-provision that continue to serve the needs of the neighbourhood and wider community, or;*
 - 2) *the loss is part of a wider public service transformation plan which requires investment in modern, fit for purpose infrastructure and facilities to meet future population needs or to sustain and improve services.*
19. Policy S1 paragraph g states:

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

20. Paragraph 5.17 of the London Plan states:

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

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

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

discussed within this report.

Housing Mix

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

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

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

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

Affordable Housing

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

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

34. Policy BH5 sets a target of 70% of those affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split marries up with the London Plan Policy H6 by design, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category, bringing Brent's target split across adopted policies as 70% for low cost rented homes (social rent or London Affordable Rent) and 30% for intermediate products.

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

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

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

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

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

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

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

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

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

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

Summary

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

Design, scale and appearance considerations

Policy background

46. London Plan policy D3 sets out a design-led approach to new development that responds positively to local context and optimises the site's capacity for growth by seeking development of the most appropriate form and land use.
47. Policy DMP1 sets out the need for development proposals to be among other criteria, of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality.
48. Policy BD1 highlights the need for all new development must be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects and complements historic character but is also fit for the future.
49. In delivering high quality design, development proposals will be expected to show how they positively address all the relevant criteria within London Plan design policies and the Brent Design Guide SPD1.
50. While the previous scheme was refused partly due to the virtue of its design, layout, scale and massing and the resultant effect of the proposal on the character and appearance of the area, the Inspector's appeal decision APP/T5150/W/21/3272201 concluded that the proposal would be a sympathetic addition that would preserve local distinctiveness and would not result in unacceptable harm to the character or appearance of the area.
51. The Appeal Decision is given weight as a material consideration in the assessment of the proposed development.
52. Some key changes include, but are not limited to:
 - All flats have access to private amenity space in the form of balconies or gardens at ground floor, compared to the previous scheme in which 3 flats (of which one was a family dwelling) has no access to private amenity space.
 - Second floor terrace adjacent to number 6 Huddlestone Road has been removed.
 - Height and design of building adjacent to Huddlestone Road reduced in height and depth, a pitched roof to similar to that of adjacent Number 6 Huddlestone Road is proposed.
 - Addition of 3 dormer windows within north facing roofscape
 - Decorative interlinking balustrades to balconies as opposed to brick balustrades that were previously proposed.

Site and surrounding context

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

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

Layout

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

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

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

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

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

67. At Paragraph 18m the Inspector noted:

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

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

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

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

Architecture and materiality

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

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

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

Heritage considerations

Policy background

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

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

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

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

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

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

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

Assessment of Significance of Heritage Assets

St Andrew Church - Grade II listing*

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

St Andrews Vicarage – Grade II listing

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

St Andrews Vicarage – Grade II listing

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

Islamic College - Grade II listing

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

Willesden Green Conservation Area

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

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

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

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

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

Standard of Accommodation

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

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

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

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

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

Accessible Homes

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

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

Privacy and Outlook

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

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

Defensible space to ground floor flats:

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

Daylight/Sunlight Proposed

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

Daylight Illuminance

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

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

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

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

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

Sunlight

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

External Amenity Space

131. Policy BH13 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 50sqm for family housing (homes with 3 or more bedrooms) at ground floor level and 20sqm for all other housing.
132. The requirement for external private amenity space established through BH13 is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 or 50sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy; the remainder should be applied in the form of communal amenity space". Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
133. More recently, the Council adopted the Residential Amenity Space & Place Quality SPD. The SPD asserts that where the full area requirement cannot be provided, at least part of each dwelling's required amenity space will be private space and comply with London Plan policy as a minimum.
134. With regard to quality of the space, the supporting text to policy BH13 specifies that private amenity should be accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight, whilst Brent SPD1 specifies that the minimum depth and width of the space should be 1.5m.
135. Policy D6 of the London Plan specifies that where there is no higher local standard, a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1sqm should be

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

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

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

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

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

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

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

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

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

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

Communal Amenity Space

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Playspace provision

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

Summary

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

Impact to Residential Amenity

166. SPD1 advises that development should ensure a good level of privacy inside buildings and within private outdoor space. Directly facing habitable room windows will normally require a minimum separation distance of 18m, except where the existing character of the area varies from this. A distance of 9m should be kept between gardens and habitable rooms or balconies.
167. Reduced distances between new frontages may be acceptable subject to consideration of overlooking and privacy as well as high quality design and solutions which can sometimes mitigate impacts and allow for efficient use of land.
168. The building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from height of two metres above floor level. Where proposed development adjoins private amenity / garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of two metres.
169. SPD1 refers to the use of the 2:1 guidance contained in SPD2 (the previous Residential extensions and alterations SPD) in relation to the depth of a rear projection relative to the windows of an adjoining. However, new guidance document has since been adopted in regard to residential extensions and alterations. The Appeal referred to the now superseded guidance relating to two storey rear extensions.
170. The updated SPD has omitted the '2:1 guidance' in reference to the depth of two storey rear extensions. This has been replaced by new guidance which states that two storey rear extension should among other criteria must not extend beyond the 45-degree line(s) as measured from the middle of the

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

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

Appeal Summary

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

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

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

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

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

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

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

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

Privacy: Impact to Number 6 Huddlestone Road

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

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

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

overlooking issues of the appeal scheme.

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

Privacy: Impact to Number 100 High Road

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

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

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

Outlook: Impact to number 6 Huddlestone Road

188. The proposed two storey element of the proposal adjacent to number 6 Huddlestone Road would not breach the 45 degree line taken from the middle window of the window within the central window of the bay..

189. The Inspector did note that outlook is a distinct concept and may still be adversely affected by a development even where there would not be harmful light loss. Noting that at present, there is a pitched-roof building on the boundary of the appeal site with No 6 which extends significantly beyond the rear of an outrigger projection to this neighbour. Closest to the boundary, the proposed development would not project quite as deep beyond the rear of No 6 as the existing structure. The two-storey section at the rear of this part of the proposed development would also be lower than the ridge to the existing building on the boundary. It is noted that the existing building has a gabled roof and as such, part of the proposed two storey element closest the boundary with number 6 would be higher than part of the existing roof.

188. At paragraph 42 of the Appeal Decision the Inspector explained:

'However, the ridge to the existing pitched roof building runs perpendicular to the boundary a little to the rear of No 6, and the roof reduces in height towards the eaves at the deepest part relative to the rear of this neighbour and alongside its outrigger. While the rear part of the development would have a lower maximum height, it would be taller than the eaves of the existing building with a flat roof form, and would result in an overall increase in the bulk and mass of the upper part of the development alongside the boundary. This would be particularly noticeable at the deepest part of the development relative to No 6 where there would be a fairly large increase in height over the existing eaves. In addition, the provision of screening or enclosure that would be likely to be necessary around the flat roof in conjunction with its proposed use as a terrace would further increase the overall height of this part of the development. In my judgement, these increases would far offset the benefit of the slightly reduced depth of development along the boundary.'

189. Within paragraph 43 of the appeal decision, the Inspector explained that there were views of open sky from the site visit at number 6 Huddelstone Road. Stating that; *'The additional height and bulk of the deepest part of the development would at least partly close these views resulting in an appreciable increase in the impression of enclosure and a further diminution of outlook. In addition, the partial second-floor level to the closest part of the development would also have a flat roof at the rear which would extend at considerable height along the boundary with No 6 to a similar depth as its outrigger.'*

192. The revised scheme has been reduced in height, bulk and mass adjacent to number 6 Huddlestone Road where it would be two storeys with a pitched gable roof which would then reduce in height to the rear to a two-storey form with a flat roof. Whereas the previous scheme which proposed a partly three storeys addition in this part of the site which would have had a bulkier form.

193. This previous proposed three storey element adjacent to number 6 Huddlestone Road with the flat roof has been removed. In regard to the two-storey element now proposed, this would have depth beyond recessed part of the rear bay of number 6 Huddlestone Road by 2.66m (approximately 1.85m beyond the rearmost part of the existing bay window at number 6). This is a significant reduction in depth of the two-storey element which had a depth of approximately 4.53m (approximately 3.75m beyond the rearmost part of the existing bay window at number 6).

194. Furthermore, the height relative to the boundary is an important factor, the proposed two storey rear element adjacent to number 6 would be minimally higher (0.35m) than the roof at number 6. . The roof height relative to number 6's outrigger roof was slightly lower 0.38m in the previous scheme, however the bulk and mass at the boundary was approximately 0.46m when considering the height of the proposed balustrade, giving a total height of 6.85m for the height of the proposed rear element adjacent to number 6. The height of the proposed two storey extension relative to the ground level at number 6 Huddlestone Road is 6.53m. element measured from respecting proposed west elevation drawings). The revised drawings demonstrate the change in ground level between the site and number 6 Huddlestone Road.

195. The proposed scheme would not result in any significant harm in terms of outlook or sense of enclosure given its siting. It is noted that the third storey element of the appeal scheme projected

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

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

Daylight and Sunlight Assessment - Neighbouring Impact

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

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

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

Willesden Baptist Church

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

Daylight

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

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

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

Sunlight

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

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

123-131 (Odd) High Road

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

Daylight

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

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

Sunlight

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

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

100 High Road

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

Daylight

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

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

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

Sunlight

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

6 & 8 Huddleston Road

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

Daylight

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

Sunlight

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

3-9 (Odd) Huddleston Road

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

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

Daylight

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

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

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

Sunlight

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

Overshadowing to neighbouring amenity spaces

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

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

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

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

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

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

Summary of Daylight and Sunlight Impact

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

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

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

Transport Considerations

Car Parking

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

Bike Provision

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

Refuse

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

Servicing

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

Transport Impacts

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

Sustainability and Energy

Policy and Context

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

minimising both annual and peak energy demand in accordance with the following energy hierarchy:

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

251. Policy SI 2 paragraph C states 'A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

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

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

Energy and Carbon Reduction

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

Be Lean

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

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

256. High levels of insulation for exposed solid envelope elements

257. High level of air-tightness; and

258. 100% efficiency lighting

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

Be Clean

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

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

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

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

Be Green

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

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

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

266. Reduction of CO2 emissions:

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

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

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

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

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

Water Consumption

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

Air Quality

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

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

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

mitigation measures will be required.

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

Noise

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

Internal Noise Levels

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

Trees

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

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

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

Ecology and Biodiversity

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

impact site as possible.

296. A Biodiversity Impact Calculation Report has been submitted in support of the application in order to establish whether the scheme will achieve a net gain in biodiversity. It is calculated that there are 0.4 area habitat units before development and 0.90 area habitat units after development resulting in increase of 123%. 0.06 hedgerow units are also proposed.
297. The proposed development is considered to comply with Policy G6 of the London Plan and Local Plan Policy BG11, and vastly exceeds the mandatory 10% net gain requirement. Conditions and / or planning obligations would be imposed to ensure that details of the landscaping and biodiversity enhancements are secured, including over the long-term and therefore a net gain is achieved post development and that it will be maintained over time. Further landscape details to be submitted for approval through condition shall also demonstrate the consideration that has been given to ensuring enhancement of the wildlife corridor to the south and improve connectivity along this green corridor.
298. The proposed development would result in an improvement over the existing arrangement and would achieve a 10% Biodiversity Net Gain in line with Policy.
299. The proposed development is therefore considered to comply with Policy G6 of the London Plan and Local Plan Policy BG11. In this circumstance it is a planning condition is recommended to secure the Biodiversity Net Gain on site.
300. The Ecology report states that the existing buildings on site provide negligible potential for roosting bats as such no further work is required for protected species. Habitats on the site were considered to be of low ecological value with the presence of protected species being of negligible to low potential. The report recommends mitigation measures through a CEMP in relation to any nesting birds or mammals during the construction phase, and the use of appropriate lighting. A net gain for biodiversity has been achieved through the new development with a predicted uplift of greater than the mandatory 10%. Whilst a copy of the Statutory Metric has not been provided, it is acceptable for an updated metric to be submitted along with the Biodiversity Gain plan, and site conditions once scheme has been determined.
301. The ecology report providing sufficient information to understand the value of the baseline site in contrast to the future development. Proposed planting includes grassland, introduced shrubs and new trees and hedgerows, providing urban greening and benefit to local wildlife. None of the proposed habitats would be assessed as being "significant" for BNG and require a 30-year management plan.
302. The proposed landscape design looks to provide high diversity and wildlife value for pollinators. In terms of ecological enhancements, the landscape strategy sets out the ecological features to be included within the landscape strategy. Details of which could be conditioned to any forthcoming consent..
303. The statutory framework for biodiversity net gain requires a Biodiversity Gain Plan to be submitted and approved by the planning authority to discharge the biodiversity gain condition prior to the commencement of development. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

Urban Greening:

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

Flood Risk and Drainage

306. Policy BSUI3 highlights that proposals requiring a Flood Risk Assessment must demonstrate that the development will be resistant and resilient to all relevant sources of flooding including surface water. Proposed development must pass the sequential and exceptions test as required by national policy. The design and layout of proposals requiring a Flood Risk Assessment must contribute to flood risk

management and reduction and:

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

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

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

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

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

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

Fire Safety

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

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

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

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

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

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

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

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

315. It should also be noted that the development would still be subject to building regulations where a detailed assessment of fire safety would be carried out.

Equalities

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

Conclusion

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

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

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

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: **24/1735**

To: Mr Thomas
Savills
33 Margaret Street
London

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

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

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

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

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

Date: 03/06/2025

Signature:

David Glover
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

London Plan 2021
Brent's Local Plan 2019-2041

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawings:

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

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

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the commercial floorspace shall be used only for purposes in Use Class E, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

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

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

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

Reason: To ensure a satisfactory standard of accommodation.

- 6 The works shall be carried out in full accordance with the recommendations set out within the approved Flood Risk Assessment & Drainage Strategy prepared by Syntegra Consulting dated 16th October 2024 (Ref: 23-12147) in relation to the proposed surface water drainage strategy. The measures shall thereafter be maintained in accordance with the sustainable drainage systems management plan throughout the lifetime of the development, unless an alternative strategy is submitted to and approved in writing by the Council and thereafter implemented in full.

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

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

Reason: To protect local amenity and air quality.

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

Reason: To protect neighbour amenity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This shall include details of privacy screens to:

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

The work shall be carried out in accordance with the approved details thereafter, and the agreed privacy screens shall remain in perpetuity unless otherwise agreed in writing by the local planning authority.

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

- 21 Detailed bay studies including indicative technical sections illustrating how specific elements of the façade may be constructed, such as typical windows, typical parapets and typical balconies, shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the development (excluding demolition, site clearance and laying of foundations). The work shall be carried out in accordance with the approved details thereafter, unless otherwise agreed in writing by the local planning authority.

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

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

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

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

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

unless otherwise agreed in writing with the Local Planning Authority.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping scheme shall incorporate written five year maintenance programme following planting.

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

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

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

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

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

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

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

Reason: To protect acceptable local noise levels.

- 26 Notwithstanding the approved plans details of materials for all external building work, relating to the retained/refurbished former police station building/proposed commercial building this shall include, but not be limited to; Details of new front door, railings, a materials schedule/method statement in relation repair works, including samples, which shall be made available for viewing in an agreed location, shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the development (excluding demolition, site clearance and laying of foundations). The work shall be carried out in accordance with the approved details thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality and in the interest of preserving the retained part of the non-designated

heritage asset.

INFORMATIVES

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

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

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

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

2 - The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government’s CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.

3 - (PWAL) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

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

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