



## Planning Committee

**Wednesday 10 August 2016 at 7.00 pm**

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

### Membership:

#### Members

Councillors:

Marquis (Chair)  
Agha (Vice-Chair)  
Hylton  
Long  
Maurice  
Moher  
J Mitchell Murray  
Pitruzzella

#### Substitute Members

Councillors:

A Choudry, Colacicco, Daly, Ezeajughi, Hoda-Benn, Kabir, Khan and Naheerathan

Councillors

Colwill and Kansagra

**For further information contact:** Joe Kwateng, Democratic Services Officer  
020 8937 1354; [joe.kwateng@brent.gov.uk](mailto:joe.kwateng@brent.gov.uk)

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

**[democracy.brent.gov.uk](http://democracy.brent.gov.uk)**

**The press and public are welcome to attend this meeting**

**Members' briefing will take place at 6.00pm in Boardrooms 7 and 8**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declaration of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant personal and prejudicial interests and discloseable pecuniary interests in any matter to be considered at this meeting.		
2. Minutes of the previous meetings - 5 and 14 July 2016		1 - 8
<b>PART 1 - DEVELOPMENT PRESENTATIONS</b>		
3. Warranty House and Garden Centre, Dudden Hill Lane, NW10 1 DD (Ref. 6/0402/PRE)	Dudden Hill	11 - 22
4. 1 to 8 Capitol Industrial Park, Capitol Way, London, NW9 0EQ and land to front of 78 Capitol Way facing Stag Lane (Ref. 16/0201/PRE)	Queensbury	23 - 34
5. Mount Pleasant and Afrex House, Mount Pleasant, Alperton, HA0 1TX (Ref. 16/0205/PRE)	Alperton	35 - 46
<b>PART 2 - APPLICATIONS FOR DECISION</b>		
<b>SOUTH TEAM</b>		
6. 57 & 59 Brook Road, London, NW2 7DR (Ref. 15/4787)	Dollis Hill	51 - 68
7. 24-51 INC, John Barker Court, 12-14 Brondesbury Park, Kilburn, London, NW6 7BW	Brondesbury Park	69 - 96
8. 23 Cholmondeley Avenue, London, NW10 5XP (Ref. 16/1707)	Kensal Green	97 - 110
9. Car Park & Rathbone House Garages, Brondesbury Road, London (Ref. 16/1947)	Kilburn	111 - 138
<b>NORTH TEAM</b>		
10. Land rear of 66 to 68 Llanover road, Pembroke Road, Wembley (Ref. 16/1181)	Preston	139 - 158
11. 234 -238 Princes Avenue, London, NW9 9QU (Ref. 16/0629)	Queensbury	159 - 178
12. Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or his representative before the meeting in accordance with Standing Order 64.		

**Date of the next meeting:            Wednesday 14 September 2016**



Please remember to switch your mobile phone to silent during the meeting.

- The Conference Hall is accessible by lift and seats will be provided for members of the public on a first come first served principle.

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE

Tuesday 5 July 2016 at 7.00 pm

PRESENT: Councillor Marquis (Chair) and Councillors Daly (alternate for Councillor Moher), Hylton, Kabir (alternate for Councillor Moher), Long, Maurice, J Mitchell Murray, and Pitruzzella

Also present: Councillors Davidson, Hirani, Ms Shaw and Warren

Apologies for absence were received from Councillors Agha and Moher

#### 1. **Declarations of personal and prejudicial interests**

None.

Approaches to Committee

The following approaches were made to members of the Committee in connection with application reference 15/4998:

Emails from Deborah Minchom dated 3 & 23 June 2016, 1 July 2016  
Emails from George Binney dated 31 May 2016 (x2), 4 & 23 June 2016  
Email from Andrew Hume dated 2 June 2016  
Email from Christopher Walker dated 5 June 2016  
Email from Malathi Prasad dated 5 June 2016

The following approaches were made to the Chair:

Email from Karima Hudson dated 5 January 2016  
Email from Robert Procope dated 29 January 2016  
Email from Peter Joannides dated 5 June 2016  
Email from Amira Nassr dated 6 June 2016

A presentation was made to members of Planning Committee (in the presence of officers).

Members confirmed that they would consider all applications with open mind.

#### 2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the meetings held on 9 May, 11 May and 8 June 2016 be approved as an accurate record of the meeting.

**3. Peel Precinct, NW6 5RE, 97-112 Carlton House, Canterbury Terrace, NW6 5DU, and 8-14 Neville Close, NW6 5RU (Ref. 16/0356/PRE)**

**PROPOSAL:**

Demolition of existing buildings and proposed redevelopment comprising of seven new buildings of between 4 and 16 storeys high to accommodate 226 residential units, new multi-use health centre, class A1 - A5 uses, D1 and D2 uses, new public open space, highway works to Canterbury Road, Denmark Road and Neville Road, associated landscaping, new street trees and public realm improvements.

Mark Rowe of Penoyre & Prasad gave a presentation on the Peel Precinct development. Richard Barrett (Head of Estate Regeneration) attended to respond to questions. Members then questioned the presenters and raised issues for further consideration prior to submission of a planning application.

The main issues raised at this meeting were:

- Level of car parking
- Impact of Tower
- Affordable Housing provision
- Process for replacement tenants
- Provision for young people and South Kilburn Studio
- Community engagement process and outcome
- Retail provision
- GP provision
- Impact on British Legion

**4. 1A-C, 3, 5A-D Deerhurst Road and Shree Swaminarayan Temple, 220-222 Willesden Lane, Willesden, London, NW2 (Ref. 15/4998)**

**PROPOSAL:**

Erection of a three storey rear extension to the temple, and demolition of Nos 1, 3 and 5 Deerhurst Rd and erection of two 2 storey buildings with converted loft space providing a 14 bed care home and 5 self-contained flats (1 x 1bed, 1 x 2bed, 2 x 3bed and 1 x 4bed) with associated two storey basement level car and cycle parking and landscaping.

**RECOMMENDATION:**

Grant planning permission subject to the prior completion of a Section 106 legal agreement to secure the planning obligations, Travel Plan, Energy Strategy and a financial contribution of £25,000 as set out in the main report and delegated authority to the Head of Planning to negotiate the legal agreement indicated in the report and to issue the planning permission and impose conditions and informatives as set out in the report.

**SUPPLEMENTARY REPORT:**

Angus Saunders (Area Planning Manager) introduced the application and with reference to the supplementary report updated members on matters received

since the main report was published. Members noted that the supplementary report did not alter officers' recommendation and that that all revised plans and documents had been uploaded to the public access system.

George Binney (Chair of CARO) and Malathi Prasad (local resident and temple user) spoke in objection to the application.

Councillors Shaw and Warren also spoke in objection to the application. Members also heard a statement from Councillor Colacicco in objection.

Councillors Davidson and Hirani and Navin Shah (London Assembly Member) spoke in support of the application.

Bipin Gami (Temple Trustee) and Martin Evans (Project Consultant) spoke in support of the application.

Members discussed the report after which they agreed an amendment to the recommendation as set out below.

**DECISION:**

Granted planning permission as recommended in the officer's report with an amendment to condition 13 to include details of the maintenance and inspection of the pumping arrangement and an amendment to the S106 obligation relating to the Temple Management Plan to clarify the method of counting temple users..

**5. 5-9 Chippenham Gardens, London, NW6 5LH (Ref. 16/1191)**

Members were informed that the report had been removed from the agenda and would be reported to an extra meeting arranged for 14 July 2016. As a result no decision was to be made on the application.

**6. 40 St Gabriels Road, London, NW2 4SA (Ref. 16/0130)**

Members were informed that the report had been removed from the agenda and would be reported to an extra meeting arranged for 14 July 2016. As a result no decision was to be made on the application.

**7. Any Other Urgent Business**

None.

The meeting closed at 10.12 pm

COUNCILLOR MARQUIS  
Chair

Note: At 10:00pm, the Committee voted to disapply the guillotine procedure to enable them to consider all the applications on the night.

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE Thursday 14 July 2016 at 6.00 pm

PRESENT: Councillors Marquis (Chair), Agha (Vice-Chair), Hylton, Long, Kabir (alternate for Councillor Moher, J Mitchell Murray, Pitruzzella and Maurice

Apologies for absence were received from Councillor Moher

#### 1. **Declarations of personal and prejudicial interests**

None.

#### 2. **5-9 Chippenham Gardens, London NW6 5LH (Ref. 16/1191)**

PROPOSAL: Demolition of existing buildings at 5-9 Chippenham Gardens, Kilburn Park Post Office and 4-26 Stuart Road (even numbers) and construction of part-four, -five and -six storey building comprising 52 self-contained flats (24 x 1 bed, 19 x 2 bed and 9 x 3 bed) with associated highway works, hard and soft landscaping, cycle and refuse provision and alterations to Chippenham Gardens

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

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.

SUPPLEMENTARY: Adrian Harding (Planning Manager) introduced the application and with reference to the supplementary report updated members on matters received since the main report was published. Members noted that the supplementary report did not alter officers' recommendation.

David Alton (a local resident) spoke in objection to the application and sought protection orders for trees and the provision of community facility on site (in the public square).

Andrew Black and Stephen Martin (applicant's agents) spoke in support of the application drawing members attention to the contributions under the Section 106 agreement and various improvements to the site but felt that community use was not considered pragmatic on the site.

Members discussed the application and in endorsing officers' recommendation, agreed additional informatives as set out below.

DECISION: Agreed as recommended with additional informatives for the landscaping scheme to include design of benches for use by the public and category A tree protection.as recommended.

### **3. 40 St Gabriels Road, London NW2 4SA (Ref. 16/0130)**

PROPOSAL: Conversion of dwellinghouse into 3 self-contained flats (1 x 3 bed, 1 x 2bed and 1 x 1bed) to include one rear dormer windows, x7 rooflights, single storey rear infill extension and associated external alterations to the side window, re-instatement of original windows and door, new bi-folding doors to the rear ground floor, cycle parking spaces, bin stores, amenity space and front boundary alterations.

RECOMMENDATION: That the Committee resolve to GRANT planning permission subject to conditions and informatives as set out in the draft decision notice.

SUPPLEMENTARY: Adrian Harding (Planning Manager) introduced the application and with reference to the supplementary report updated members on matters received since the main report was published. Members noted that the supplementary report did not alter officers' recommendation.

Sheelagh Putnam (Chair- Mapesbury Residents Association Planning and Conservation Sub Committee) and Laura Greenway (local resident) spoke in objection to the application on grounds of over-development, noise nuisance and light pollution.

Yara Sharif and Nasser Golzari (applicant's agents) spoke in support drawing members' attention to the revisions to the scheme that respected the character of Mapesbury Conservation Area.

DECISION: Agreed as recommended with an additional informative advising the applicant to contact the Highway Authority prior to commencement of works to ensure that any damage to the highway can be restored.

### **4. Any Other Urgent Business**

None.

The meeting closed at 7.15 pm

S MARQUIS  
Chair

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## **PART 1 DEVELOPMENT PRESENTATIONS**

### **Introduction**

1. This part of the agenda is for the committee to receive presentations on proposed developments, particularly when they are at the pre-application stage.
2. Although the reports are set out in a particular order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a particular application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

### **Advice to Members**

4. These proposed developments are being reported to committee to enable Members of the committee to view them at an early stage and to comment upon them. They do not constitute applications for planning permission at this stage (unless otherwise stated in the individual report) and any comments made are provisional and subject to full consideration of any subsequent application and the comments received as a result of consultation, publicity and notification.
5. Members of the committee will need to pay careful attention to the probity rules around predisposition, predetermination and bias (set out in the Council's Constitution). Failure to do so may mean that the Councillor will not be able to participate in the meeting when any subsequent application is considered.

### **Further information**

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

### **Public speaking**

7. The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Applications for Decision" part of the agenda. Therefore reports on this part of the agenda do not attract public speaking rights.

### **Recommendation**

8. The Committee is not required to make any decisions with respect to the reports on this part of the agenda. The reports are presented as background information.

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## **PRE-APPLICATION REPORT TO COMMITTEE**

**Planning Committee on** 10 August 2016  
**Item No**  
**Case Number** 16/0402/PRE

## **SITE INFORMATION**

**RECEIVED:** 2016

**WARD:** Dudden Hill

**LOCATION:** Warranty House and Garden Centre, Dudden Hill Lane,  
NW10 1 DD

**SCHEME:** Proposed demolition of all existing buildings and construction of four buildings between five and nine storeys comprising 136 residential units (48 x 1 bed, 48 x 2 bed and 40 x 3 bed) and 596sqm community/retail floorspace (Use Classes D1/A1/A3), with associated basement car park comprising 44 car parking spaces, 240 cycle parking spaces, modified vehicular access, landscaping, amenity space, plant and ancillary works.

**APPLICANT:** Harley Property Investments and DPMM Enterprises Ltd

**CONTACT:** DP9 Ltd

**PLAN NO'S:** n/a

**LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION** No plans as this is a pre-application item. Members will view a presentation at Committee.

**SITE MAP**  
This map is indicative only





## **DEVELOPMENT DETAILS**

Ref: **16/0402/PRE**

Location: Warranty House and Garden Centre, Dudden Hill Lane, NW10 1DD

Ward: Kilburn

**Description:** Proposed demolition of all existing buildings and construction of four buildings between five and nine storeys, comprising 136 residential units (48 x 1 bed, 48 x 2 bed and 40 x 3 bed) and 596sqm community/retail floorspace (Use Classes D1/A1/A3), with associated basement car park comprising 44 car parking spaces, 240 cycle parking spaces, amended vehicular access, landscaping, amenity space, plant and ancillary works.

Applicant: Harley Property Investments and DPMM Enterprises Ltd

Agent: DP9 Ltd

Case Officer: Gary Murphy (South Area Team)

## **BACKGROUND**

This pre-application submission is being presented to enable Members of the committee to view it before a subsequent application is submitted and to comment upon it. The development does not constitute an application for planning permission and any comments made upon it are provisional and subject to full consideration of any subsequent revised application and the comments received as a result of consultation, publicity and notification.

This is the first time the proposed development is being presented to Members. Prior to this the applicants have been engaged in a lengthy period of pre-application discussion with Council Officers and the Greater London Authority (GLA). It should be noted that the scale of the development now being proposed would not be referable to the GLA. Following the conclusion of earlier pre-application discussions planning applications 16/0775 and 16/0776 were submitted concurrently in February 2016, and proposed the following development:

### 16/0775

Proposed demolition of all existing buildings and construction part three / part five / part six and part seven storey buildings comprising 134 residential units (44 x 1 bed, 44 x 2 bed and 41 x 3 bed flats, and 5 x 3 bed townhouses) and 540sqm community/retail floorspace (Use Classes D1/A1/A3), with associated basement car park comprising 88 car parking spaces, 228 cycle parking spaces, new vehicular access, footways, landscaping, amenity space, plant and ancillary works.

### 16/0776

Proposed demolition of all existing buildings and construction of part three / part five / part six and part seven storey buildings comprising 133 residential units (44 x 1 bed, 45 x 2 bed and 39 x 3 bed flats, and 5 x 3 bed townhouses) and 516sqm community/retail floorspace (Use Classes D1/A1/A3), with associated lower ground car park comprising 44 car parking spaces, 226 cycle parking spaces, new vehicular access, footways, landscaping, amenity space, plant and ancillary works.

Although broadly similar to one another the main differences between the two applications relate to the number of residential units, the proposed level of affordable housing in each, the inclusion of a basement car park and the proposed number of parking spaces.

In consideration of these applications officers have raised concern with elements of both the above schemes and this pre-application submission is the Applicant's response to those concerns.

## **PROPOSAL and LOCATION**

### **Proposal**

The proposed development is seeking full permission for the demolition of all existing buildings on site and its redevelopment comprising of:

- Ground floor commercial floorspace for A1/A3/D1 uses, within Block A only (596sqm)
- Four buildings, of between five and nine storeys, accommodating 136 residential units.
- Associated car parking, with 44 on-site spaces and 240 cycle parking spaces.
- Amendments to existing vehicle access
- Associated amenity space, landscape works and tree planting

Proposed residential mix

Building	A	B	C	D	Total
1 bed	8	18	11	11	<b>49 (36%)</b>
2 bed	14	14	13	7	<b>50 (37%)</b>
3 bed	12	5	18	5	<b>37 (27%)</b>
<b>Total</b>	<b>34</b>	<b>37</b>	<b>42</b>	<b>23</b>	<b>136</b>

### Site and Surroundings

The site is located on the western side of Dudden Hill Lane, approximately 5 minutes walk from Dollis Hill Jubilee Line Underground Station. Adjacent to the south of the site is an Esso petrol filling station and directly opposite a large self storage warehouse building. The site is broadly triangular in shape and bound to the north by an area of vegetation and railway embankment sloping down to the railway line, to the south is a similar area of vegetation before the site slopes down to railway lines. The open areas of vegetation which border the site to the north, west and south form part of a locally designated wildlife corridor and Sites of Borough (Grade I) Nature Conservation Importance (SINC). There is a significant fall in levels east – west across the site, falling away by approximately 10m as you move away from Dudden Hill Lane.

The application site (0.68 hectares) comprises Warranty House, a two storey brick building fronting Dudden Hill Lane. This is currently in use by the NHS as a child and family clinic. To the rear of Warranty House is an area of hard standing currently used for coach parking. The remainder of the site to the rear forms a garden centre and nursery, with some portacabin offices.

On the opposite side of the railway lines to the south is the College of North West London campus. This has a range of buildings that are industrial in nature, and of varying scales. To the north on the opposite side of the railway is a residential development accessed from Southview Avenue off Dudden Hill Lane, this comprises a series of blocks of flats of 3 and 4 storeys height. These railway and green corridors create buffer distances of between 30m and 60m to the nearest residential properties.

### Planning History

Applications 16/0775 and 16/0776, are most relevant. The nature of both has been discussed above.

*97/0161 – Granted*

Change of use from office to clinic.

### CONSULTATION RESPONSE

At this stage it is intended that the following will be consulted regarding any subsequent planning application:

Statutory Consultee:-  
(Internal)

- Ward Councillors for Dudden Hill and Willesden Green (Brent)
- Transportation (Brent)

- Environmental Health (Brent)
- Landscape Design (Brent)
- Tree Protection Officer (Brent)
- Sustainability Officer (Brent)
- Housing (Brent)
- Urban Design Officer (Brent)
- Planning Policy (Brent)

(External)

- Network Rail
  - Transport for London (TfL)
  - Secure by Design Officer (Met Police)
  - NHS Property division
  - Thames Water
- All existing properties and addresses within at least 100m of the application site.

## **COMMUNITY ENGAGEMENT**

In accordance with planning legislation, the developer has consulted Ward Councillors for Dudden Hill and the local community as part of the pre-application process that preceded the submission of applications 16/0775 and 16/0776. A public exhibition was held (10 and 12 December 2015) and this attracted approximately 30 attendees, a newsletter was distributed to 2670 addresses in the surrounding area and briefing sessions were undertaken with ward councillors and local stakeholders.

The applicants are committed to carrying out further local community consultation prior to the submission of any revised application. This additional consultation is expected to take place over the month of August 2016, and details submitted as part of a Statement of Community Involvement document.

## **MATERIAL PLANNING CONSIDERATIONS**

The main issues raised by the proposed development that the Committee should be aware of at this stage are:

### **Issue 1**

#### **Principle of Development: Loss of and re-provision of D1 use**

It is recognised that through London Plan policy 3.1 boroughs should seek to protect facilities that meet the needs of particular groups and communities, and protection of existing social infrastructure is afforded through policy 3.16.

Warranty House is currently used by the NHS as a child and family clinic. In accordance with the policy context the applicant did offer to re-provide the existing facility on site as part of any proposed development. The applicant approached the existing provider of the NHS clinic to confirm whether it would wish to remain on site after its lease expires on 25 March 2018, should it be redeveloped. Correspondence with the NHS trust established the NHS is intending to consolidate its existing estate by 2016 / early 2017 and as such the time needed to redevelop the site would not fit into the NHS's timescales to deliver a Brent / Harrow hub. In light of the service provider confirming its intention to replace the existing facility as part of the consolidation of its wider estate any re-provision of the facility was removed from the proposed scheme.

An alternative form of social infrastructure is proposed, subject to there being demand from a nursery operator, and this has the scope to ensure no loss of D1 use on the site.

The remaining part of the site in use as a garden nursery is not afforded protection under the Development Plan and is a suitable site for residential development, subject to compliance with other aspects of the Development Plan and other material considerations.

## **Issue 2**

### **Affordable Housing**

London Plan policy 3.12 requires borough's to seek the maximum reasonable amount of affordable housing, taking account of a range of factors including local and regional requirements, the need to encourage rather than restrain development and viability. The policy requires borough's to take account of economic viability when negotiating on affordable housing.

The applicant will be required to demonstrate that the maximum reasonable of affordable housing is being provided in this scheme, and this would need to be tested through the submission of a financial appraisal submitted with any future planning application which would be subject to scrutiny by or on behalf of your Officers.

It is anticipated that the offer of affordable housing will not be less than 20%, which is in line with the Applicant's offer for one of the current applications (LPA ref: 16/0776). Should any future application be submitted then this would be robustly tested at application stage to determine what the maximum reasonable proportion of affordable housing is that the scheme can viably deliver and reported to Committee in the usual way.

Any further update in terms of the affordable housing position will be reported at Committee.

## **Issue 3**

### **Placemaking, massing and layout**

In response to the earlier schemes concerns were set out previously by officers to do with the footprint of buildings, scale of buildings, quality of architecture, the relationship of buildings to one another and the quality of the residential environment around buildings.

London Plan policy 3.5 promotes quality in the design of housing developments.

Policy 7.6 on 'Architecture' states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is regarded as being particularly important for tall buildings.

In response to previous feedback the design of the scheme has been evolved further with a view to addressing these concerns. Proposed townhouses have been omitted from the scheme. Four buildings are now proposed (Buildings A – D) and these have been re-massed and reduced in footprint.

A summary of key changes proposed is set out below:

#### **Building A**

- This been positioned further north and this increases the separation distance to the petrol garage.
- The vehicle ramped access to the basement parking has been omitted from the ground floor.
- Increased height is proposed, with this now at part five and part nine storeys.
- The architecture has been further developed with a view to giving the building more verticality, and to reduce the mass of the taller elements.
- Pedestrian access has been reconsidered and is now proposed via a dedicated pedestrian only route to the south of this building.

#### **Building B**

- At seven storeys the height has not increased but this building been significantly reduced in footprint. The length of this has been reduced and the building set further away from the northern boundary, also the building has been made shallower and an

increased set back from 6m to 9m provided from the petrol garage boundary. Due to the reduction this building is no longer considered to create a barrier block to the rear of the site.

- The architecture has been further developed and the entrances to residential units at ground floor have been revised to give these more of a traditional residential feel. Previous scheme's appeared too commercial in their treatment at ground floor.

#### Building C

- This is now proposed of reduced footprint, it has been reduced significantly at its western end.
- The design has evolved and the northern façade has been broken down. There is a 'kink' in the elevation which breaks this façade into two distinct volumes to better articulate the mass of this façade. The taller volume has also been reduced in footprint to make this element more slender.
- Lower ground floor, single aspect north facing units have been omitted.
- Increased height is proposed, with this now at part 6 and part nine storeys (including lower ground floor level).

#### Building D

- The terrace of townhouses previously connected to this has been omitted. The building has been re-massed with greater articulation given to break down the scale of this into two distinct volumes, and it has also been reduced in height by one floor.

The front of the site is in a prominent position at the crest of the hill along Dudden Hill Lane, particularly when viewed from the north. In urban design and placemaking terms it is considered appropriate that the frontage building (Building A) accommodates increased height as this is located fronting onto Dudden Hill Lane, a major arterial route. Moving east – west through the site the levels significantly fall away, by as much as a 10m drop. This presents an opportunity for buildings taller than the existing urban grain, as due to the topography and significant separation distances across the railway lines these will have less of an impact on the townscape and long distance views. That being said there is not considered to be a strong townscape in this location. This is evidenced by the varying scale and nature of existing surrounding buildings and the fact that the application site is somewhat isolated by the railway running to the north and south and the wildlife corridors. These barriers create a natural buffer to buildings on the opposite side of the railway lines in both directions and gives scope to accommodate increased height without unduly impacting on the amenity of surrounding properties. Notwithstanding this the impacts of the scale of buildings proposed will need to be tested through a Daylight and Sunlight assessment, and a detailed townscape and views assessment will also need to be submitted with any future application to consider the impact on the existing built environment.

The quality of the architecture has been further evolved. A consistent approach to materials, fenestration and articulation of elevations is proposed to tie all four buildings together. The taller elements of buildings are proposed to be treated with brick fin details which give greater verticality to the elevations, buildings have been broken down into more than one volume to reduce the massing, depth has been introduced to building facades through articulation and the treatment of the ground floor of buildings A and B have been revised to give a well defined pedestrian entrance in the case of A and more of a residential feel in the case of B. It is officers view that this represents a much improved design and approach to the architecture.

In urban design terms officers considered it critical that Building A was revised to omit the ramped vehicle access down to the basement through the ground floor. This access has now been omitted, with a separate vehicle access provided at grade which takes advantage of the levels change across the site. As a result Building A will have an active frontage onto Dudden Hill Lane.

#### Issue 4

##### **Landscaping and ecology**

The reduction in the amount of building footprint across the site leads to an increase in the quantum of undeveloped space; this enhances the landscaping offer and the setting of

buildings within this landscape. The landscape strategy is to create distinctly different zones by way of a formal zone at the front of the site, as you move through this you enter a semi-formal zone that will have a central plaza, flanked by trees to the north and south, and then moving west across the site into a more informal space which will be a woodland theme with opportunities for recreation and play incorporated. The western end of the site proposes a generous landscaped / amenity space for residents. To link the different zones together a water feature is proposed to run through the site, and this could form an interesting element of the landscape.

The applicants will need to demonstrate with any future application that the quantum of amenity space and children's play space accords with local standards and London Plan requirements.

The proposals will not encroach into the designated wildlife corridors alongside the north and south boundaries. Significant new tree planting to the site boundaries is proposed, which has the scope to create an effective buffer, and also the potential to enhance the designated SINC areas adjacent. The existing site is covered predominantly by hard surfacing, and the proposed landscaping/planting would improve upon this. Any future application will need to be supported by a detailed ecology assessment of the existing and surrounding site conditions in order to comply with the Development Plan.

## **Issue 5**

### **Transport – access, parking and servicing**

#### *Access:*

The proposal seeks to provide vehicle access to the site by utilising the existing access close to the northern boundary, with some minor modifications to the kerb radii required to accommodate larger vehicles. Any crossover works would be secured via planning condition or through a Section 278 agreement. Access to a lower level basement car park will be accessible at grade via Dudden Hill Lane due to the gradient of the site. This access will be also be shared by servicing vehicles and emergency and refuse vehicles.

Pedestrian access has been separated and is proposed via a dedicated access at the southern end of the site, which is preferable in terms of legibility and safety.

#### *Parking:*

Parking for 44 cars is proposed within a lower ground floor basement; this will include provision for 15 disabled spaces. Of the proposed spaces, two will be allocated as staff parking for the proposed nursery, and a further bay is likely to be designated for use by Zipcar as an on site Car Club space (subject to confirmation).

Given the proposed intensification of the use of the site one of the material considerations is the impact of the proposed scheme on parking conditions locally. A development of the scale proposed will attract a maximum parking standard of approximately 170 spaces. The number of proposed spaces (44) would fall well below and therefore the impact of any overspill parking on traffic flow and high safety requires consideration. Parking demand amongst flats is generally assumed to average 75% of the maximum allowance (50% in the case of affordable housing), so based on a proportion of 20% affordable housing (as previously proposed) a total of 112 cars are estimated to be owned by future occupiers of these flats, leaving 76 vehicles needing to park in the area.

Saved UDP policy TRN23 does allow on-street parking to be counted towards parking standards, but only along the site frontage on local access roads that are sufficiently wide and are not already heavily parked. In this case, Dudden Hill Lane is a London Distributor Road so does not meet the criteria for on-street parking.

As parking cannot be safely accommodated on Dudden Hill Lane, with it being a London Distributor Road with extensive double yellow lines along it, appropriate mitigation is required to prevent excessive overspill parking.

To this end the applicants agree in principle to a 'permit free' approach, whereby future residents would not be eligible for parking permits to park on street on surrounding roads within the year round Controlled Parking Zone (CPZ). The Councils Transportation officer has confirmed that such an approach can be supported due to the presence of a CPZ locally, and the site's proximity to Dollis Hill Underground station, and Willesden bus garage which provides seven bus services. This permit free approach would provide sufficient mitigation against the potential for overspill parking to occur, and would need to be secured through a s106 agreement. Some parking is proposed on site which is welcomed and arrangements for the allocation of spaces are expected through a Car Parking Management Plan.

Cycle parking for 240 is proposed, this will be accessible, covered and secure parking to accord with standards.

A Travel Plan will need to be approved and implemented that will set targets to encourage non-car modes of access to the site, it is anticipated that this would cover the commercial uses also. It would need to set out in detail how a nursery use can be operated in such a way to manage the setting down and picking up activity. It is envisaged that the parents would share the site access, leading to a circulation/manoeuvring space for setting down and dropping off. In order for this to work in practice it is likely that any nursery operator would need to have staggered start and finish times so that set down and pick up can be staggered accordingly. The ability to set down and pick up within the site will prevent such activity from taking place on street.

The Councils Transportation officers will provide formal comment on the proposed parking strategy should any future application be submitted, and they will advise if this strikes an appropriate balance between providing some parking on site for future residents and mitigating the impact of any overspill parking. Their position to date has been one of support to the approach hereby set out.

*Servicing:*

Emergency and refuse vehicle access arrangements will largely be as existing where access can be gained towards the northern boundary.

A designated on-site circulation / manoeuvring space will be located to the west of the proposed retail unit (Building A). This space will provide mini-roundabout style facilities in order that cars and small to medium sized vans are able to turn on site and leave in forward gear without the need to reverse.

Larger vehicles, which are likely to be infrequent visitors to the site will also be able to utilise the circulation turning space via a three point turn or similar.

The entire site is expected to generate approximately 10 – 12 deliveries per day, with negligible deliveries associated with the retail and commercial elements of the site. This will result in approximately 1 activity per hour, and will be largely undertaken by small to medium sized vehicles able to utilise on site turning facilities. It is also the case that there will be on site concierge staff who will be made aware of all activities to be undertaken by large vehicles to ensure this can be undertaken in a safe manner.

It is envisaged that a Car Parking Management Plan be secured by condition, and a Delivery and Servicing Management Plan be submitted in support of any future application.

**Issue 6  
Density**

London Plan policy 3.4 seeks to optimise housing potential taking into account local context, character, design principles and public transport capacity. In accordance with the London Plan density matrix (table 3.2) the application site, which is in an Urban setting, with a PTAL 2 to 3 would be appropriate for accommodating 200 – 450 hr/ha, or 45 to 170 u/ha.

The proposed scheme would result in a density that does exceed the above range as development is proposed to be in the region of 617 hr/ha or 204 units / ha. However the

London Plan Density Matrix should not be applied mechanistically when assessing schemes and this approach is widely recognised. London Plan paragraph 3.28 states that account should also be taken of other factors relevant to optimising potential which can include local context, design and transport capacity, as well as social infrastructure, open space and play.

The location of the site and its isolated nature with immediate boundaries defined by landscaped buffers and railway lines, the level of separation from the site to the nearest neighbouring buildings, the site topography and the varying existing context and character of different buildings and uses, together with the close proximity to transport infrastructure (Dollis Hill Underground and further afield Willesden Bus Garage both within walking distance) are important determining factors when considering residential density.

## **Issue 7**

### **Quality of proposed residential accommodation**

The outlook from building B, in an easterly direction has been significantly improved. The building has been reduced in footprint and re-located to achieve a separation of 9m to the eastern boundary. This boundary is shared with the Esso petrol garage, and is a material improvement on the previous separation of 6m. This will ensure that sufficient outlook can be achieved within the site, will reduce the potential for harm from the neighbouring petrol garage use. Furthermore it presents the opportunity for a corridor of trees to be planted to provide a buffer and this now forms part of the revised proposals.

Single aspect north facing units that were at lower ground of building C have now been omitted. It is understood that there are no single aspect north facing units within the scheme, though this is something that will need to be confirmed in any future application.

The applicant shall also need to confirm that all units comply with the Mayor's Housing SPG, and that the requirements for wheelchair adaptable and wheelchair accessible homes are satisfied.

A Daylight and Sunlight Assessment shall be submitted to demonstrate the levels that are to be achieved for units within the site, in view of the heights proposed and the relationships between individual buildings.

Where facing elevations of different buildings that contain habitable windows are less than 20m apart there will need to be a carefully considered design response to this to mitigate against any privacy issues, and to justify the proposed layout in planning terms. This will require further consideration.

The legibility of pedestrian entrances has improved in respect of buildings A and B. Ground floor units within building B have their own entrances, accessed from the central plaza, with provision for defensible space directly outside. These changes are welcomed.

## **PLANNING OBLIGATIONS**

In accordance with the Council's Planning Obligations SPD, the proposal would be likely to attract the following obligations to mitigate the impact of the development:

- Affordable Housing - Final proportion to be subject of a detailed financial viability assessment.
- Employment and training opportunities during construction
- Car-Parking Permit Free development to remove the rights of residents to apply for parking permits in the surrounding roads in the vicinity of the site
- Join and adhere to Considerate Constructors scheme
- Energy - Achieve a 35% reduction in CO2 emissions beyond the 2013 Building Regulations and to provide a carbon off-set contribution of (amount to be agreed) to be used towards on / or off-site improvements related to carbon reduction to off-set any shortfall below the target 35%.



- Submission and approval of a commercial and residential Travel Plan to score a PASS rating under TfL's ATTrRuTE programme prior to first occupation, to include provision of a subsidised Car Club membership for future residents and to fully implement the approved plan for the lifetime of the development thereafter.
- Undertaking of any highway works through an agreement under S38/S278 of the Highways Act 1980 (N.B. the precise nature of highway works necessary to be confirmed at application stage).

#### **Community Infrastructure Levy (CIL)**

This would be development that is liable for Mayoral and Brent CIL. The level of liability that this would attract will be confirmed at a later stage when the precise quantum and form of proposed development is known.

#### **CONCLUSIONS**

Members should note the above development is still in the pre-application stage and that additional work remains to be carried out prior to the submission of any subsequent planning application.

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## PRE-APPLICATION REPORT TO COMMITTEE

Planning Committee on 10 August 2015

Item Number

Case Number 16/0201/PRE

## SITE INFORMATION

RECEIVED: 2016

WARD: Queensbury

LOCATION: 1 to 8 Capitol Industrial Park, Capitol Way, London, NW9 0EQ and land to front of 78 Capitol Way facing Stag Lane

**SCHEME:** Demolition of existing buildings and proposed redevelopment comprising six buildings (annotated on the plans as Blocks A, B, C, D,E and G) of between four to eight storeys high to accommodate a mixed use development with 2272sqm of commercial floorspace at ground level and 415 residential units, associated part basement car parking, landscaping, new street trees and public realm improvements. The scheme also proposes a separate building (annotated on the plans as Block F) on the land fronting Stag Lane that is up to three storeys in height and will contain 1879sqm of commercial uses only.

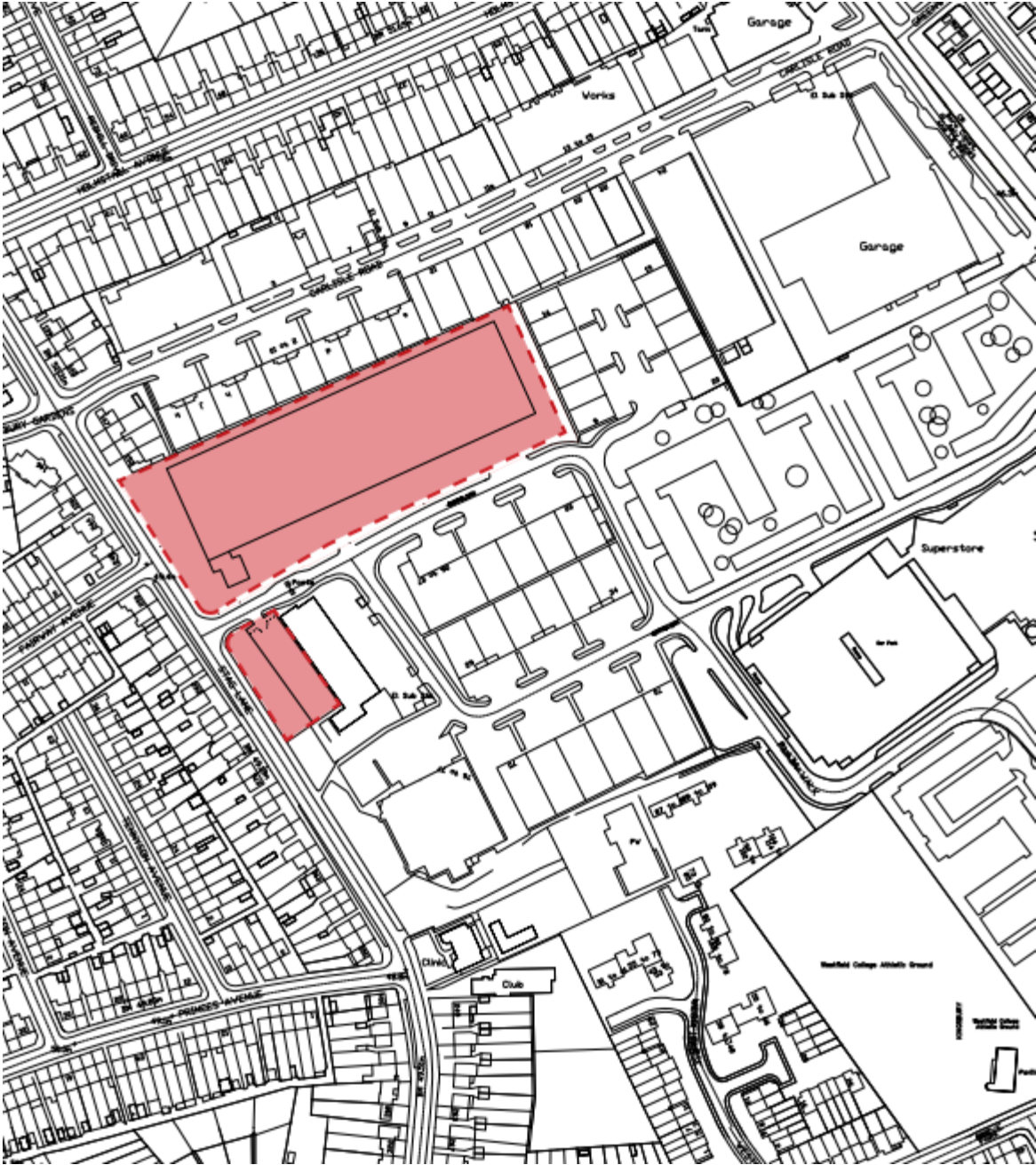
**APPLICANT:** Royal London Neat

**Agent:** Judd Planning

**Case Officer:** Victoria McDonagh (North Area Team)

**SITE MAP**

This map is indicative only



## DEVELOPMENT DETAILS

Ref: 16/0201/PRE

Location: 1 to 8 Capitol Industrial Park, Capitol Way, London, NW9 0EQ and land to front of 78 Capitol Way facing Stag Lane.

Ward: Queensbury

Description: Demolition of existing buildings and proposed redevelopment comprising six buildings (annotated on the plans as Blocks A, B, C, D,E and G) of between four to eight storeys high to accommodate a mixed use development with 2272sqm of commercial floorspace at ground level and 415 residential units, associated part basement car parking, landscaping, new street trees and public realm improvements. The scheme also proposes a separate building (annotated on the plans as Block F) on the land fronting Stag Lane that is up to three storeys in height and will contain 1879sqm of commercial uses only.

Applicant: Royal London Neat

Agent: Judd Planning

Case Officer: Victoria McDonagh (North Area Team)

## BACKGROUND

This proposed development is being presented to enable Members of the committee to view it before a planning application is submitted and to comment upon it. The development does not constitute an application for planning permission and any comments made upon it are provisional and subject to full consideration of any subsequent application and the comments received as a result of consultation, publicity and notification.

This is the first time the proposed development is being presented to Members. Prior to this the applicants have been engaged in pre-application discussion with Council Officers. The proposal was presented to the Council's internal Major Cases Forum on 10 March 2016 and 14 July 2016. The applicant has also presented the scheme to the Greater London Authority on 4 April 2016.

## PROPOSAL and LOCATION

### Proposal

As discussed above the proposal involves the demolition of existing buildings and proposed redevelopment comprising six buildings (annotated on the plans as Blocks A, B, C, D,E and G) of between four to eight storeys high to accommodate a mixed use development with commercial floorspace at ground level and 415 residential units, associated part basement car parking, landscaping, new street trees and public realm improvements. The scheme also proposes a separate building on the land fronting Stag Lane that is up to three storeys in height and will contain commercial uses only.

The total amount of commercial floorspace across the application site is 4151sqm. This will be used for small and medium enterprises (SMEs) as a "work hub".

Proposed residential mix:

Unit Type	Block A	Block B	Block C	Block D	Block E	Block G	Total	% Total
Studio	1	3	0	17	7	17	45	10%
One Bed	5	14	11	32	35	27	124	30%
Two Bed	12	26	37	30	20	19	144	35%
Three Bed	20	17	19	13	20	13	102	25%
<b>Total</b>	<b>38</b>	<b>60</b>	<b>67</b>	<b>92</b>	<b>82</b>	<b>76</b>	<b>415</b>	<b>100%</b>

### Site and Surroundings

The main part of the application site contains a large linear single storey warehouse building with area of hard standing to the south and east facing onto Capitol Way. It has a floor area of 9,513sqm. The building has been vacant for over three years. The site is accessed from Capitol Way and Stag Lane via a width restriction.

The smaller parcel of land that form part of the application faces onto Stag Lane. It is in front of 78 Capitol Way. This site does not contain any buildings but has a number of trees on the site that are subject to a Tree Preservation Order (TPO).

The site is surrounded to the north, east and south by other industrial and warehouses uses. These buildings are one to two storeys high. To the west on the opposite side of Stag Lane are two storey residential properties. To the south east of the application site is TNQ which is a recently constructed redevelopment to provide a residential led mixed use development (LPA Ref: 08/2823). The approved buildings are four to six storeys high above a podium plus a frontage block at 17 storeys high above a podium.

### **Policy context**

The site is located within a Locally Significant Industrial Location. Further towards the Edgware Road and to the south east is the boundary of the Burnt Oak Colindale Growth Area. This site falls outside the growth area boundary.

The site currently has a Public Transport Accessibility Level (PTAL) of 2.

### **Planning History**

No recent or relevant planning history

### **CONSULTATION RESPONSE**

At this stage it is intended that the following will be consulted regarding any subsequent planning application:

Statutory Consultee:-

(Internal)

- Ward Councillors (Brent)
- Transportation (Brent)
- Environmental Health (Brent)
- Landscape Design (Brent)
- Tree Protection Officer (Brent)
- Sustainability Officer (Brent)
- Housing (Brent)
- Urban Design Officer (Brent)
- Planning Policy (Brent)
- Local Lead Flood Authority (Brent)

(External)

- Secure by Design Officer (Met Police)
- Greater London Authority
- Transport for London
- LB Barnet
- LB Harrow
  
- All existing properties and addresses within 100m of the application site.

### **PRE APPLICATION ADVICE WITH OTHER BODIES**

The applicant presented the scheme to the Greater London Authority on 4 April 2016. A summary of the main points raised by the GLA is set out below:

### **GLA: Change of use of employment/industrial land**

The GLA has advised that as the building has been vacant for a long period of time and the redevelopment has potential to increase employment densities on the site, the principle of development can be supported even though the site is within a LSIS. They have advised that this is subject to ensuring the development (which includes sensitive residential use) does not prejudice the operation of the existing industrial uses on the estate and thus its function as an LSIS. It should also ensure that the commercial floorspace is flexible and could potentially accommodate business types associated with the industrial estate (such as trade uses) and include affordable business space suitable to smaller start-up businesses.

### **GLA: Affordable housing**

As no details of affordable housing were provided at the meeting, the GLA has made reference to its policy on affordable housing. Policy 3.12 of the London Plan requires the maximum reasonable amount of affordable housing to be negotiated on individual private residential and mixed use schemes having regard to current and future requirements at local and regional levels, affordable housing targets, the need to promote mixed and balanced communities, the size and types of affordable housing needed in particular locations, site circumstances, and resources.

### **GLA: Residential Mix and Housing Design Standards**

The GLA have drawn the applicants attention to the requirements of policy 3.5 in the London Plan and the guidance set out in the London Housing Design Guide and Housing SPG, when designing the residential units and mix.

### **GLA: Children's play space**

The GLA have drawn the applicants attention to the requirements of policy 3.6 in the London Plan and the method of calculating children playspace in accordance with the Mayor's SPG on "Providing for Children and Young People's Play and Informal Recreation.

### **GLA: Density**

The GLA have refer to policy 3.4 within the London Plan, and advised that the proposal falls within this density range.

### **GLA: Design, layout, massing and scale**

The GLA are generally supported of the layout of the blocks. They have advised that the location of the commercial units at ground level is appropriate subject to them maintaining acceptable relationship with the residential units above in terms of noise and other factors. They have advised that the internal routes within the development should be designed to maximise active frontages and passive surveillance to make the routes safe and attractive. Blocks that front onto a street frontage, such as Stag Lane, should at ground level at individual front doors to relocate the traditional street pattern.

The GLA have also considered wider connectivity through the site to the surrounding areas. It is recognised that there is currently limited opportunity to create north-south routes due to buildings adjoining and north and east boundaries. However. the GLA have advised that as the adjoining may be redeveloped in the future, the proposed development should consider safeguarding land for a north-south route, for instance on the eastern boundary where it could connect into Capitol Way an the park to the south.

The GLA have advised that they are broadly supported of the massing and height. The palette of materials which predominantly contains brick is supported.

### **GLA: Inclusive Design**

The GLA have drawn the appellants attention to the Government's technical housing standards, which requires 90% of new homes to be built to lifetime standards (Building Regulation (M4(2) and 10% of new homes designed to be built as wheelchair accessible units (Building Regulation M4(3). They also advised that each wheelchair accessible unit should have access to a widened parking space. The applicant will also need to demonstrate how the design of public realm and landscaping meet inclusive design requirements.

### **GLA: Energy**

The GLA have advised that the applicant that the scheme needs to comply with its policies on sustainability relating to carbon reduction, renewable energy, overheating and cooling and district heating.

### **GLA: Transportation considerations**

No objections raised to the level of car parking. Proposal should have widened disabled spaces, Electric Vehicle Charging Points (EVCP) and cycle spaces that comply with London Plan standards.

A transport assessment together with a PERS assessment and cycle accessibility assessment is required to be submitted with the planning application together with a service and delivery plan.

## **MATERIAL PLANNING CONSIDERATIONS**

The main issues raised by the proposed development that the Committee should be aware of at this stage are:

### **Issue 1**

#### **Principle of development**

The site lies within a Locally Significant Industrial Site (LSIS). Policy CP20 in Brent's Core Strategy seeks to protect LSIS for industrial employment uses characterised by use classes B1, B2 and B8, or closely related Sui Generis uses. Policy DMP14 in Brent's Draft Development Management Policies is also relevant, and supports the continued provision of employment sites. It seeks to limit their loss to approximately 11.5 ha in the period to 2029.

Policy DMP14 sets out criteria where LSIS will be released which include:

- (a) it is a low quality employment site identified as suitable for release in the Employment Land Demand Study; and
- (b) it can be shown to be integral to and delivered as part of a wider compressive housing-led regeneration scheme with substantial benefits to Brent, providing at least 50% affordable housing, and consistent with the wider objectives of the Development Plan and/or is of strategic significance to London.

For developments falling under criteria (a) the development should incorporate employment uses providing high density employment on 20% of the site.

The recently completed Employment Land Demand Study scores the Capitol Way site (forming part of cluster 14) highly and recommends it is retained in employment use in order to help meet forecast demand for employment land for development in the B use classes and closely related sui generis uses. Therefore the redevelopment of the site to provide a residential led mixed use scheme is a departure from policy.

The applicant has submitted an employment land report which sets out the marketing evidence for the site and the viability to re-provide it for employment uses. This information would need to be submitted as part of the planning application and will need to be reviewed independently by officers. Subject to sufficient marketing evidence being provided and the report can demonstrate that all options for redevelopment of the site for employment purposes only are unviable, then the Council will need to consider the release of the site from the LSIS, subject to complying with the requirements of emerging policy DMP14. The applicant will also need to demonstrate that the re-provision of employment uses on site is maximised, the commercial space is flexible and could potentially accommodate business types associated with the industrial estate (such as trade uses) and include affordable business space suitable to smaller start-up businesses.



Another important consideration is that the introduction of residential uses within the site does not compromise the wider function of the LSIS. This will need to be demonstrated by the applicant as part of the planning application.

## **Issue 2**

### **Affordable Housing and Mix of Units**

London Plan policy 3.12 requires boroughs to seek the maximum reasonable amount of affordable housing, taking account of a range of factors including local and regional requirements, the need to encourage rather than restrain development and viability. The policy requires boroughs to take account of economic viability when negotiating on affordable housing.

The applicant will be required to demonstrate that the maximum reasonable of affordable housing is being provided in this scheme, and this would need to be tested through the submission of a financial appraisal submitted with any future planning application which would be subject to scrutiny by or on behalf of your Officers. This will also need to take into account the requirements of policy DMP14 which specifies provision of 50% affordable housing when considering the release of LSIS. The Council's policy on the type of affordable housing seeks a ratio of 70% affordable rent and 30% shared ownership. The London Plan seeks a ratio of 60% affordable rent and 40% shared ownership.

Policy CP21 of Brent's Core Strategy 2010 seeks for 25% of units to be family sized (three bedrooms or more). The proposal achieves 25% family sized units, so is policy compliant.

## **Issue 3**

### **Scale, massing and height**

London Plan policy 3.5 promotes quality in the design of housing developments.

Policy 7.6 on 'Architecture' states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is regarded as being particularly important for tall buildings.

Your officers are supportive of the massing and height. The main site will rise incrementally to its highest point on the eastern side, aligning in height and scale with the western block of the TNQ development. The buildings fronting Stag Lane would be three-four storeys in height, which is considered to form an appropriate transition of the low rise residential development to the west.

The materials used on the main site is predominantly brick, which is supportive in principle. The commercial unit fronting Stag Lane will be a mixture of brick and glass. Once again this is supported, given its commercial use.

## **Issue 4**

### **Density**

London Plan policy 3.4 seeks to optimise housing potential taking into account local context, character, design principles and public transport capacity. The site currently has PTAL rating of 2. The applicant is proposing to introduce a new bus stop along Capitol Way which has potential to increase the PTAL to 3. Given the site's context between Stag Lane and Edgware Road it is considered to be an 'urban' site and it is therefore considered reasonable to apply the density matrix of (200 – 450 hr/ha).

The scheme proposes a density of approximately 750 hr/ha. Whilst this exceeds the density matrix, there may be scope for a higher density to be supported subject to the arrangement, scale and form of buildings proposed to be robustly tested at planning application stage with regards to local context, bearing in mind neighbouring residential amenity, quality and mix of accommodation and transport impacts.

## **Issue 5**

### **Layout and public realm**

The proposed layout of the main site consists of five linear north-south orientated residential blocks, with the business uses at ground and mezzanine levels, fronting on to Capitol Way to the south, and a residential mews block running along the northern edge of the site. The smaller site would contain the 3-4 block with commercial uses. The development would establish a new building line on this part of Stag Lane, which aligns with the housing further to the

north. Your officers do not object in principle to the layout of the blocks. It is similar in layout as the newly built TNQ development. However, the plans suggest that the mews block has a tight relationship to the flank elevations of the north-south orientated blocks. Details will need to be provided as part of the application to demonstrate that good levels of outlook are maintained for the mews block, especially as these units are single aspect.

The scheme will introduce a widened pavement on Capitol Way which will contain on street car parking and loading bays, intersected with new street trees. Once again, there is no objection to this layout in principle. Further details on this element will need to be provided as part of the planning application. This should also include details of the re-located bus stop to understand its relationship within the street and proximity to the frontage of the building.

The residential entrances should be clearly legible and overlooked. Likewise, there should be natural surveillance to the internal routes within the site and the mews street. The flank walls of the north-south blocks should not be blank, and should be animated with windows that overlook the mews street whilst not compromising privacy of the residential units within the northern block. This will need to be demonstrated as part of the planning application.

#### **Issue 6**

##### **Impact on TPO trees**

The proposal indicates that some of the TPO protected trees on Stag Lane are shown to be retained, with others proposed for removal. It appears only a few trees are to be retained. As a significant group of trees have already been removed, the further loss of trees will need to be considered by the Council's Tree Protection Officer as part of the planning application.

As part of the planning application, the applicant will need to provide details on species, sized and quality of new tree planting to demonstrate how this might mitigate the loss of existing trees.

#### **Issue 7**

##### **Relationship with neighbouring sites**

As discussed above, the scheme should not compromise the future operation of businesses within the remainder of the LSIS which is considered appropriate for uses within B1, B2 and B8 uses classes. The applicant will need to provide information as part of the planning application to demonstrate that the introduction of residential uses will not compromise the remainder of the LSIS.

It is noted that the mews development along the northern edge of the site is built upto the site boundary. The northern elevation is blank to avoid overlooking onto neighbouring land. At this stage, your officers do have concerns with the relationship of the mews development being built upto the boundary with the neighbouring employment sites, especially as the blocks rise up to seven storeys in height. This matter will need to be addressed in more detail by the applicant as part of the planning application.

#### **Issue 8**

##### **Quality of proposed accommodation**

The internal floor area of the residential units should comply with the details set out within the Mayor's Housing Standards - Minor Alterations to the London Plan (March 2016). Likewise, 10% of units should be wheelchair accessible (part M4(3)) and the remainder designed to comply with part M4(2). This information will need to be set out as part of the planning application.

SPG17 requires each residential unit to have access to 20sqm of external amenity space. This can be provided in the form of private balconies/terraces together with access to a communal amenity space. The information submitted with the pre-application submission suggests that minimum standards are being exceeded. Details clearly showing how this amenity space has been calculated should be provided as part of the planning application. This information should also set out the usability of courtyards as amenity space given that they will also be used for access to the residential flats.

The scheme should also provide sufficient levels of playspace for children as required by the London Plan. Once again, these details should be provided with the planning application.

The scheme should provide sufficient defensible space between the ground floor residential units and those that face onto communal amenity areas. This will also need to be applied to the units facing Stag Lane and those within the mews street. This is to ensure that these units maintain sufficient levels of privacy.

A distance of 20m should be maintained between the blocks in line with SPG17. This is to ensure that sufficient levels of privacy are maintained between the residential units.

If a shortfall is proposed it should be clearly demonstrated that the privacy of the units in question will not be compromised. Likewise, the planning application should be accompanied by information to demonstrate that all residential units will receive sufficient levels of daylight and sunlight, and that the communal amenity spaces receive sufficient levels of daylight and sunlight.

It is noted that the scheme involves a number of single aspect units. As these units face onto the mews street, it will need to be demonstrated that these units are not adversely affected by noise and disturbance from vehicles travelling along the mews street. The application will also need to demonstrate that the single aspect units received good daylight and ventilation, and do not overheat.

## **Issue 9**

### **Highway works, parking strategy and servicing**

#### *Parking*

The scheme is proposing a total of 261 spaces for the residential units to be accommodated within a basement car park under the main site accessed from Capitol Way. It also proposes 24 surface level car parking spaces to be used flexibly by commercial units and visitors.

The application provides just over 0.6 spaces per residential unit. Given the low PTAL of the site, officers would normally be seeking 1 car parking space for each unit. In order to justify a lower parking standard, the applicant has made reference to car park ownership at TNQ which is around 0.6 spaces per residential unit. As part of the planning application, this information will need to be provided to be considered further by officers to demonstrate that the parking provision is adequate. An overnight parking survey should also be carried out to compare with Brent's survey from 2013.

As part of any justification to support a lower parking demand, consideration must be given to overspill parking. This matter will need to be reviewed by officers in Transportation as part of the planning application, but in addition to mitigation measures such as Travel Plans and Car Clubs, your officers will need to consider whether there is a need to require a contribution from the applicant to fund a Controlled Parking Zone to the residential road to the west of Stag Lane, plus contributions towards permits for existing residents. The application would also be looking to the removal of the rights of residents, businesses and visitors within the development to be entitled to apply for parking permits in the event that a CPZ is introduced in the future.

All wheelchair units should have access to widened car parking spaces. 20% of spaces should have active EVCP and another 20% should have passive EVCP, to comply with London Plan standards.

A Transport Assessment will need to be submitted with any forthcoming application - see GLA comments above.

Bicycle parking should accord with London Plan standards.

#### *Servicing and refuse*

Details of servicing for the commercial units need to be provided. This should include a number of loading bays along Capitol Way which can be used flexibly for visitor parking outside of normal commercial opening hours. Consideration also needs to be given to residential servicing such as home shopping vans.

Refuse collection and servicing for the residential units (i.e. home shopping) is proposed via the mews street. The applicant will need to provide tracking plans to demonstrate that these vehicles can access the site. Your officers also have concerns with the potential poor relationship of these type of vehicles in proximity to the flats within the northern block. It is noted that a similar arrangement has been approved as part of 399 Edgware Road (LPA Ref: 12/2166) and officers will use this as a comparison. The applicant will also need to provide additional information on this arrangement to demonstrate that it provides an acceptable environment.

The capacity of the stores and carrying distances for refuse collection should comply with Brent's Householder Waste Collection Strategy.

#### *Highway works/bus stops*

Officers in Transportation have advised that on northern approach to the mini round about on Stag Lane, that an extra lane is required and to accommodate this part of the adjoining land within the application site may be required to accommodate this. Such works would be secured as part of section 278 highway works within the legal agreement.

The application will also involve the need to relocate the bus stop on Stag Lane and move it further south on Stag Lane, together with a new bus stop on Capitol Way. The applicant is involved in early discussions with TfL and your highways officers regarding the bus stops, and details will need to be provided as part of the planning application.

### **OTHER CONSIDERATIONS**

#### *Environmental Health*

Officers in Environmental Health have requested a Noise Impact Assessment due to the proximity to the nearby industrial uses.

As the site is located within an Air Quality Management Area (AQMA), any forthcoming application should be accompanied by an Air Quality Assessment.

Due to previous uses on the site, any forthcoming application should be accompanied by a Land contamination/site investigation works.

#### *Sustainability Requirements*

The London Plan currently applies a 35% carbon reduction target beyond Part L 2013 of the Building Regulations. Within the GLA's revised energy assessment, it explains that this will change for new development from 1 October 2016, to comply with the following:

- Stage 1 schemes received by the mayor up until 30 September 2016 - 35% below Part L 2013 for both residential and commercial/non domestic development.
- Stage 1 schemes received by the Mayor on or after 1 October 2016 - Zero carbon (as defined by the Housing SPG) for residential development and 35% below Part L 2013 for commercial/non domestic development.

The planning application will need to apply evidence on how the demand for cooling will be minimised through passive design in line with Policy 5.9 of the London Plan, and also consider domestic overheating.

The application will need to investigate opportunities for connection to nearby district heating networks and will also need to consider providing a site wide heating network, suitable for connection to wider district network now or in the future. It will need to follow the London Plan's energy hierarchy for CHP and renewable energy.

The application will need to aim to achieve 20% of the carbon reduction achieved through renewable energy, if feasibly possible. Brent Core Strategy also seeks commercial developments to achieve BREEAM excellent. In addition to the above, the scheme is required to meet water efficiency targets of 105 litres per person per day.

Any forthcoming application will need to be accompanied with a Sustainability Strategy that addresses the above.

The scheme should demonstrate how it meets the requirements set out in the Mayor's Sustainable Drainage Hierarchy.

## **PLANNING OBLIGATIONS**

In accordance with the Council's Planning Obligations SPD, the proposal would be likely to attract the following obligations to mitigate the impact of the development:

- Affordable Housing - Final proportion to be subject of detailed financial viability assessment.
- Employment and training opportunities during construction
- Parking Permit restricted development to remove the rights of residents to apply for parking permits in the surrounding roads in the vicinity of the site
- Join and adhere to Considerate Constructors scheme
- Energy - Achieve a 35% reduction in CO2 emissions beyond the 2013 Building Regulations or Zero Carbon for the residential units (depending on when the application is submitted) together with a water efficiency target of 105 litres per person per day and BREEAM excellent for the commercial units
- Submission and approval of a commercial and residential Travel Plan to score a PASS rating under TfL's ATTruTE programme prior to first occupation, to include provision of a subsidised Car Club membership for future residents and to fully implement the approved plan for the lifetime of the development thereafter.
- Undertaking of on and off site highway works through an agreement under S38/S278 of the Highways Act 1980 (N.B. the precise nature of highway works necessary to be confirmed at application stage but likely to involve new lane at northern approach to Stag Lane roundabout).
- Contribution towards bus improvements together with relocation of the bus stop(s) – amount to be agreed with TfL
- Affordable workspace - set out 50% reduction on market rates

## **Community Infrastructure Levy (CIL)**

The proposed development would be CIL liable development. The amount of liability this would attract will be confirmed at a later stage when the precise quantum of development is known.

## **CONCLUSIONS**

Members should note the above development is still in the pre-application stage and that additional work remains to be carried out as discussed above.

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# Agenda Item 5

## **PRE-APPLICATION REPORT TO COMMITTEE**

**Planning Committee on** 10 August 2015

**Item Number**

**Case Number** 16/0205/PRE

## **SITE INFORMATION**

**RECEIVED:** 2016

**WARD:** Alperton

**LOCATION:** Mount Pleasant and Afrex House, Mount Pleasant, Alperton, HA0 1TX

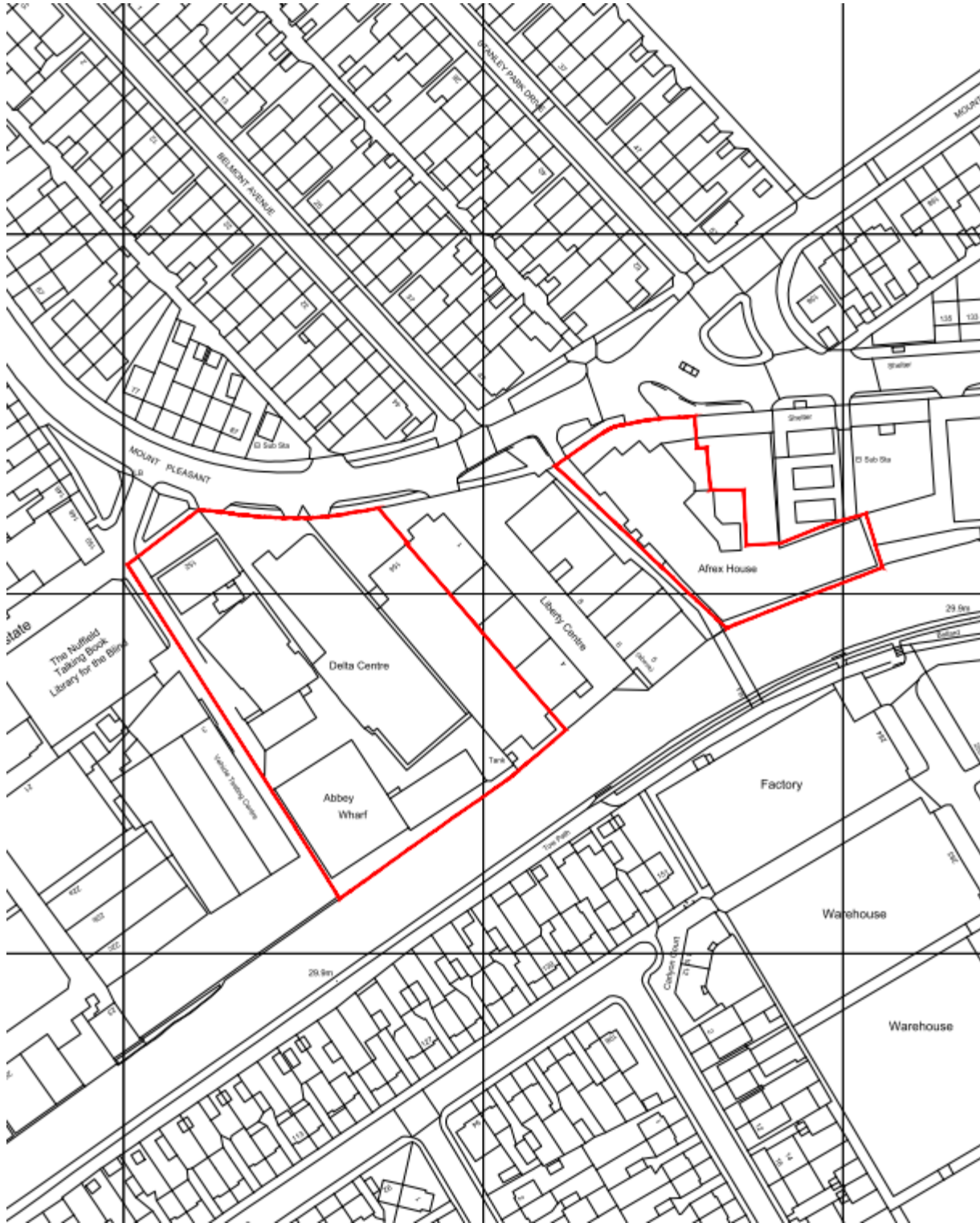
**SCHEME:** Demolition of existing buildings and proposed redevelopment comprising four buildings (annotated on the plans as Building A, B, C and D) of between four to six storeys in height to accommodate 435sqm of commercial floorspace and 174 residential units, new public open space, associated part basement car parking, landscaping, new street trees and public realm improvements.

**APPLICANT:** Inland Homes

**Agent:** Nathaniel Lichfield and Partners

**Case Officer:** Victoria McDonagh (North Area Team)

**SITE MAP**  
This map is indicative only





## DEVELOPMENT DETAILS

### Ref: 16/0205/PRE

**Location:** Mount Pleasant and Afrex House, Alperton

**Ward:** Alperton

**Description:** Demolition of existing buildings and proposed redevelopment comprising four buildings (annotated on the plans as Building A, B, C and D) of between four to six storeys in height to accommodate 435sqm of commercial floorspace and 174 residential units, new public open space, associated part basement car parking, landscaping, new street trees and public realm improvements.

Applicant: Inland Homes

Agent: Nathaniel Lichfield and Partners

Case Officer: Victoria McDonagh (North Area Team)

## BACKGROUND

This proposed development is being presented to enable Members of the committee to view the proposal before a planning application is submitted, and to comment upon it. The development does not constitute an application for planning permission and any comments made upon it are provisional and subject to full consideration of any subsequent application and the comments received as a result of consultation, publicity and notification.

This is the first time the proposed development is being presented to Members. Prior to this, the applicants have been engaged in an extensive period of pre-application discussion with Council Officers. The proposal was presented to the Council's internal Major Cases Forum on 25 February 2016 and 5 May 2016.

## PROPOSAL and LOCATION

### Proposal

The proposed development involves two application sites. The first of which contains Blocks A and B which involves the demolition of the existing industrial/ware house buildings and redevelopment to provide a mixed use development with commercial at ground floor and residential above. A new public open space along the canal is proposed. The second site contains Blocks C and D, and involves the demolition of Afrex House and its redevelopment to provide a mixed use development with commercial and residential uses.

Proposed residential mix:

#### Buildings A and B

Unit Size	Building A	Building B	Total	Total (%)
1 Bed 2 Person	24	23	47	33%
2 Bed 3 Person	3	6	9	6%
2 Bed 4 Person	46	33	79	55%
3 Bed 5 Person	6	2	8	6%
<b>Total</b>	<b>79</b>	<b>64</b>	<b>143</b>	<b>100%</b>

#### Buildings C and D

Unit Size	Building C	Building D	Total	Total (%)
1 Bed 2 Person	4	0	4	13%
2 Bed 3 Person	0	0	0	0%
2 Bed 4 Person	9	8	17	55%
3 Bed 5 Person	6	4	10	32%

### Site and Surroundings

Both application sites contain two storey industrial buildings. The sites are separated by the Liberty Centre which is also two storeys in height. To the south of the site is the canal with a mix of residential uses and industrial uses located on the opposite side of the canal. To the north on Beresford Avenue are two storey semi detached residential houses.

The site is located within the Alperton Growth Area and also forms part of Site Specific Allocation (SSA) A.7 – Mount Pleasant/Beresford Avenue. The SSA also includes the Liberty Centre and 100 Beresford Avenue to the east. The canal is designated as . The Alperton Growth Area has also been designated as a Housing Zone.

The site currently has a Public Transport Accessibility Level (PTAL) of 1 to 2.

## Planning History

### The following planning decisions are relevant:

There is a current outline planning application in for 100 Beresford Road (LPA Ref: 16/0389) proposing the following development:

*Outline application for demolition of existing warehouse and erection of one six storey and one three storey building comprising 71 residential units (24 x 1bed, 27 x 2bed and 20 x 3bed) and children's nursery, with associated basement level for car and cycle parking spaces, bin stores, landscaping, amenity space and fencing*

There have also been a number of recent prior approvals granted at the Liberty Centre to change the use from Offices (B1(a)) to Residential. A table setting these out is provided below:

Address	Application Reference	Number of Units
First, Second and Third Floors 10 Liberty Centre	15/2439	6 x 2 bedroom flats
First Floor 6 Liberty Centre	15/4856	2 x 1 bedroom flats
First Floor 8 Liberty Centre	15/4875	2 x 1 bedroom flats
5 Liberty Centre	15/4962	3 x studio flats and 5 x 1 bedroom flats

## CONSULTATION RESPONSE

At this stage it is intended that the following will be consulted regarding any subsequent planning application:

Statutory Consultee:-

(Internal)

- Ward Councillors (Brent)
- Transportation (Brent)
- Environmental Health (Brent)
- Landscape Design (Brent)
- Tree Protection Officer (Brent)
- Sustainability Officer (Brent)
- Housing (Brent)
- Urban Design Officer (Brent)
- Planning Policy (Brent)
- Local Lead Flood Authority (Brent)

(External)

- Secure by Design Officer (Met Police)

- The Environment Agency
- Canals and Rivers Trust
  
- All existing properties and addresses within 100m of the application site.

## **COMMUNITY ENGAGEMENT**

In accordance with planning legislation, the developer has consulted the local community on these proposals as part of the pre-application process. The applicant has advised of the following:

*A comprehensive pre-application process of community consultation regarding the two proposal sites has been undertaken and continues.*

*Active engagement of the local community began in April 2016, with a consultation leaflet delivered within a significant consultation area.*

*Public events were held in May on the early vision and intentions of the proposal. A little under 40 local residents attended providing feedback on a number of issues, these have been fed into the design process as the proposal has been further developed.*

*The Heather Park Neighbourhood Watch has been engaged with a briefing held to members in late May. A further briefing on the further developed proposal has been scheduled for the next meeting of the association.*

*Community feedback has covered a wide range of issues, these include:*

- *materials and design*
- *car parking*
- *public transport*
- *affordable housing*
- *public and green space*
- *opening up the canal*

*A further consultation leaflet was delivered in the consultation area in early June 2016 to encourage further feedback from residents.*

*Feedback has been encouraged online through a dedicated consultation website, through social media, a dedicated consultation hotline and a free-post feedback form.*

*With the two proposals now becoming more developed, further engagement is planned with interested stakeholders prior to submission.*

## **REGENERATION CONTEXT**

The application sites are located within the Alperton Growth Area. Policy CP8 of Brent's Core Strategy relates to Alperton Growth Area where it identifies Alperton for mixed use regeneration along the Grand Union Canal. It seeks to provide at least 1,600 new homes to 2026, supported by infrastructure to be identified within the Infrastructure and Investment Framework. Anticipated infrastructure will include new and/or improved education facilities at nursery, primary and secondary school level, new health facilities, new and improved public open space and new community centre.

The Alperton Growth Area has also recently been designated as a Housing Zone, which reinforces its status of housing development.

To support Brent's Core Strategy the Council has produced and adopted its Site Specific Allocations Development Plan Document (SSA). This document sets out the planning policies and guidance for the future development of over 70 key opportunity sites around the borough. One of these sites known as A.7 – Mount Pleasant/Beresford Avenue.

Site A.7 is identified for mixed use development including residential, work/live, managed affordable workspace and amenity/open space. Proposals should seek to introduce active frontages along Mount Pleasant as well as improve canal side access for pedestrians, with moorings for canal users as well as conserve and enhance the canal's Site of Metropolitan Nature Conservation Importance designation. Access to remaining industrial area to the west will be improved. Improvements will be sought to public transport as part of any proposal to develop the site. The SSA proposed an indicative development capacity of 100 units for the whole SSA.

In addition to the above policy documents, the Council has produced and adopted the "Alperton Masterplan" Supplementary Planning Document. The purpose of the Masterplan is to set out in detail how the Council will bring about the transformation of this industrial area into a new, mostly residential neighbourhood. It is intended to provide clear guidance for developers, landowners and residents about the scale of change which the Council would like to see happen. The Masterplan vision is to create three distinctive new neighbourhoods linked by a high quality and lively stretch of canal, which are:

Alperton's core: a cultural centre  
Waterside residential neighbourhood  
Northfields Industrial Estate.

The application site within the Waterside residential neighbourhood. The regeneration principles for the Waterside residential neighbourhood is defined by

- A permeable network of streets and spaces designed primarily for people
- Building heights mainly three storeys to respect existing context
- Homes largely consist of maisonettes and town houses with doors
- Commercial activity within studios, workspaces and local shops
- Better access to canal

## **MATERIAL PLANNING CONSIDERATIONS**

The main issues raised by the proposed development that the Committee should be aware of at this stage are:

### **Issue 1**

#### **Principle of development**

SSA A.7 supports the mixed use development of the site including residential, work/live, managed affordable workspace and amenity/open space. Both application sites include commercial floorspace on the ground floor. Limited information has been provided on the nature of the commercial units. The SSA sets out that it should include managed affordable workspace. This matter has been raised to the applicant by your officers and will be explored in more detail as part of the planning application stage.

The number of residential units exceeds the indicated capacity set out within the SSA. However, this is considered acceptable in principle given that the site is now designated as a Housing Zone, subject to the quality of the residential units, relationship to adjoining sites, public realm improvements etc which are considered below.

### **Issue 2**

#### **Affordable Housing and Mix of Units**

London Plan policy 3.12 requires borough's to seek the maximum reasonable amount of affordable housing, taking account of a range of factors including local and regional requirements, the need to encourage rather than restrain development and viability. The policy requires borough's to take account of economic viability when negotiating on affordable housing.

The applicant will be required to demonstrate that the maximum reasonable of affordable housing is being provided in this scheme, and this would need to be tested through the submission of a financial appraisal submitted with any future planning application which would be subject to scrutiny by or on behalf of your Officers.

Policy CP21 of Brent's Core Strategy 2010 seeks for 25% of units to be family sized (three bedrooms or more). This is reinforced in the Alperton Masterplan where a larger proportion of family sized units are promoted within the Waterside Residential Neighbourhood. This includes 60% of affordable rent units to be three bedrooms or more. Whilst Buildings C and D exceed 25% family sized units, Buildings A and B only propose 6% family sized units, which is significantly below policy requirements. The applicant will need to address this matter as part of the planning application submission.

### **Issue 3**

#### **Scale, massing and height**

London Plan policy 3.5 promotes quality in the design of housing developments.

Policy 7.6 on 'Architecture' states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is regarded as being particularly important for tall buildings.

Buildings A and B are designed as a horse shoe development with communal amenity space located within the centre of the buildings. In terms of scale, Buildings A and B are proposed at upto six storeys in height. Due to the significant level changes across the site, the rear part of the blocks is stepped down from the front of the blocks, but is still six storeys when read from the canal side. Officers do not raise objections to the scale of these buildings in principle. The cross section provided within the Alperton Masterplan indicates buildings at five storeys in height. The increase in scale to six storeys is not considered to be significant or have a harmful impact on the existing residential context.

Further details on the treatment of the elevations for Buildings A and B should be provided to demonstrate that the massing and bulk of the buildings are appropriate.

Building C is five storeys in height and fronts onto Mount Pleasant. Building D is four storeys in height and runs parallel to the canal. At this stage your officers are not convinced on the heights of buildings C and D due to their proximity to the boundary. Officers are concerned that they will appear cramped and have therefore requested further details of how these are viewed from the street and neighbouring site. Likewise, as Building D is located next to the canal, further details should be provided showing the relationship of Building D to the canal.

Once again, further details on the treatment of the elevations for Buildings C and D should be provided to demonstrate that the massing and bulk of the buildings are appropriate.

### **Issue 4**

#### **Density**

London Plan policy 3.4 seeks to optimise housing potential taking into account local context, character, design principles and public transport capacity. The site currently has PTAL rating of 1 to 2. With the improvements that the Council is proposing with better pedestrian connections between the site, and possibly increased frequency of buses along Mount Pleasant, it is noted that the PTAL rating may increase to PTAL 3. It is therefore considered reasonable to apply the density matrix of (200 – 450 hr/ha) if those improvements are implemented.

Buildings A and B propose a density of 504 hr/ha. Whilst this exceeds the density matrix, there is scope for a higher density to be supported subject to the arrangement, scale and form of buildings proposed to be robustly tested at planning application stage with regards to local context, bearing in mind neighbouring residential amenity, quality of accommodation and transport impacts.

Buildings C and D propose a density of 430 hr/ha. This satisfies London Plan policy being within the appropriate density range, however notwithstanding this the arrangement, scale and form of buildings proposed to be robustly tested at planning application stage with regards to local context, bearing in mind neighbouring residential amenity, quality of accommodation and transport impacts.

### **Issue 5**

#### **Relationship to the canal and public realm considerations**

The site that contains Buildings A and B will also proposed an area of public open space along the canal. This is considered acceptable in principle. During the pre-application stage, your officers recommended that the wings of Buildings A and B are set back to allow a better relationship with the public open space. As part of the planning application, visuals will be provided to explain how the pocket park would work in relation to the wings of the building. This will also include information on how the ground level balconies will be treated to differentiate and provide privacy form the pocket park on the same level.

Any forthcoming planning application will need to include a detailed landscape strategy that shows the quality of the public open space along the canal and the quality of the footpaths. The massing diagrams show a blank wall between the podium garden and public open space. This will need to be addressed to provide visual interest.

The planning application should provide further information on the quality and usability of the footpath between building D and the canal. This should include the use of recessed balconies due to the tightness with the canal.

The massing plans suggest the flank elevations of blocks A and B are blank. These should contain habitable room windows that overlook the canal.

The scheme is proposing a new public footpath along the western end of the site which will provide access down to the canal and the pocket park. This is acceptable in principle, but further information should be provided at the application stage on how the western elevation of Building A will be treated to provided as much natural surveillance as possible and include an attractive elevation at ground level. The information should also set out details on how this footpath will be designed to provide defensible spaces to the residential units together with new tree planting along the length of the footpath.

Your officers have raised concerns with the splayed angles of the windows to Building C. Subject to 10m being maintained to the middle of the public footpath, these windows should face directly onto the footpath to provide as much surveillance as possible. This matter will need to be looked at in more detail by the applicant as part of the application stage.

Given the ecological status of the canal, an ecology assessment is required to be submitted with the planning application.

## **Issue 6**

### **Relationship with neighbouring sites**

As the two sites lies within a wider SSA, the applications will need to demonstrate that they will not compromise the ability of the rest of the SSA or the adjoining SSAs coming forward for redevelopment. The plans suggest that 10m is maintained from Blocks A and B to the boundaries with the industrial units to the west and to the boundary with the Liberty Centre. This is acceptable as it meets the requirements of SPG17. Likewise a distance of 10m is maintained from Blocks A and B to the Liberty Centre.

Building C does not provide a 20m distance to the Liberty Centre. Your officers recommend that Building C maintains a 10m distance to the middle of the public footpath. This information should be provided at the application stage, together with indicative details of how the Liberty Centre can come forward for redevelopment at a later stage.

Your officers have raised concerns with the tightness of Buildings C and D to the adjoining sites that are within the SSA. Whilst it is noted there are no windows on these elevations to overlook the neighbouring sites, consideration has to be given to the impact of buildings C and D close to the boundary and the impact of these buildings on the delivery of the wider SSA. SPG17 requires new buildings to sit within a line drawn at 45 degree from the neighbouring site (measured at 2m high from neighbouring ground level). If the new buildings fail this requirement it will need to demonstrate that the adjoining site achieves BRE requirements for residential development and the buildings do not appear overbearing. Likewise, if Buildings A and B also fail 45 degree line as set out within SPG17, it will need to demonstrate that the adjoining site achieves BRE requirements for residential development. This is to ensure that the proposals do not compromise the delivery of the wider SSA and neighbouring SSA.

## **Issue 7**

## **Quality of proposed accommodation**

The internal floor area of the residential units should comply with the details set out within the Mayor's Housing Standards - Minor Alterations to the London Plan (March 2016). Likewise, 10% of units should be wheelchair accessible (part M4(3)) and the remainder designed to comply with part M4(2). This information will need to be set out as part of the planning application.

SPG17 requires each residential unit to have access to 20sqm of external amenity space. This can be provided in the form of private balconies/terraces together with access to a communal amenity space. Details clearly showing how this amenity space has been calculated should be provided as part of the planning application.

The scheme should also provide sufficient levels of playspace for children as required by the London Plan. Once again, these details should be provided with the planning application.

There should be sufficient defensible spaces between the ground floor/podium level units and the footpaths, canal frontage and podium garden. This is to ensure that these units maintain sufficient levels of privacy.

The residential entrances should be clearly legible and overlooked. It is noted that buildings C and D are accessed via the public footpath and further consideration should be given to these residential entrances. Officers have suggested that entrances to the ground floor units are provided at street level, and this matter is being explored by the agent. Likewise, officers have raised concerns with bins/bikes being along the Mount Pleasant frontage for Building C and this matter will be explored in more detail by the agent to see if this can be rearranged.

Details of access arrangements to the podium garden should also be provided.

The distance between the units in Buildings A and B that face into the podium garden should be 20m in line with SPG17. If a shortfall is proposed it should be clearly demonstrated that the privacy of the units in question will not be compromised. Likewise, information should be submitted with the application to demonstrate that all units within Buildings A, B, C and D receive sufficient levels of daylight and the communal amenity spaces receive sufficient levels of daylight and sunlight.

It is noted that the scheme involves a number of single aspect units. A large number face onto the neighbouring industrial estates and over the entrance to the basement car park. A noise assessment will need to be undertaken to demonstrate that the residential units are not adversely impacted by the adjoining industrial operations and basement car park.

It is noted that there are a number of north facing single aspect units. These should not be three bedroom units and information should be provided to demonstrate that they received good levels of daylight and ventilation.

Officers in Environmental Health have advised that they have received complaints from local residents regarding noise during the evening with people using the existing public footpath. The new residential units in Building C will need to be sensitively designed to take this into account.

## **Issue 8**

### **Highway works, parking strategy and servicing**

#### *Parking*

Both applications should provide 0.6 parking spaces per unit. This is in accordance with the Alperton Masterplan, and takes into account the low PTAL of the site and no CPZ in the area. All wheelchair units should have access to widened car parking spaces. 20% of spaces should have active EVCP and another 20% should have passive EVCP, to comply with London Plan standards.

The scheme will also be subject to the removal the rights of residents, businesses and visitors within the development to be entitled to apply for parking permits in the event that a CPZ is introduced in the future, together with contribution towards a CPZ if this is introduced in the future.

Your officers note that the access into the basement car park looks very tight. Further analysis should be undertaken together with tracking plans.

A Transport Assessment will need to be submitted with any forthcoming application.

Bicycle parking should accord with London Plan standards.

#### *Servicing and refuse*

Details of servicing for the commercial units needs to be provided. Consideration also needs to be given to residential servicing such as home shopping vans.

Your officers have advised the applicant that refuse arrangements must be considered at the early stages of the design. The capacity of the stores and carrying distances for refuse collection should comply with Brent's Householder Waste Collection Strategy.

### **OTHER CONSIDERATIONS**

#### *Environmental Health*

Officers in Environmental Health have requested a Noise Impact Assessment due to the proximity to the nearby industrial uses.

As the site is located within an Air Quality Management Area (AQMA), any forthcoming application should be accompanied by an Air Quality Assessment.

Due to previous uses on the site, any forthcoming application should be accompanied by a Land contamination/site investigation works.

Consideration also needs to be given to the nearby substation both in terms of electromagnetic radiation (EMF) and noise/vibration. Residential properties should normally be kept 10m away from the substation.

#### *Sustainability Requirements*

The London Plan currently applies a 35% carbon reduction target beyond Part L 2013 of the Building Regulations. Within the GLA's revised energy assessment, it explains that this will change for new development from 1 October 2016, which requires schemes submitted on or after 1 October 2016 to achieve Zero Carbon (as defined by the Housing SPG) for residential developments and 35% carbon reduction below Part L 2013 for commercial/non domestic development.

The planning application will need to apply evidence on how the demand for cooling will be minimised through passive design in line with Policy 5.9 of the London Plan, and also consider domestic overheating.

The application will need to investigate opportunities for connection to nearby district heating networks and will also need to consider providing a site wide heating network, suitable for connection to wider district network now or in the future. It will need to follow the London Plan's energy hierarchy for CHP and renewable energy.

The application will need to aim to achieve 20% of the carbon reduction achieved through renewable energy, if feasibly possible. Brent Core Strategy also seeks commercial developments to achieve BREEAM excellent. In addition to the above, the scheme is required to meet water efficiency targets of 105 litres per person per day.

Any forthcoming application will need to be accompanied with a Sustainability Strategy that addresses the above.

The scheme should demonstrate how it meets the requirements set out in the Mayor's Sustainable Drainage Hierarchy.



## **PLANNING OBLIGATIONS**

In accordance with the Councils Planning Obligations SPD, the proposal would be likely to attract the following obligations to mitigate the impact of the development:

- Affordable Housing - Final proportion to be subject of detailed financial viability assessment.
- Employment and training opportunities during construction
- Parking Permit Restricted development to remove the rights of residents to apply for parking permits in the surrounding roads in the vicinity of the site
- Join and adhere to Considerate Constructors scheme
- Energy - Achieve a 35% reduction in CO2 emissions beyond the 2013 Building Regulations or Zero Carbon for residential development (depending on when the application is submitted) together with a water efficiency target of 105 litres per person per day and BREEAM excellent for the commercial units
- Submission and approval of a commercial and residential Travel Plan to score a PASS rating under TfL's ATTrRuTE programme prior to first occupation, to include provision of a subsidised Car Club membership for future residents and to fully implement the approved plan for the lifetime of the development thereafter.
- Undertaking of on and off site highway works through an agreement under S38/S278 of the Highways Act 1980 (N.B. the precise nature of highway works necessary to be confirmed at application stage).
- Contribution towards bus improvements – amount to be agreed with TfL
- Contribution towards a local Controlled Parking Zone
- Affordable workspace - set out 50% reduction on market rates

### **Community Infrastructure Levy (CIL)**

The proposed development would be CIL liable development. The amount of liability this would attract will be confirmed at a later stage when the precise quantum of development is known.

## **CONCLUSIONS**

Members should note the above development is still in the pre-application stage and that additional work remains to be carried out as discussed above.

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## PART 2 APPLICATIONS FOR DECISION

### Introduction

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

### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Brent comprises the following documents:
  - London Plan March 2016
  - Brent Core Strategy 2010
  - Brent Site Specific Allocations 2011
  - West London Waste Plan 2015
  - Wembley Action Area Plan 2015
  - Sudbury Town Neighbourhood Plan 2015
  - Saved 2004 Unitary Development Plan Policies 2014
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that

adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.

10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.
11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
  - **Building Regulations** deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by **Highways Legislation**.
  - **Environmental Health** covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the **Party Wall Act**.
  - **Covenants and private rights** over land are enforced separately from planning and should not be taken into account.

#### **Provision of infrastructure**

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail. Similarly, Brent Council's CIL is also payable. These would be paid on the commencement of the development.
13. Brent Council's CIL provides an income stream to the Council to fund (either in whole or in part) the provision, improvement, replacement, operation or maintenance of the following types of new and existing infrastructure:
  - public realm infrastructure, including town centre improvement projects and street trees;
  - roads and other transport facilities;
  - schools and other educational facilities;
  - parks, open space, and sporting and recreational facilities;
  - community & cultural infrastructure;
  - medical facilities;
  - renewable energy and sustainability infrastructure; and
  - flood defences,
14. except unless the need for specific infrastructure contributions is identified in the Section 106 Planning Obligations Supplementary Planning Document or where section 106 arrangements will continue to apply if the infrastructure is required to make the development acceptable in planning terms.
15. Full details are in the Regulation 123 List is available from the Council's website: [www.brent.gov.uk](http://www.brent.gov.uk).

16. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

**Further information**

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

**Public speaking**

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

**Recommendation**

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

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## COMMITTEE REPORT

Planning Committee on 10 August, 2016  
Item No 06  
Case Number 15/4787

## SITE INFORMATION

**RECEIVED:** 3 November, 2015

**WARD:** Dollis Hill

**PLANNING AREA:** Brent Connects Willesden

**LOCATION:** 57 & 59 Brook Road, London, NW2 7DR

**PROPOSAL:** Erection of two (x3 bed) two-storey semi-detached dwellinghouses in the rear gardens of 57 and 59 Brook Rd, accessed from Crest Road with associated vehicular crossover, car and cycle parking spaces, bin stores, landscaping and amenity space

**APPLICANT:** Mr M Patel

**CONTACT:** Eamon O'Sullivan Architects

**PLAN NO'S:** See condition 2

### LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

[When viewing this on an Electronic Device](#)

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\\_124898](https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_124898)

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Please use the following steps

1. Please go to [pa.brent.gov.uk](http://pa.brent.gov.uk)
2. Select Planning and conduct a search tying "15/4787" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

## SITE MAP



### Planning Committee Map

Site address: 57 & 59 Brook Road, London, NW2 7DR

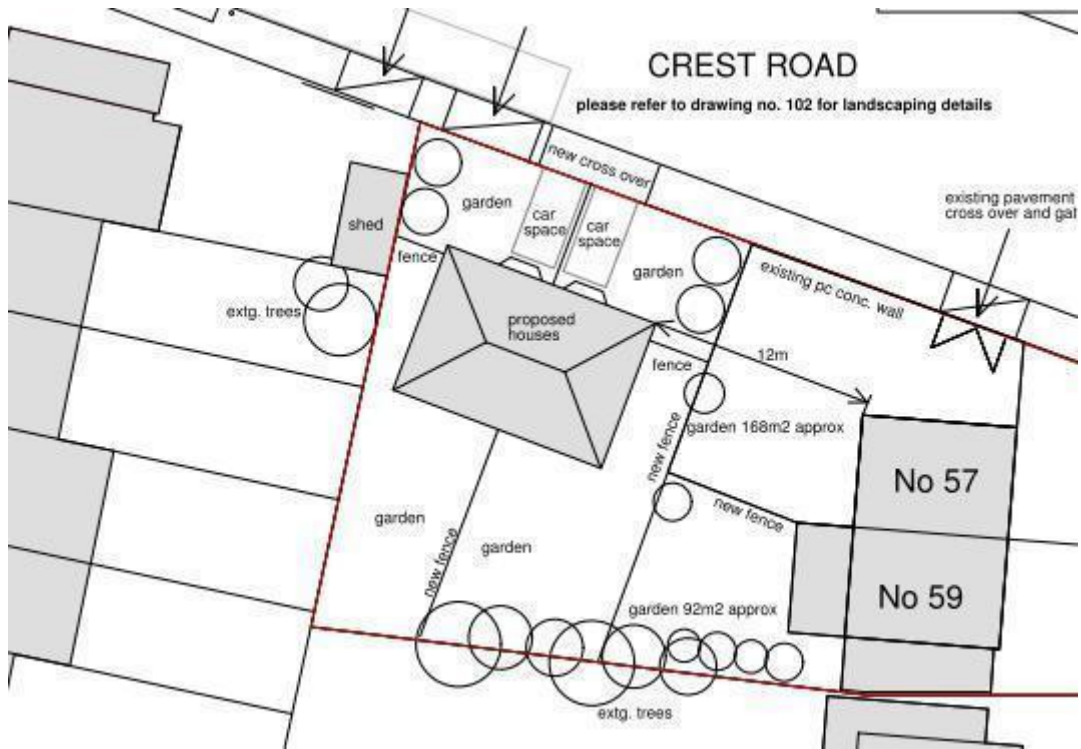
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This map is indicative only.

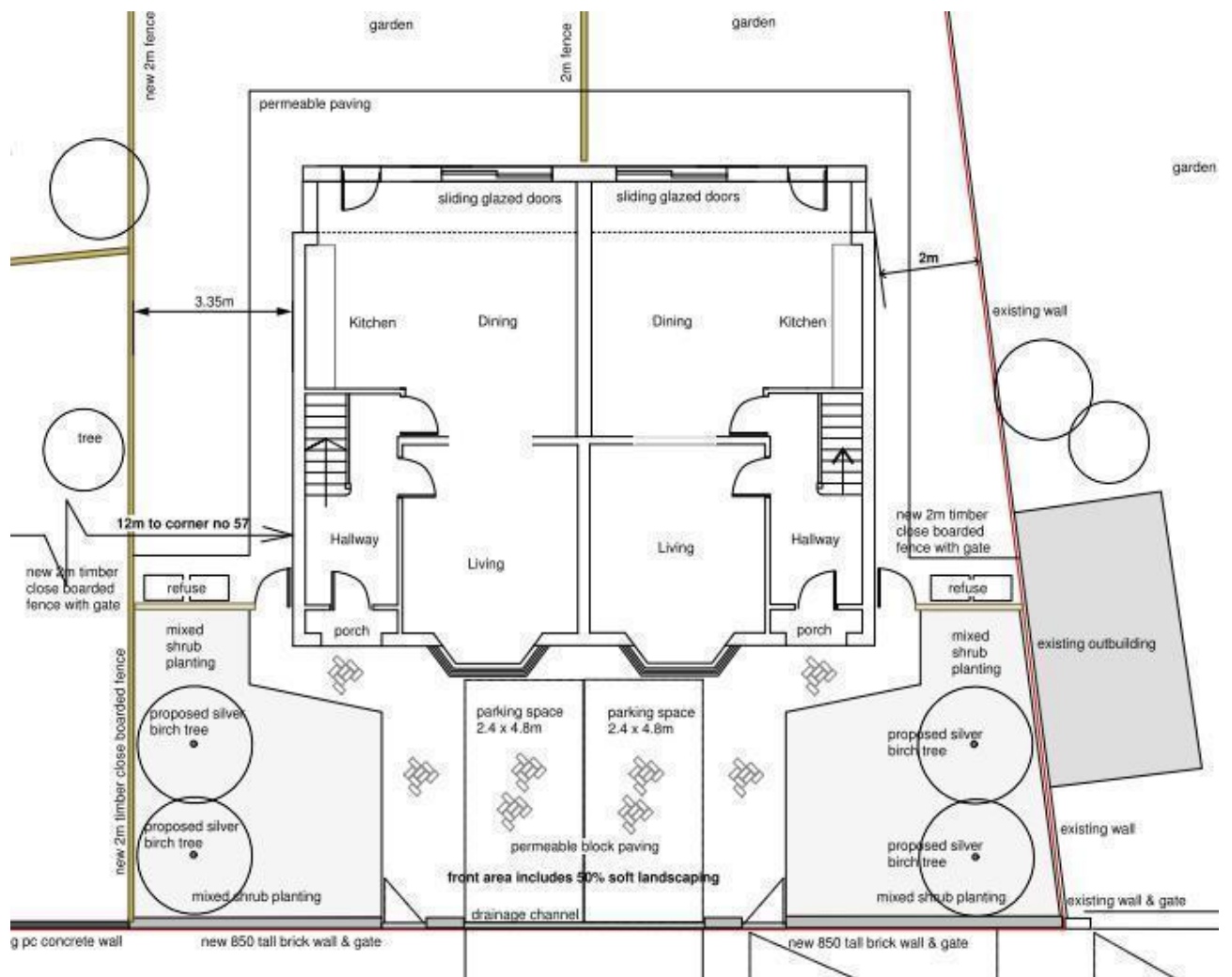


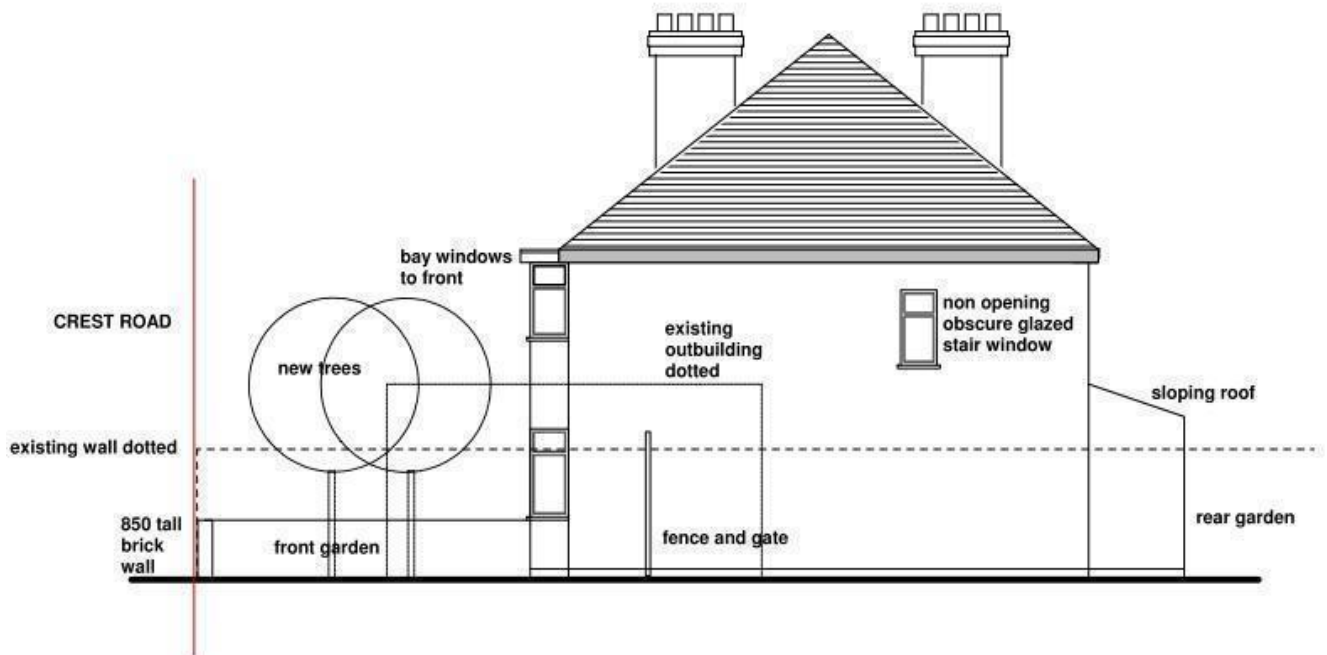
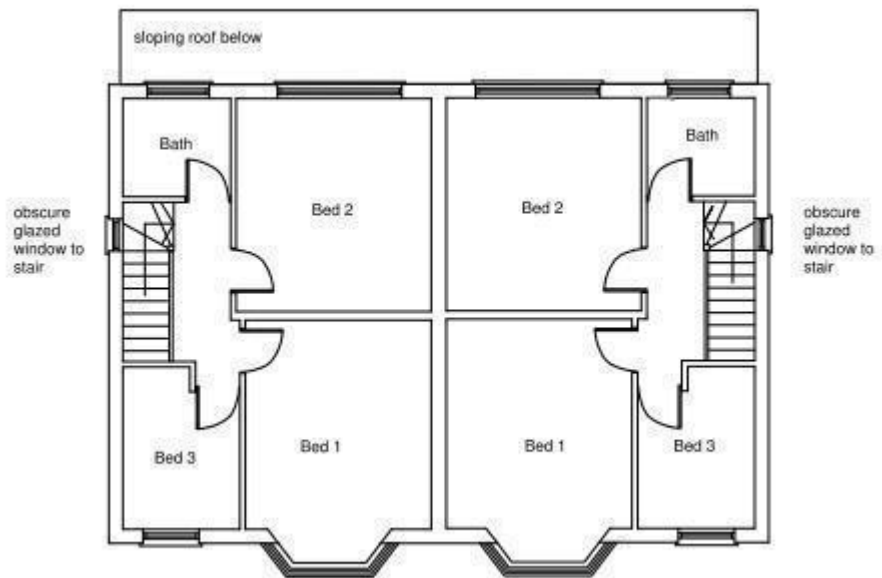
# SELECTED SITE PLANS

## SELECTED SITE PLANS

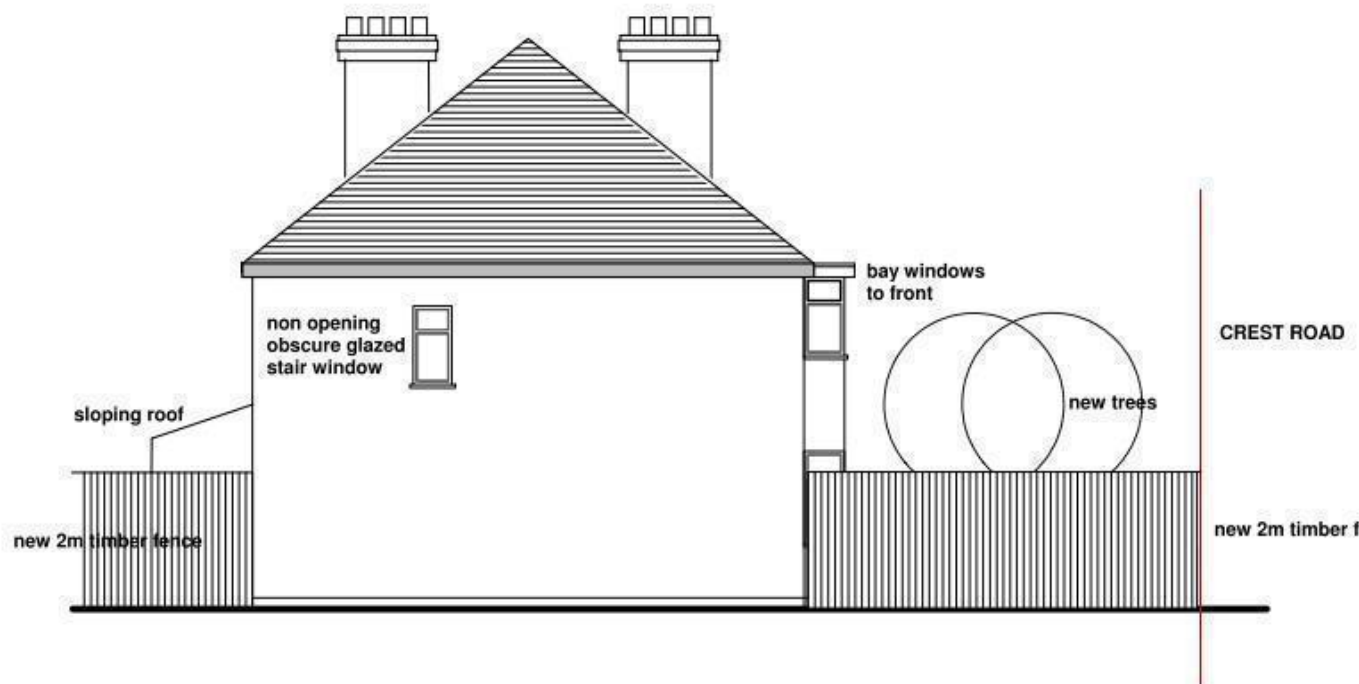








pair of semi-detached houses to match those at no.s 57 & 59 Brook Road,  
 but without the difference (step) between their floor and roof levels.  
 materials: off-white render walls, grey window frames and fascia, red/brown roof tiles



pair of semi-detached houses to match those at no.s 57 & 59 Brook Road,  
but without the difference (step) between their floor and roof levels.  
materials: off-white render walls, grey window frames and fascia, red/brown roof tiles

## RECOMMENDATIONS

### RECOMMENDATION

1. That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

#### Conditions

1. Time
2. Built as per the approved drawings
3. Materials
4. Landscaping to be implemented
5. Front Garden layout (wall heights)
6. Obscure glazing on side elevations
7. Removal of PD rights
8. Cycle parking (secure)
9. Vehicular access (crossover width)
10. Fencing surrounding the site

11. Crossovers reinstated at the site
12. Any other planning conditions considered necessary by the Head of Planning

#### Informatives

2. Party Wall
3. Any other informatives considered necessary by the Head of Planning

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

### **A) PROPOSAL**

Erection of two (x3 bed) two-storey semi-detached dwellinghouses in the rear gardens of 57 and 59 Brook Road, accessed from Crest Road with associated vehicular crossover, car and cycle parking spaces, bin stores, landscaping and amenity space

### **B) EXISTING**

The site is within the confines of the rear gardens of 57-59 Brook Road. The property is not in a Conservation Area and the properties are not listed buildings.

Brook Road, Crest Road and the surrounding area is residential in nature. The subject site is surrounded by large concrete walls and there are 2 x existing crossovers leading to the site.

### **C) AMENDMENTS SINCE SUBMISSION**

The applicant has made several amendments during the submission of the application, including:

Amendments to the frontage to provide more landscaping and to revise the parking layout;  
The minor re-siting of the proposal to comply with SPG17;  
Further details requested with regards to distances, angles and areas to comply with adopted policy

The amendments are considered to be appropriate and within the context of this application.

### **D) SUMMARY OF KEY ISSUES**

The key considerations of the proposal are:

- Principle of the development; *The proposal seeks the erection of two residential units within a predominately residential area, contributing towards the Boroughs housing stock, in line with Policy CP21 of the Core Strategy.*
- Design, impact on street scene and locality; *Your officers consider that the design, siting, scale and massing of the building is appropriate in its locality*
- Quality of accommodation; *The proposal meets the minimum requirements for the quality of accommodation as outlined in policy 3.5 of the London Plan, the technical housing standards and SPG17- Design Guide for New Developments.*
- Impacts on neighbouring amenity; *The proposal complies with all aspects of SPG17 with regards to protecting the amenity of neighbouring occupiers*
- Car parking provision, access and highway safety- *Your highway officers consider the proposals respond appropriately to all highway concerns.*

Whether the previous reasons for refusal have been addressed- *Your officers consider that the proposal has overcome the previous officer and inspector reasons for refusal.*

### **RELEVANT SITE HISTORY**

15/3124- Erection of part single and part three storey detached building in the rear gardens of 57 and 59 Brook Rd, providing 5 self-contained flats (4 x 1bed and 1 x 2bed) accessed from Crest Road with associated vehicular crossover, car and cycle parking spaces, bin stores, landscaping and amenity space- APS,

Dismissed

E/15/0090 Without planning permission, the material change of use of premises to a mixed use as residential and skip transferring and storage.

14/4205 Certificate of lawfulness for proposed single story rear extension, single storey side extension and roof extension *CLR*

03/1091 Erection of a single-storey rear extension and a part single-storey, part 2-storey side extension to the dwelling house *GTD*

02/2337 Erection of a single-storey rear extension and a part single-storey, part 2-storey side extension to the dwellinghouse and erection of a single-storey detached house in the rear garden area of 57 Brook Road, including the formation of a new vehicle access to Crest Road *REF*

## CONSULTATIONS

Neighbour consultation letters were dispatched on 10/11/2015.

There have been 4 x objections to the application from neighbouring residents.

The objections are listed below and responded to within the report.

Representation	Paragraph Response
Proposed dwelling houses are close to the boundaries of Nutfield Avenue, compromising privacy, views and will result in overshadowing and loss of residential amenity.	See paragraph 5.1.- 5.5.
The proposal will result in increase in parking around the site	See paragraph 6.
The parking arrangements will be dangerous at the site.	See paragraph 6.
Site is too small for the number of proposed dwellings.	See paragraph 3.6 and 5.7
Visual impacts of the development	See paragraph 3.6.

Your officers have also received objections on non-planning related issues such as noise and disturbance during construction work.

## POLICY CONSIDERATIONS

### National Planning Policy Framework (2012):

- Section 7 – Requiring Good Design

### The London Plan (2011):

- Policy 3.5 – Quality and Design of Housing Developments

### Core Strategy (2010):

- CP17 – Protecting and Enhancing the Suburban Character of Brent
- CP21 – A Balanced Housing Stock

### Brent's UDP (2004):

- BE2 – Townscape: Local Context and Character
- BE7 – Public Realm: Streetscape
- BE9 – Architectural Quality

### Supplementary Planning Guidance:

- SPG 5 – Altering and Extending Your Home (2002)
- SPG17 – Design Guide for New Development (2001)

## DETAILED CONSIDERATIONS

### 1. Key considerations

1.1. The main issues of relevance in regard to this application are:

- Principle of the development;
- Design, impact on street scene and locality;
- Quality of accommodation;
- Impacts on neighbouring amenity;
- Refuse and storage;
- Car parking provision, access and highway safety; and
- Whether the previous reasons for refusal have been addressed.

### 2. Principle of development

2.1. Brook Road, Crest Road and the surrounding area is residential in nature and as such the introduction of the proposed residential unit is acceptable in terms of the character and use. Additionally the proposal would see the creation of two x two storey, three bedroom dwelling houses which would contribute towards the borough's need for family sized housing in line with policy CP21. Your officers give this element of the application significant weight.

2.2. Policy CP17 of Brent's Core Strategy does seek to "limit inappropriate development of back gardens that erode the character of suburban areas" however this proposal would have its own frontage and the host properties (57 and 59) would have suitable amounts of garden space retained.

2.3. Additionally, for a residential development to be acceptable on this site, Policy H15 (Backland Development) would need to be satisfied. The proposal broadly satisfies the points within H15 as the proposal has its own frontage, the access arrangements are acceptable (as discussed further in this report) and sufficient garden depths are retained.

2.4. Your officers consider that the proposal for two x three bed dwellinghouses in this location is considered to be acceptable, subject to further detailed considerations.

### 3. Design, impact on street scene and locality

3.1. The area in the vicinity of the application site is characterised by earlier 20th century houses. Their design is relatively simple and they comprise a mixture of two-storey, semi-detached and terraced properties. The properties are set back from their adjacent streets with small gardens/driveways to the front and larger gardens to the rear. The topology of the site slopes slightly down towards Crest Road.

3.2. Your officers consider that the frontage to the site is particularly poor in terms of its aesthetics and function. The existing situation provides little interaction to the street and this proposal would facilitate the removal of the concrete pre-cast fencing and replace it with a frontage of planting with the dwellinghouses set back. This would result in a significant enhancement in the appearance of the streetscene

3.3. The siting of the building is appropriately set back from the street and fits comfortably between Brook Road and Nutfield Road and would not appear overly dominant when viewed from up and down Crest Road.

3.4. The proposed building is traditional in design with a pitched tiled roof, projecting bays and gardens to the front and rear. The materials proposed are render, grey window frames and fascia and red roof tiles. Specific details are subject to a recommended condition set out within the Draft Decision Notice.

3.5. Your officers consider that substantial improvements to the street frontage would be achieved as a result of this proposal, the siting of the proposed dwellings are appropriate in their context and the design, bulk and scale is acceptable with regard to the local streetscene. As a result, your officers consider the proposal is in accordance with the NPPF Chapter 12, CP17 of the Core Strategy and BE2 and BE9 of the UDP.

### 4. Standard of accommodation

4.1. The proposed Gross Internal Area (GIA) for the dwelling meets the London Plan floor space standards



as stipulated within table 3.3 of Policy 5.3. The proposals both provide 95sqm GIA and the London Plan stipulates that 95sqm is required.

4.2. The internal layout is very usable with a practical and square plan form. All habitable rooms have main window facing the frontage (street) or back garden. All room sizes are adequate for London Plan standards.

4.3. Brent's Supplementary Planning Guidance 17 for New Development (SPG17), stipulates that family housing should have a minimum of 50sqm of private amenity space and the proposed units are well above this level. The submitted block plan shows the provision of a back garden space of 75sqm and 111sqm of amenity space. The existing dwellings would retain 92sqm (number 59) of amenity space in the rear garden and 170 sqm (number 57).

4.4. There is ample defensible space to the front of the proposed dwelling with over 50% soft landscaping and one car parking space being provided. This would help provide privacy to the properties from the street scene without removing natural surveillance.

4.5. It is not considered that the new properties would be overlooked by the adjacent dwellings, due to their orientation in relation to the new houses and the location of habitable room windows on the new property.

4.6. The proposed dwelling is considered to provide an acceptable standard of accommodation and amenity for future occupiers whilst complying with policy 3.5 of the London Plan, the Technical Housing Standards and SPG17- Design Guide for New Developments.

## **5. Impact on neighbouring amenity**

5.1. The dwellinghouses are situated at a minimum of 2m off the boundary of neighbouring properties as down in the proposed ground floor plan and front/rear elevations.

5.2. The flank walls of the dwelling houses are located at a minimum distance of 12m from the rear elevation (unextended) of properties 57 and 59.

5.3. The properties on Nutfield Road are at a distance of 14.85m and 16.7m from the proposed building.

5.4. The siting of the proposal is set off the boundary of the properties on Nutfield Road by 2m and the properties of Brook Road by 3.4m. There are no habitable windows in the flank elevations of the proposed building and the proposed windows would be obscure glazed and non opening to a height of 1.8m. Therefore the proposal would overlook the properties to the sides.

5.5. Additionally, the internal configuration of the units are sensitively designed- the windows closest to boundaries of those properties on Nutfield Road and Brook Road are bathroom windows which would be obscure glazed.

5.6. The proposal would comply with the standard set out in section 3.2 of SPG 17 which states that where proposed developments adjoins private amenity garden areas then the height of the new building should be set below a line of 45 degrees at the garden edge. This is demonstrated in the proposed elevation drawings.

5.7. The proposal presently meets the requirements within SPG17 however the allowances of permitted development could result in an increased massing and footprint, resulting in adverse impacts on the living conditions of neighbours. Therefore, if members were resolved to grant consent a condition restricting permitted development rights is recommended.

5.8. Overall, it is considered that the development would not have a significant overbearing impact, result in overlooking, loss of light or overshadowing to neighbouring properties. The proposal would therefore maintain a satisfactory standard of environment at the adjoining properties in line with SPG17- Design Guide for New Development.

## **6. Parking**

6.1. The parking allowance for dwellings is given in the Standard PS14 of the UDP. Policy BE7 may be applicable.

6.2. The maximum allowance for the existing 3 bedroom properties is 1.6 spaces, totalling one off street parking space per property 57 and 59. Both properties have parking meeting or exceeding this standard

within their front and side gardens, so there would be no concern in principle to the loss of any further parking space at the rear of these properties.

6.3. The addition of two new 3-bedroom dwellinghouses would significantly increase the parking allowance by 3.2 spaces. On-street parking on Brook Road and Crest Road is not available to meet standards, due the proximity of the junction, crossing points and bus stop, so adequate parking needs to be provided within the site. Although the proposal for 1 x parking space per unit does not meet the required standard, when considering the constraints of the site officers consider this provision to be acceptable as the benefits to providing new dwellings would outweigh the lack of provision in this instance.

6.4. Given the location of the crossovers at a bus stop, where full height kerbs should be provided for as much of the length of the stop as possible to assist elderly and disabled passengers to board and alight buses, the widths of crossover need to be kept to a minimum. It is recommended that a shared 4.8m wide crossover straddling the two properties be provided (which has been illustrated on the plans) with the parking spaces positioned side-by-side on either side of the proposed boundary between the two houses. The existing crossover at the western end of the site should then be reinstated to footway with full height kerbs. This part of the proposal would be ensured by a recommended condition.

6.6. The site layouts show 50% soft landscaping and suitable boundary treatment to a height not exceeding 850mm to ensure vehicles do not illegally cross the footway to access further parking in the frontages.

6.7. In conclusion, the site proposes a parking space each for the new dwellings and parking will be retained for the existing properties. This provision is acceptable for the site and its location.

## 7. Addressing the previous reasons for refusal

7.1. In conclusion, the site does propose a parking space each for the new dwellings and parking will be retained for the existing properties.

7.2. Your officers consider that the reasons for refusal (related to quality of accommodation, impact on neighbouring amenity, impact on the streetscene and highway safety) which were supported by the Planning Inspectorate at appeal, have been satisfactorily addressed through the measures outlined within this report.

## 8. Summary

8.1. The proposed semi-detached dwellings will provide increased family sized accommodation within the Borough of a good standard in terms of the quality of the accommodation. The design of the new dwellinghouse is considered acceptable and is not considered to adversely impact on the amenities of surrounding properties. The proposed layout and parking provision for the site is considered acceptable.

8.2. For the reasons as outlined above, and as set out in the decision notice, approval is accordingly recommended.

## CIL DETAILS

This application is liable to pay **£54,651.38\*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\*\* floorspace which on completion is to be demolished (E): sq. m.

Total amount of floorspace on completion (G): 190 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	190	0	190	£200.00	£35.15	£46,482.14	£8,169.24
			0	£0.00	£0.00	£0.00	£0.00

BCIS figure for year in which the charging schedule took effect (Ic) 224

224

BCIS figure for year in which the planning permission was granted (lp)	274	
<b>Total chargeable amount</b>	£46,482.14	£8,169.24

\*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

\*\***Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

**Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.**



**Brent**

**DRAFT NOTICE**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 15/4787

To: Mr Eamon O'Sullivan  
Eamon O'Sullivan Architects  
47 Burghley Road  
London  
NW5 1UH

I refer to your application dated 03/11/2015 proposing the following:  
Erection of two (x3 bed) two-storey semi-detached dwellinghouses in the rear gardens of 57 and 59 Brook Rd, accessed from Crest Road with associated vehicular crossover, car and cycle parking spaces, bin stores, landscaping and amenity space  
and accompanied by plans or documents listed here:  
See condition 2  
at 57 & 59 Brook Road, London, NW2 7DR

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:

Signature:

A handwritten signature in black ink, appearing to read 'Aktar Choudhury'.

**Mr Aktar Choudhury**  
Operational Director, Regeneration

**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:-

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 17 - Design Guide for New Development

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment

Housing: in terms of protecting residential amenities and guiding new development

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

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

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

103A

105D

102D

107C

106A

108A

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

- 3 The areas so designated within the site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality, in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- 4 The window on the 1st floor of the side elevations of the building shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.8m above floor level) and shall be permanently returned and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupier(s).

- 5 No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Class(es) A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: To prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- 6 No part of the development shall be occupied until the proposed access has been constructed in accordance with the details hereby approved and as shown on drawing 102D at a width not exceeding 4.8 m.

Reason: In the interests of the general amenities of the locality and the free flow of traffic and general conditions of the highway safety on the neighbouring highway.

- 7 The existing vehicular crossovers on Crest Road shall be reinstated to footway with full height kerbs and shall be undertaken by the Local Highway Authority at the applicant's expense prior to occupation of the development. The approved details shall be retained for the lifetime of the development.

Reason: In the interests of visual amenity and highway safety

- 8 Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- 9 Details of the front garden layout shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All detailed works shall be carried out as approved prior to the occupation of the premises.

- (i) planting of the front garden area with shrubs and/or trees;
- (ii) the retention of existing hedges and shrubs;
- (iii) provision of front garden wall or walls or other form of boundary treatment;
- (iv) car parking space for 2 cars, the defined points of access and the surfacing materials to be used;
- (v) waste and recycling storage facilities;

Reason: To ensure a satisfactory appearance and in the interests of local amenity.

- 10 Details of the provision of a minimum of 2 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- 11 Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and the fencing, walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved.

Reason: In the interests of the privacy and amenity of the occupants of the application site and neighbouring properties.

## INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 2 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.

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

Any person wishing to inspect the above papers should contact Robert Reeds, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 6726



## COMMITTEE REPORT

Planning Committee on 10 August, 2016  
Item No 03  
Case Number 15/5068

### SITE INFORMATION

**RECEIVED:** 20 November, 2015

**WARD:** Brondesbury Park

**PLANNING AREA:** Brent Connects Kilburn

**LOCATION:** 24-51 INC, John Barker Court, 12-14 Brondesbury Park, Kilburn, London, NW6 7BW

**PROPOSAL:** Proposed demolition of existing block of flats known as 24-51 John Barker Court, and erection of part three part four storey building comprising 33 self-contained flats (27 x 1 bed and 6 x 2 bed) with associated car parking (13 spaces), bin stores, amenity space and landscaping (as amended)

**APPLICANT:** Network Stadium Housing Association Limited

**CONTACT:** JLL

**PLAN NO'S:** (See Condition 2)

**LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION** [When viewing this on an Electronic Device](#)  
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\\_125203](https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_125203)  
[When viewing this as an Hard Copy .](#)

Please use the following steps

1. Please go to [pa.brent.gov.uk](https://pa.brent.gov.uk)
2. Select Planning and conduct a search typing "15/5068" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

# SITE MAP



## Planning Committee Map

Site address: 24-51 INC, John Barker Court, 12-14 Brondesbury Park, Kilburn, London, NW6 7BW

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This map is indicative only.

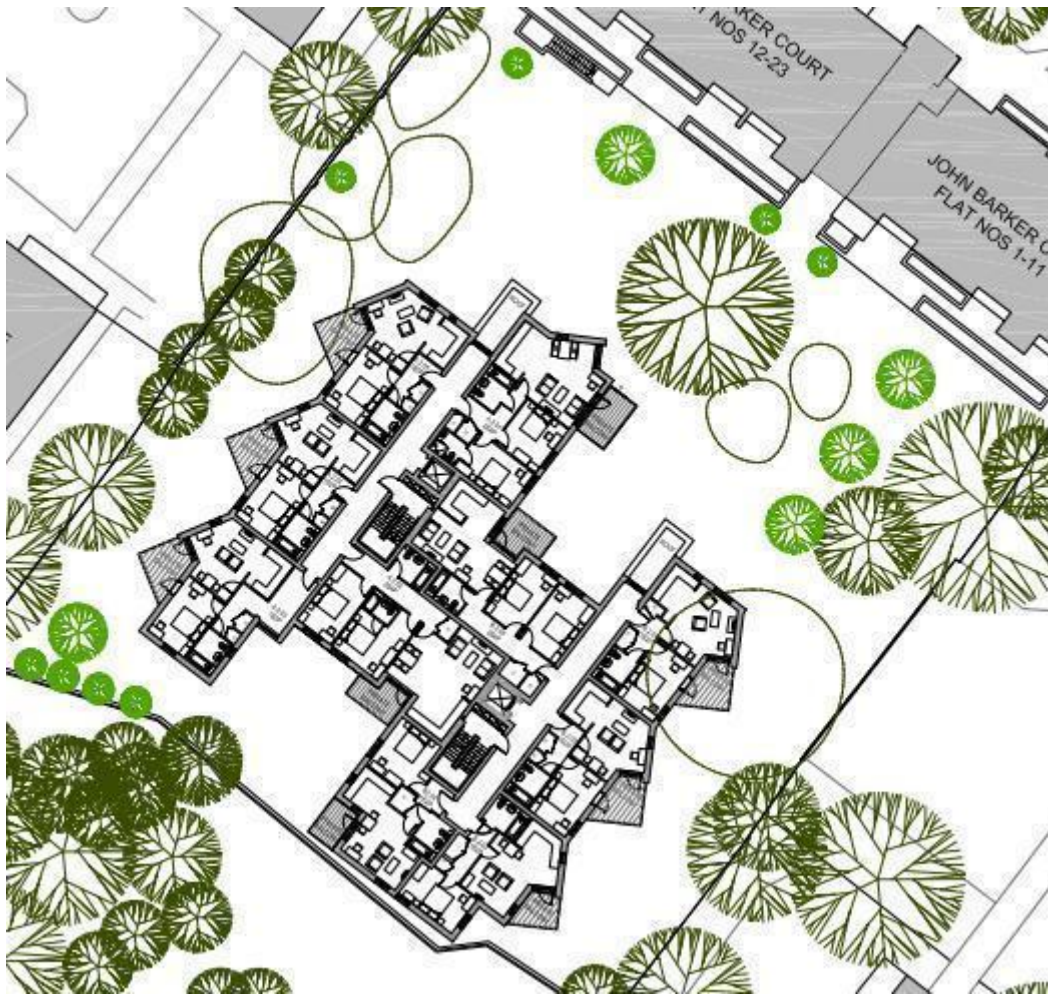
**SELECTED SITE PLANS**  
**SELECTED SITE PLANS**



**Proposed block plan**



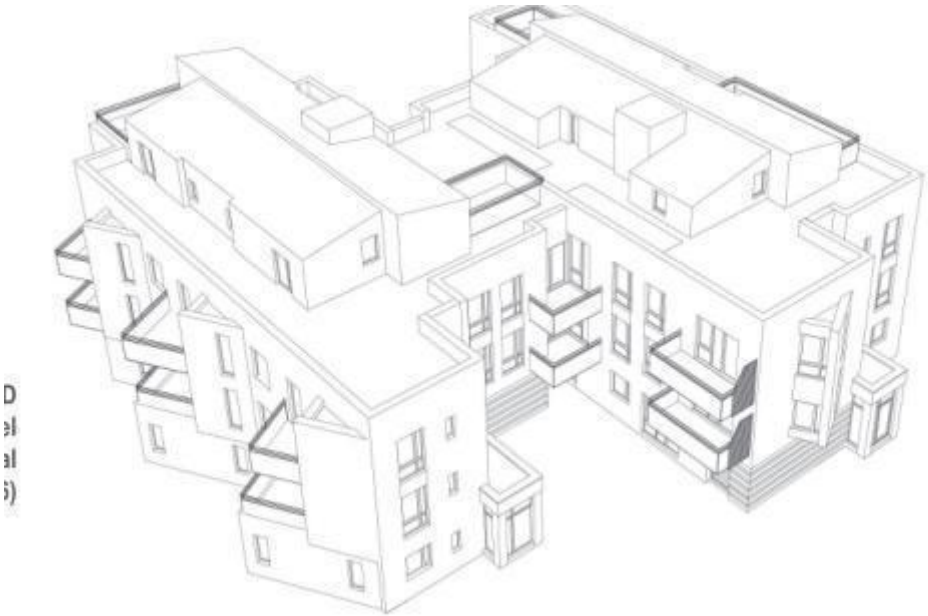
**Proposed ground floor**



**Proposed second floor**



**Proposed third (top) floor**



**Proposed 3-d perspective**



IMAGE ABOVE | View from 1-11 John Barker Court as Revised Proposal (June 2016)

## **Proposed visual 1**



IMAGE ABOVE | View from 12-23 John Barker Court as Revised Proposal (June 2016)

## **Proposed visual 2**

### **RECOMMENDATIONS**

#### RECOMMENDATION

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

- a) Affordable Housing, 100% affordable housing comprising of x17 Shared Ownership and x16 Affordable Rent flats (total of 33 affordable units)
- b) Join and adhere to the Considerate Constructors Scheme
- c) Achieve CO2 reduction representing a 35% improvement on 2013 Building Regulations, pursuant to the Further Alterations to the London Plan (2015) and to provide a carbon off-set contribution to be used towards on / or off-site improvements related to carbon reduction to off-set any shortfall below the target 35%.
- d) Implementation of the submitted Travel Plan from first occupation

- e) Permit Free restriction to remove the rights of residents to apply for parking permits in the surrounding roads in the vicinity of the site and residents to be provided with a 3 year membership of a local car club upon occupation.
- f) Any other planning obligation(s) considered necessary by the Head of Planning
- g) Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance. This is likely to be in the region of £1275, but may be subject to change.

That the Head of Planning is delegated authority to negotiate the legal agreement indicated above and that the Head of Planning is delegated authority to issue the planning permission and impose conditions [and informatives] to secure the following matters:

#### Conditions

1. Standard 3 year permission
2. List of all approved plan numbers /documents
3. Noise limit placed on any plant equipment to be installed
4. Requirement for a number of windows to be installed and maintained as obscure glazed
5. Further details of a communal television/satellite dish system required
6. Further bat survey to be undertaken prior to commencement of works (including demolition)
7. Further survey / inspection of badger sett in adjacent woodland prior to commencement of works (including demolition)
8. Timing of works relating to vegetation clearance, mindful of bird nesting season.
9. Approval required for all external materials.
10. Construction Method Statement required to set out measures to minimise the impacts of dust, noise, mud and other environmental impacts
11. Provision of all parking spaces required prior to first occupation, and a Car Parking Management Plan to be submitted and approved.
12. Details required in relation to all external lighting
13. A detailed scheme of landscape works required, including provision for a minimum of 17 new trees.
14. Further details of privacy screening to balconies in order to safeguard privacy
15. Provide evidence that the mitigation measures set out in the Air Quality Impact Assessment have been implemented in full
16. Provide evidence that the proposal has been designed to reduce water consumption, in accordance with Building Regulations
17. Further details of bird/bat boxes to be submitted
18. Details to screen and protect the adjacent woodland area during construction works
19. Details of a Tree Protection Plan and Arboricultural Method Statement required prior to any works commencing on site (including demolition)
20. Provide confirmation that all units have been constructed to meet Building Regulations requirements in respect of wheelchair adaptable and wheelchair accessible units

#### Informatives:

Watching brief in relation to asbestos on site

Further details and advice in relation to tree protection and works to trees on site

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee



nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

That, if by 10 November 2016 the legal agreement has not been completed, the Head of Planning is 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.

#### **A) PROPOSAL**

Proposed demolition of existing block of flats known as 24-51 John Barker Court, and erection of part three part four storey building comprising 33 self-contained flats (27 x 1 bed and 6 x 2 bed) with associated car parking (13 spaces), bin stores, amenity space and landscaping (as amended).

The accommodation is proposed for occupation by over 50's only.

#### **B) EXISTING**

The subject site comprises a three storey building accommodating no's 24-51 John Barker Court. The building which did sit vacant for a period was formerly used as sheltered accommodation for the over 50's. In August 2015 permission was granted (ref: 15/1539) for a temporary period of one year for the use of the premises as a hostel (Use Class Sui Generis). This hostel provides short term accommodation for homeless families.

The application site is to the rear of no's 1-23 John Barker Court which is found on the north western side of Brondesbury Park NW6, and both buildings share access arrangements. The site is not within a conservation area nor is it a listed building.

The surrounding site context includes residential blocks and houses as well as two nearby schools and a wooded area to the south.

#### **C) AMENDMENTS SINCE SUBMISSION**

Since the proposed scheme was submitted the following amendments have been made, and these have been subject to a second round of neighbour consultation:

- a) Reduction to building footprint of Block A moving this 1m further away from 1 - 23 John Barker Court.
- b) Reduction in the number of proposed parking spaces from 19 to 13, with provision included now for a loading space for small delivery vans.
- c) Alterations to the building design, elevations and fenestration. This has resulted in reduced massing and re-arrangement of the top floor, and the introduction of splayed projecting bays to three sides of the building(s) in response to outlook concerns.
- d) Enlargement and re-configuration of shared amenity space.
- e) Change in the unit mix with a reduction in the number of 2 bedroom units (loss of 2 x 2-bedroom units).

#### **D) SUMMARY OF KEY ISSUES**

The key issues for consideration are as follows

- a) The opportunity for new and much improved replacement sheltered accommodation on site to help meet the borough's range of housing needs.
- b) The level of affordable housing being proposed.
- c) The relationship of the proposed building to surrounding sites and existing neighbouring buildings in terms of residential amenity.
- d) Design, scale and massing of the building(s).
- e) The transport impacts of the proposed development, level of proposed parking and consideration of proposed mitigation measures.
- f) The quality of the proposed residential accommodation.
- g) Proposed landscape strategy, impact on existing trees and adjacent Site of Borough Grade II Importance (SBINC) for Nature Conservation.

## E) 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)
Dwelling houses	1398		1398	2594	2594

### Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING ( Flats û Social Rented )										
EXISTING ( Sheltered Housing û Social Rented )	27	1								28
EXISTING ( Flats û Intermediate )										
PROPOSED ( Flats û Social Rented )	14	2								16
PROPOSED ( Sheltered Housing û Social Rented )										
PROPOSED ( Flats û Intermediate )	10	7								17

## RELEVANT SITE HISTORY

### **15/1539 - Granted (temporary 1 year consent)**

Change of use of existing flats at 24-51, John Barker Court, into a hostel (Use class Sui Generis) for a temporary period of 1 year.

## CONSULTATIONS

Consultation letters were sent initially on 31 December 2015, to a total of 269 addresses. Site and press notices were also advertised at that time. No representations were received to this round of consultation. Following the formal submission of revised plans, proposing some material changes to the scheme most notably to the proposed level of parking a second round of consultation was undertaken. Consultation letters for this second round were sent on 9 June 2016, once again to a total of 269 addresses. To date no representations have been received in response. Revised site notices were displayed on the 10 June 2016, and a revised press notice advertised on 16 June 2016.

### STATUTORY CONSULTEES

(n.b. as above the following statutory consultees have been consulted on proposals twice)

#### *Ward Councillors for Brondesbury Park:*

No response received to date.

#### *Transportation:*

Subject to a S106/conditions to secure: (i) a 'permit-free' agreement withdrawing the right of future residents to on-street parking permits in the area; (ii) provision of free membership of a local Car Club for all new residents for a minimum period of three years; (iii) implementation of the submitted Travel Plan; (iii) further details of proposed landscaping, lighting and drainage there would be no objections on transportation grounds to this amended proposal.

#### *Local Lead Flood Authority:*

No response received to date.

#### *Environmental Health:*

No objection raised, conditions have been recommended relating to limiting noise and vibration levels from any plant, securing of a Construction Method Statement and Air Quality Impact Assessment.

#### *Sustainability:*

No objection raised.

*Principal Tree Officer:*

No objection to revised scheme, subject to conditions.

*Landscape:*

No objection raised.

*Affordable Housing:*

The proposal is acceptable in this regard as it is proposed to be 100% affordable.

*Recycling and Waste:*

No response received to date.

## **POLICY CONSIDERATIONS**

The Development Plan for the purposes of s38 of the Planning and Compulsory Purchase Act 2004 is the London Plan 2015 (FALP), the London Borough of Brent LDF Core Strategy 2010 and the London Borough of Brent Unitary Development Plan (2004).

### **National Planning Policy Framework 2012**

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It includes a presumption in favour of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant. The NPPF states that good quality design and a good standard of amenity for existing and future occupants of land and buildings are required. Accordingly, the policies contained within the adopted SPG's, London Borough of Brent Unitary Development Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

### **London Plan 2015 (FALP)**

### **London Borough of Brent LDF Core Strategy 2010**

### **London Borough of Brent Unitary Development Plan (2004)**

### **Supplementary Planning Guidance 17 'Design Guide for New Development' (2002)**

### **SPD 's106 Obligations'**

## **DETAILED CONSIDERATIONS**

### **Context and existing use:**

1. The existing building is within a backland setting and is part two, part three-storeys high. It was constructed in the 1970's. Historically, and up until March 2015, it was sheltered housing accommodation specifically for the over 50's. It comprised of 27 studio flats, and a two bedroom wardens flat. To the north of the building is a grassed amenity area containing a number of mature trees, and further north and adjacent to this is 1 - 23 John Barker Court which is a three storey residential building fronting onto Brondesbury Park, currently owned and managed by Brent Housing Partnership. To the south of the subject building is an existing gated woodland area, this contains a number of mature trees, some of which are the subject of Tree Preservation Order's (TPO). This area is utilised by the adjacent Malorees School and is designated as a Site of Borough Grade II Importance (SBINC) for Nature Conservation.
2. Uses to the east are residential and there is also a school (Brondesbury College), to the west is a three storey residential building (Alan Preece Court) and further to the south Malorees Infant and Junior School on Christchurch Avenue.
3. The existing building that is proposed for demolition benefits from a temporary one year permission for its use as a hostel (Use Class Sui Generis), providing accommodation for homeless families. This consent, granted at Planning Committee in July 2015 has recently expired.

4. This is not within a Conservation Area, nor is it a Listed Building.

**Community involvement:**

5. In July 2015 the applicants carried out the first stage of consultation, letters were delivered to neighbouring residents and ward councillors for Brondesbury Park ward. Following this there was further correspondence with the Brondesbury Park Residents Association (BPRA). The design of the scheme was progressed following the initial consultation phase, and a public exhibition was later held in September 2015. Local residents and ward councillors were invited to attend via a flyer, and records show a low level of attendance from 4 local residents. Following on from this the applicants then met with the BPRA in October 2015.
6. Between May and June 2015 Brent officers provided pre-application advice on a series of occasions.

**Need for proposed accommodation:**

7. The existing property was previously Brent Council owned and transferred in 2000 with the borough's sheltered housing stock to Willow Housing and Care, who are a part of Network Housing Group. There is a covenant on the land restricting its use to affordable housing for over 50's. The proposed housing offer submitted by Network Stadium Housing Association Ltd is reflective of this covenant by proposing replacement sheltered housing, 100% of which is to be affordable, as set out below.
8. The population in older age groups in the borough is projected to increase during the Plan period (2010 - 2026), with a third of the overall population growth (22, 300 persons) projected to be aged 65 or over and 17% projected to be 75 or over (11, 600 persons). Overall the evidence suggests a future need for traditional sheltered housing in the borough, and this is set out in the London Borough of Brent Strategic Housing Market Assessment 2016.
9. Core Strategy policy CP21 seeks to ensure that a balanced housing stock is maintained by protecting existing accommodation that meets known needs and by ensuring that new housing appropriately contributes towards the wide range of borough household needs including care and support accommodation to enable people to live independently. This is in conformity with London Plan policy 3.8 (Housing Choice) and 3.9 (Mixed and balanced communities) and paragraph 3.50 of the Further Alterations to the London Plan. The proposed type of accommodation would help to contribute to the range of borough household needs. .
10. The proposed accommodation, whilst intended to be for over 50's is not considered to fall within Use Class C2 due to the fact that there will be no permanent care staff on site and the units are self-contained. For these reasons the proposed accommodation is considered to fall within Use Class C3 (dwellinghouse).

**Affordable housing:**

11. The proposal seeks to redevelop the site comprising of 33 new units for the over 50's. This will provide 27 x 1 bedroom and 6 x 2 bedroom units. Of the 33 units a total of 16 are proposed as Affordable Rent and 17 as Shared Ownership. On this basis the proposed scheme will deliver 100% of units as affordable. This satisfies London Plan policy 3.12 in seeking the maximum reasonable amount of affordable housing on sites, as well as making a valuable contribution towards the Councils affordable housing targets and satisfying Core Strategy policy CP2.

*Unit mix:*

*Shared ownership:*

- 13 x 1-bedroom / 2 person units (including 2 wheelchair units)
- 4 x 2-bedroom / 4 person units

*Affordable rent:*

- 14 x 1-bedroom / 2 person units (including 2 wheelchair unit)
- 2 x 2-bedroom units

12. For the above reasons the principle of development is considered acceptable, subject to other material planning considerations as set out below.

**Density:**

13. The scheme results in a density of 87 dwellings per hectare, equivalent to 191 habitable rooms per hectare. This falls within the density range for a site in this suburban location with a PTAL of 3, which sets

a density of up to 95 dwellings per hectare and / or 15--250 habitable rooms per hectare. This is consistent with London Plan policy.

**Scale, massing and design:**

14. Saved UDP policy H15 is relevant where backland development is proposed, and a range of criteria is set out within the policy. Of those considered most relevant are where it says that special regard should be paid to (a) the density and height of the proposal which should be subsidiary to frontage housing; (b) privacy and outlook from existing dwellings and in particular gardens; (d) backland development sharing a frontage access will not be permitted; (e) that sufficient garden depth and area is retained commensurate with the local character and (f) the effect and cumulative impact on the loss of garden habitat.
15. As a starting point is the fact there is already a backland development on the site which would be demolished. This is part two and three-storeys high, with pitched roofs. This is of similar scale to the frontage building and the building footprint is broadly similar to the proposed scheme.
16. Development is proposed in the form of a predominantly part three, and part four-storey building arranged as two inter-connecting blocks linked internally. The projecting third floor (fourth storey) elements are set in and back significantly and of a much less scale than the building floorplates below. The set backs proposed result in much reduced bulk and massing to the top floor and a separation distance of 23.6m between this element and the facing elevation (rear) of 1-23 John Barker Court. The design approach to the third floor element is welcomed and it is considered to successfully break down the scale and massing of the building, which is important given its backland setting and its future relationship to the frontage building. This proposal is considered to be commensurate with the scale of flatted developments in the site vicinity:- for example Alan Preece Court, which is neighbouring to the west, is predominantly three storeys high with top floor elements that project above this. The frontage building (1 - 23 John Barker Court) is three storeys. Elsewhere along Brondesbury Park there are other examples of four storeys buildings, so in view of the existing patterns of development and built form as well as the proposed siting, design and arrangement of massing the proposed scale and height is considered to be appropriate.
17. The siting of the proposed building will achieve generous separation from side and rear site boundaries as well as the existing frontage building. The amendments made to the scheme have increased the set in from side boundaries to between 5.7 and 9m. The scale of development proposed is compliant with the 30 and 45 degree amenity tests, as set out in Supplementary Planning Guidance 17 'Design Guide for New Development'. These tests are used to assess the potential level of impact new development can have on neighbouring amenity, considering the impacts on habitable windows as well as adjacent amenity space.
18. Block A, as revised has been set further back 1m from the existing frontage building (1-23 John Barker Court). This is welcomed as it improves the relationship of units to the parking area, and increases the separation between buildings.
19. Appropriate weight has been given to the development plan, namely saved UDP policy H15 and there are a number of determining factors. The principle of backland development has been long established by the existing building on site, and whilst it is a fact that the proposed replacement building will be taller than this, and the frontage building, in part, officers consider that the proposed design has sought to reduce the scale of these projecting top floor elements. It is considered that this successfully reduces the scale of the top floor so that overall the building is seen as being commensurate with the scale of the existing frontage building, as such it does not appear dominant in relation to this or of a scale that is out of character with the local context. Generous separation distances in excess of 20m are maintained so that privacy of existing dwellings is not materially harmed. As this will involve replacement of an existing building there is no material loss of existing garden habitat, and the tandem access arrangements are an existing long-standing arrangement on site that would continue. Finally, the proposed residential density falls comfortably within the appropriate density range for this location, as set out above.
20. When taking into account all the aforementioned material considerations officers consider that on balance the proposed scheme does not conflict with backland development policy.

**Materials:-**

21. The architectural approach has been to keep the elevations simple, this is reflected by the palette of materials also. Brick is proposed as the predominant material, with a darker brick shown to reflect the tone of surrounding buildings. This is considered to be appropriate, and the final choice of brick will be

approved via a planning condition. Secondary elements of the building will be treated with glazing and a contrasting zinc cladding which will provide a contemporary element to the scheme. The zinc cladding will emphasise the set in top floor and the projecting splayed bays that have been introduced on three sides of the building. Articulation and expression is provided in the form of a staggered building footprint, elements within the elevations that are recessed, projecting balconies, projecting splayed windows and the set in and set back to the fourth floor.

22. Further details of all external materials will be required as a condition of any approval.

**Quality of accommodation:**

23. The proposed flats are for use by the over 50's, and each unit is to be self-contained with its own living/dining room, kitchen and bathroom. All flats meet the minimum internal space standards set out in the National technical housing standards (2015) for 1 bedroom / 2 person and 2 bedroom / 4 person units, which are 50sqm and 70sqm respectively. The Minor Alterations to the London Plan (March 2016) now uses the aforementioned standards for the purposes of assessing the quality of residential accommodation. This proposal represents a material improvement to the previous use of the site for sheltered housing as this provided dated, and sub-standard accommodation.
24. The proportion of dual aspect units has been maximised with 29 of the 33 units (87%) designed as such, and the scheme has been designed to avoid any single aspect north facing units.
25. The applicant confirms that all units have been designed to exceed Lifetime Homes standards, and will be compliant with the new Building Regulation Standard Part M4 (2) in respect of accessibility. All upper floor units will be accessible by lift. A total of four wheelchair adaptable flats (12%) are proposed, exceeding the policy requirement for 10%, as set out in the London Plan and these are all located at ground floor level.
26. The strategy proposed is to afford all units with some form of private amenity space, this is in the form of ground floor gardens, upper floor balconies or roof terraces. Each of the ground floor units (9 in total) have been allocated private gardens, and these range in size from 15 - 75sqm whilst, the majority are to benefit from private gardens that significantly exceed 50sqm. All flats above ground floor have balconies, and the third floor flats have more generous roof terraces. All balconies exceed the Mayor's Housing Supplementary Planning Guidance standards (March 2016). In addition to the private space two communal gardens are proposed, one to the front of Block B and one to the rear of Block A. Combined, these communal areas will provide additional 402sqm of shared amenity space. It is important to also note that the shared space proposed to the front of Block B will be available for use by existing residents of the frontage building being retained (1 - 23 John Barker Court).
27. The total amount of amenity space proposed across the site is calculated to be 1093sqm, equating to an average of 33sqm per flat. This significantly exceeds the 20sqm requirement as set out in Supplementary Planning Guidance 17 'Design Guide for New Development' and the majority of ground floor units are to benefit from generously sized private gardens. On balance it is considered the proposed scheme will provide a high standard of amenity space for future residents.
28. In terms of outlook and privacy, the proposal accommodation has been considered against Supplementary Planning Guidance 17 'Design Guide for New Development', which seeks (i) a minimum separation of 20m between habitable room windows on directly facing elevations, (ii) a distance of 10m between the main rear elevation and the rear boundary, or flank wall of adjoining development, and (iii) a distance of 5m between habitable room windows on the flank wall and a site boundary, or 10m where the windows on a flank wall are the sole habitable room windows of the residence.
29. (i) The accommodation has been orientated such that the main outlook for units is largely east or west facing towards the side boundaries. The 20m separation distance between the proposed building and the rear facade of 1-23 John Barker Court is met, and exceeded.
30. (ii) At its closest the rear elevation at ground, first and second floor is less than 1m from the rear site boundary. However at ground floor there are no habitable windows within this facade, and at first and second floor there are secondary bedroom windows only. As such, if there were any concerns about overlooking to the south these secondary windows at first and second floor could be restricted through condition to be obscurely. Whilst it is acknowledged there are a small proportion of habitable windows within close proximity to the southern boundary as these are secondary then they are no relied upon for outlook, furthermore their outlook is towards the adjacent woodland area utilised by the adjacent Malorees School, and designated as a Site of Borough Grade II Importance (SBINC) for Nature

Conservation. Future development on the adjacent site to the south is therefore unlikely.

31. (iii) The internal arrangement of units results in the majority being either east or west facing. Windows that are directly facing towards the side boundaries range from 8-9m away. This represents a marginal shortfall below the 10m that would normally be sought, and it has been noted that the outlook in both directions will be towards densely populated tree lined corridors which is likely to have a reducing effect. In response the applicants have sought to address this through the building design and the introduction of splayed projecting elements to the flank elevations and directional windows that provide a south-westerly outlook for Block A and a south easterly outlook for Block B accommodation. The siting of the directional windows at ground floor level will be typically 3.5m from the boundary shared with the adjoining private garden, and whilst this represents a tight relationship it is important to recognise that these windows are not the sole habitable room windows to that residence. These are dual aspect, open plan living / kitchen rooms and outlook is achieved from each of the rooms from more than one direction so future occupiers will not be reliant on these windows for their outlook. Furthermore this relationship is only applicable to four of the ground floor units, as those which are sited furthest south within Block A and Block B do not experience the same relationship as they do not adjoin or have an outlook towards private gardens.
32. Where ground floor windows are sited in close proximity to circulation routes, communal amenity space or parking areas these are either non-habitable windows or secondary only. As such a condition can be attached to require these to be obscurely glazed if necessary.
33. It has been demonstrated that the scheme broadly complies with SPG17 requirements, and where standards are not met there has been an appropriate and well considered design response to satisfactorily mitigate against future outlook or privacy issues.

**Impact on neighbour amenity:**

34. To the north is 1 - 23 John Barker Court, this frontage building is retained. As discussed above the separation between habitable room windows in the facing elevations is in excess of the minimum 20m that is typically sought, in SPG17. On this basis it is considered the relationship will maintain an acceptable future outlook for this neighbouring building and privacy will not be compromised to a materially harmful degree.
35. The proposed parking layout does encroach further into the existing lawn area. This will potentially have an effect on the outlook for a small number of the existing ground floor units in 1 - 23 John Barker Court, however, the landscape treatment proposed will see a planted landscape buffer of approximately 2m wide provided as part of a 5m separation between ground floor windows and parking spaces. On balance this will provide a sufficient degree of separation so that the amenity of existing occupiers is not unduly affected by vehicle movements. A landscape condition will be attached to any grant of permission and this will confirm the planting proposals, which shall include new tree planting.

*Andorra Court (flats 1 - 6):*

36. Sited to the north east at its closest point this neighbouring residential building will be 24m away. With this degree of separation it is not considered material harm would be caused in terms of outlook, daylight or sunlight.
37. Habitable windows at ground, first and second floor within the proposed east facing elevation are within 10m of the shared boundary. Directly facing windows will be 9m away, which is mitigated by the presence of existing mature trees in between. Further mitigation is provided by the orientation of the splayed projecting bays as these windows provide outlook in a south easterly direction, which is away from Andorra Court. It is not considered that the relationship will result in unacceptable levels of overlooking or loss of privacy to the flats, and where windows are within 10m of the boundary they face towards a rear parking area so do not compromise existing residents amenity. It is recommended that a condition be attached to any permission requiring details of privacy screening to projecting balconies, in the interests of safeguarding neighbour amenity.

*Alan Preece Court:*

38. This is north-west of the site and arranged as two buildings, a frontage and a rear building. At its closest the north western corner of the proposed building (Block A) will be 17.5m away from the south eastern corner from the frontage building. As there are no directly facing windows this relationship is considered acceptable. Habitable windows within the western elevation that directly face the flank elevation of the rear building will be 8-9m away. This represents a minor shortfall below the 10m standard, but as above mitigation against overlooking and loss of privacy is provided by the existing corridor of mature trees situated in between. The projecting splayed windows within the western elevation will not directly face

towards Alan Preece Court, these provide an outlook to the south west. It is recommended that a condition be attached to any permission requiring details of privacy screening to projecting balconies, in the interests of safeguarding neighbour amenity.

*Brondesbury College School and Malorees School:*

39. Minimum separation standards as set out in SPG17 would not be applicable when considering the relationship to these adjoining schools as the guidance relates to neighbouring residential amenity. Notwithstanding this the Daylight and Sunlight Assessment has assessed the relationship to Brondesbury College School, a total of three facing windows were assessed. The results were that all windows will continue to meet the BRE recommendations for daylight. None of the associated play space is sited where it will be overlooked.
40. Malorees School, which is south of the site, will not be affected due to the designated site of Grade II importance situated in between. This woodland area contains a large number of mature trees which provide a dense buffer between the sites.

*Daylight and Sunlight assessment:*

41. A full assessment has been carried out, in accordance with BRE's "Site Layout Planning for Daylight and Sunlight. A Guide to Good Practice". This has looked at some 96 surrounding windows for access to daylight, 87 surrounding windows for access to sunlight as well as overshadowing impacts for two amenity areas.
42. The results show that in daylight terms all of the 96 windows assessed will continue to meet the BRE daylight targets. In sunlight terms the proposed development will not have a significant harmful impact on sunlight hours received by windows to surrounding properties. The overshadowing assessment results show that the assessed spaces to the north and west will continue to receive at least 2 hours or more of sunlight on 21st March to over 50% of the amenity areas. As such it is not considered to be unduly harmful to the amenity spaces tested.
43. On balance, the evidence demonstrates that daylight and sunlight conditions for neighbouring accommodation will not be unduly impacted upon by the siting and scale of the proposed building.

**Parking and servicing:**

44. Brondesbury Park is a local distributor road and controlled parking zone "KS" operates on weekdays from 8am to 6.30pm. There are four residents permit bays along the site frontage and surveys show the road is not designated as being heavily parked. The public transport accessibility level (PTAL) for the site is 2, which is fairly low but it is within 10m distance of PTAL 3.
45. Car parking allowances for the existing and proposed uses of the site are set out in standards PS14 and PS13 of the adopted UDP 2004 respectively. The existing building would therefore be permitted up to 14 parking spaces, with at least 23 further spaces permitted for the social housing flats at the front of the site being retained. Surface parking within the site is not formally marked, whilst the size of the basement car park beneath the frontage block is unknown.
46. Car parking provision is proposed to be 13 spaces (incl. four disabled) along the front of the building, with internal bicycle parking unaltered.
47. In assessing the parking standard for the proposed development the Councils Transportation officer has noted the proposed accommodation is intended for over 50's, but that it is all self-contained and there are no communal lounge, dining or warden accommodation that one would typically associate with sheltered housing scheme's. As the site does not have good access to public transport, the full parking allowances set out in standard PS14 apply.
48. With proposed parking provision reduced from 19 spaces to 13 spaces, maximum standards would still be complied with. As noted before though, consideration also needs to be given to the impact of any overspill parking on parking and traffic conditions in the area, but with the site being a backland site without a frontage onto Brondesbury Park, which is in any case a local distributor road and bus route, there is not considered to be suitable spare on-street parking space for use by residents of the development.
49. As such, a 'permit-free' agreement is sought to withdraw the right of future residents to on-street parking



permits in the area and the applicant has confirmed that they would accept a 'permit-free' restriction to be secured through future lease agreements. The applicants have also offered to provide three years membership of a local Car Club to future residents. Zipcar currently station a number of cars close to the site, including in nearby Christchurch Avenue and Winchester Avenue. Both of the above matters will provide mitigation against potential overspill and will be secured through a S106 Agreement.

50. The proposed number of disabled parking spaces (x4) accords with adopted standard PS15, similarly four electric vehicle charging points and internal storage for 42 bicycles are proposed. These measures are welcomed and will be secured by condition.
51. It has been confirmed that there is no space within the site layout to allow service or emergency vehicles to turn in front of the building, meaning that maximum refuse carrying and fire hose distances are exceeded' however, as previously noted, this replicates the existing situation, with refuse bins to be relocated from the bin stores within the block to the front of the site on collection days by the site management company. On this basis it is considered acceptable and, a condition is recommended to secure the approval of a Waste Management Plan.
52. Fire access distance of 45m can also be complied with by taking a route through the frontage building.
53. The revised car parking layout now includes a turning space at its southern end, which the applicant states can be used by smaller delivery vans for unloading of goods (e.g. supermarket delivery vans) and this is welcomed.
54. The pedestrian access route to the building through the existing frontage block has been retained, with the path across the car park to Block B's entrance reduced to 1.8m in width and a spur of 1.5m width added to link the entrance to Block A. This amendment is welcomed, ensuring easy access to both blocks for wheelchair users. No revised landscaping details have been submitted though and further details of revisions to materials for the car park would be welcomed.
55. Subject to a S106/conditions to secure: (i) a 'permit-free' agreement withdrawing the right of future residents to on-street parking permits in the area; (ii) provision of free membership of a local Car Club for all new residents for a minimum period of three years; (iii) implementation of the submitted Travel Plan; (iii) further details of proposed landscaping, lighting and drainage there would be no objections on transportation grounds to this amended proposal.

#### **Trees and landscaping:**

56. In accordance with s197 of the Town and Country Planning Act 1990, the Council has a duty to ensure, whenever appropriate, that adequate provision is made for the preservation or planting of trees by the imposition of conditions. The proposed development has been assessed in light of this duty and your officers are satisfied that the Council's duty in respect of trees can be met, subject to conditions.
57. The existing woodland area (SBINC) to the south of the application site as well as a number of existing trees on-site form part of a wider TPO. The proposed development seeks to retain as many of the existing trees on site as is reasonably practicable, however visibility of these trees to the general public is extremely limited due to their location and setting.
58. An Arboricultural Impact Assessment (AIA) has been undertaken. It is proposed that no works or tree removals will take place within the woodland area to the south, which is welcomed. The AIA sets out which trees are proposed for removal. The AIA inspected a total of 46 trees, none were categorised as Category A, where retention would be most desirable. It found a high proportion (87%) were Category B and C trees. Nine trees were identified as being required for removal to facilitate this development. Of the nine trees proposed for removal, all are Category B and C, and only T8 (Horse Chestnut) is visible to the general public from one specific location on Christchurch Avenue. Three trees are recommended for surgery works, comprising of reduction and works to shape and balance (trees T11, T31 and G47 as identified in the AIA).
59. Since revised plans have been submitted which result in a reduced building footprint and reduced parking area it is now confirmed that two of the nine trees that were originally identified for removal can now be retained. This is T8 (Horse Chestnut) close to the eastern site boundary, and T9 (Pear), also close to the eastern site boundary. Accordingly only seven trees would now be required for removal.
60. The proposed design has sought to minimise impact on existing trees. The scheme has carefully responded to the constraints posed by existing trees and proposes the retention of tree T4 (Norway

Maple), which is considered a key separation feature between the existing and proposed buildings, and has high visual amenity value. The revisions to the scheme have resulted in increased separation of this tree from the proposed building and less encroachment of the hardsurfacing for the vehicle parking area into the root protection area (RPA) .

61. A large number of existing trees which are around the site edges, some outside of the application site, have RPA's that have the potential to be impacted by the proposed works. No proposed buildings will encroach into the existing RPA's of trees being retained. Proposed landscaping work that relates to the private gardens will be within RPA's of a number of trees and the works to the parking area will be within the RPA of tree T4. It is proposed that private gardens will be turfed over RPA's to limit the impact and proposed hard landscaping works within the RPA of tree T4 will paving laid over a plastic block system in order to limit the impact on the RPA.
62. It is proposed that 17 new trees will be planted, ranging in size and species and overall this will result in a net increase in the number of trees. Further details of size and species will be secured through condition.
63. Further details of the means of protection for all trees within the site identified for retention as well as trees to the south within the woodland area shall be secured by condition, along with an Arboricultural Method Statement.

*Landscaping:*

64. The landscaping strategy identifies three main areas, each different in character. Area one is around the car parking area, area two is the front communal space and area three is the rear communal space. With the rear amenity area space for outdoor growing of fruit and vegetables is proposed as part of the landscape strategy, and raised beds at an accessible height are proposed to encourage use of this by future residents. This will promote outdoor activity and contribute to the ecology of the site.
65. A green roof is proposed and this will further enhance biodiversity and encourage wildlife into the site. This roof will not be accessible to residents.
66. A condition is recommended to secure further details of all planting, boundary treatments, means of enclosure, seating as you would expect to set out the overall landscape strategy.

**Other:**

*Ecology:*

67. Saved UDP policy OS15 (Species Protection) states that development will be refused where it would have an adverse impact on protected species, unless steps are secured to protect the species. Your officers have assessed the proposed works in light of this policy and conclude the proposal would not contravene this aspect of the Development Plan, subject to conditions.
68. An Ecology Assessment and Bat Presence Survey support the application due to the site location adjacent to a Site of Borough Grade II Importance (SBINC) for Nature Conservation. This comprises of a Phase 1 habitat survey and protected species assessment (June 2015).
69. This confirms the application site does not form part of any statutory designated nature conservation site, but that it is located adjacent to Malorees School Orchard which is of Grade II nature conservation importance. Existing habitats on the site were surveyed as being building, hard standing, semi-natural broadleaved woodland, amenity grassland, introduced shrub and scattered trees.
70. The existing building on site has been surveyed as having low potential to support roosting bats, existing trees were found to offer good foraging habitats for bats and existing mature and semi-mature trees were found to contain no features that would be considered suitable to support a bat roost. As such the Assessment recommends that a further bat survey is required in order to determine the presence/absence of roosting bats prior to the commencement of works to the building, and this can be secured through condition. The mature and semi-mature trees were surveyed as having negligible potential to support roosting bats, as such no further survey work is recommended, but bat roosting boxes are recommended and these are secured by condition . The adjacent woodland (Malorees School Orchard) was found to have low potential to support protected great crested newts and moderate potential to support widespread species of reptiles. The proposal does not encroach into this woodland, nor propose the loss of any of it. The woodland will be retained and protected during construction works, and a suitable tree protection condition will be necessary. As such no further survey work for these species groups is recommended. The Assessment does advise that SBINC is appropriately screened from the development during construction to minimise potential impacts from noise, vibration and dust. A

condition can secure the necessary details be approved prior to commencement of works on site.

71. A disused badger sett was surveyed and there was no evidence to suggest recent use. Notwithstanding this a condition is recommended requiring further inspection of this be undertaken by a suitably qualified ecologist prior to commencement of works on site. It has also been identified that further mitigation measures are required in respect nesting birds in existing woodland and scattered trees.
72. On balance it is considered the ecological impacts would be acceptable subject to mitigation in the form of conditions being secured requiring (i) additional bat survey work prior to commencement of works, (ii) inspection of the observed badger sett for evidence of any activity, (iii) further details of the methods to screen the adjacent woodland area during construction works and (iv) that any vegetation of site clearance on site, or immediately adjacent be carried out outside of the main bird nesting season (March - August inclusive). Where this is not possible, a search for nesting birds up to 48 hours prior to clearance must be undertaken by an experienced ecologist. If nests are found these are to be protected by establishing an exclusion zone.

*Air Quality:*

73. The site is within a designated Air Quality Management Area (AQIA), and saved UDP policy EP3 requires regard to be had to impacts of development proposals upon air quality. Therefore a report has been submitted considering the potential air quality impacts associated with the proposed redevelopment (i.e. impacts from increase in traffic generated). The assessment considered existing conditions, construction impacts and road traffic impacts. It recommends mitigation measures to mitigate dust emissions during construction phase and securing these by condition. It is found that the development itself will have no adverse impact on air quality and the impacts from road traffic will be negligible. The proposal will not be air quality neutral due to transport related emissions, however a range of mitigation measures are proposed within the AQIA. The Councils Environmental Health Officer has considered the report and agrees with its findings, a condition is recommended requiring the submission of details to evidence the implementation of the mitigation measures proposed.

*Flood risk:*

74. The site lies within flood zone 1 and therefore has the lowest level of flood risk. In any event there is an existing building on site so it is not envisaged this proposal will significantly alter the existing site conditions in this regard.

**Conclusion:**

75. The proposal is deemed to meet the provisions of the Development Plan and there are no material considerations which would indicate a refusal is justified. Your officers consider there are significant wider benefits to the scheme, which includes the delivery of 100% of units as affordable and providing a form of accommodation that helps to meet an identified, and growing, housing need in the borough. The revisions that have been made to the scheme improve the relationship to surrounding buildings, and also the tree and landscaping strategy for the site. On balance the proposed siting and design of the building will not unduly harm the amenity of neighbouring residents, and responds appropriately to the site constraints.

76. The application is recommend for approval, subject to a s106 agreement to secure wider planning benefits and a number of conditions, as set out within this report.

## **SUSTAINABILITY ASSESSMENT**

### **ENERGY**

The applicant has supplied an energy strategy which indicates measures that are to be implemented to achieve the target 35% reduction in CO2 emissions beyond the requirements of Part L of the 2013 Building Regulations. This target is proposed to be met through the use of low carbon and renewable technologies, and of the renewable technologies considered PV panels are considered most suitable due to the amount of available roof space. This level of reduction is in conformity with policy 5.2 of the London Plan. The energy strategy has been reviewed by the Councils Sustainability Officer who agrees with the strategy approach and predicted results. Compliance with this target and the wider sustainability measures should be secured in a s106 agreement, or by condition as part of any forthcoming permission.

## **S106 DETAILS**

A legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) is required to

secure a number of planning obligations that are most appropriate to secure as obligations rather than as planning conditions. See 'Recommendation' section for further details.

## CIL DETAILS

This application is liable to pay **£344,016.05\*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\*\* floorspace which on completion is to be demolished (E): 1398 sq. m.

Total amount of floorspace on completion (G): 2594 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	2594	0	1196	£200.00	£35.15	£292,592.86	£51,423.19

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	274	
<b>Total chargeable amount</b>	<b>£292,592.86</b>	<b>£51,423.19</b>

\*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

\*\***Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

**Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing. This scheme is proposed as 100% Affordable Housing and the applicants will need to claim relief for this upon receipt of a Liability Notice.**



**Brent**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 15/5068

To: Miss Radford  
JLL  
30 Warwick Street  
London  
W1B 5NH

I refer to your application dated 20/11/2015 proposing the following:  
Proposed demolition of existing block of flats known as 24-51 John Barker Court, and erection of part three part four storey building comprising 33 self-contained flats (27 x 1 bed and 6 x 2 bed) with associated car parking (13 spaces), bin stores, amenity space and landscaping (as amended) and accompanied by plans or documents listed here:  
(See Condition 2)  
at 24-51 INC, John Barker Court, 12-14 Brondesbury Park, Kilburn, London, NW6 7BW

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:

Signature:

A handwritten signature in black ink, appearing to read 'Aktar Choudhury'.

**Mr Aktar Choudhury**  
Operational Director, Regeneration

**Notes**

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

DnStdG

## SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy framework 2012

London Plan 2015

Brent Core Strategy 2010

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 17 'Design Guide for New Development'

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment

Environmental Protection: in terms of protecting specific features of the environment and protecting the public

Housing: in terms of protecting residential amenities and guiding new development

Transport: in terms of sustainability, safety and servicing needs

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

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

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

PL01 revP2

PL10 revP2

PL11 revP2

PL12 revP2

PL13 revP2

PL14 revP2

PL15 revP2

PL100 revP3

PL101 revP3

PL102 revP3

PL103 revP3

PL104 revP3

PL105 revP3

PL106 revP3

PL107 revP3

PL108 revP3

PL109 revP3

NET20027 10 - Landscape Masterplan (revised)

NET20027-12C - Hard Landscape Proposals

Landscape Management & Maintenance Plan (October 2015, RevA)

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

- 3 Any plant shall be installed, together with any associated ancillary equipment, so as to prevent the transmission of noise and vibration into neighbouring premises. The rated noise level from all plant and ancillary equipment shall be 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises. An assessment of the expected noise

levels shall be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' and any mitigation measures necessary to achieve the above required noise levels shall be submitted to the Local Planning Authority in writing for approval. The plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: To protect acceptable local noise levels, in accordance with Brent Policy EP2

- 4 The following window(s) shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.8m above floor level) and shall be permanently maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

- Windows in the north east facing facade serving units A.0.05 and B.01.01 (ground floor)
- Windows in the south west facing facade serving units A.1.03, B.1.03 and B.1.04 (first floor)
- Windows in the south west facing facade serving units A.2.03, B.2.03 and B.2.04 (second floor)

Reason: To minimise interference with the privacy of the adjoining occupier(s) and / or use of neighbouring sites

- 5 Further details of a communal television system/satellite dish provision shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any satellite dish. The approved details shall be fully implemented and retained for the lifetime of the development.

Reason: In order to mitigate the possibility of numerous satellite dishes being installed on the buildings hereby approved, in the interests of the visual appearance of the development, in particular, and the locality in general.

- 6 Prior to the commencement of any works (including demolition) further bat survey work shall be undertaken by a suitably qualified ecologist, and the results submitted to and approved in writing by the Local Planning Authority. If any bat roosts are confirmed on site any works impacting would require a licence from Natural England, and an appropriate mitigation scheme implemented, the details of which shall also be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the approved details thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity and in accordance with the Wildlife & Countryside Act 1991.

- 7 Prior to the commencement of any works (including demolition) further survey / inspection work of the disused badger sett in the adjacent woodland area shall be undertaken by a suitably qualified ecologist, and the results submitted to and approved in writing by the Local Planning Authority. If any recent activity is confirmed on site an appropriate mitigation scheme shall be implemented, the details of which shall also be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the approved details thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity and in accordance with the Wildlife & Countryside Act 1991.

- 8 Vegetation clearance shall be undertaken outside of the nesting bird season (generally extends between March and September inclusive). If this is not possible then any vegetation that is to be removed or disturbed shall be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them is required to be delayed until the young have fledged and the nest has been abandoned naturally.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

- 9 Details of materials for all external work shall be submitted to and approved in writing by the

Local Planning Authority before any above ground construction work is commenced (save for demolition). The work shall be carried out in accordance with the approved details and retained as such 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.

- 10 Prior to the commencement of the development (including any demolition works) 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, mud and other environmental impacts of the development, including measures to ensure the protection of existing trees sited within the adjacent designated woodland area directly to the southern rear boundary of the site. The development shall then be carried out in accordance with the agreed Statement thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

- 11 The parking spaces and servicing bay shown on the approved plans shall be constructed and marked out prior to the occupation of any part of the development, hereby approved, and shall be permanently retained and used solely in connection with the development hereby approved thereafter. Prior to the occupation of any of the units a Car Parking Management Plan shall be submitted to and approved in writing confirming the allocation arrangements for on site parking. Thereafter the use of these spaces shall accord with the approved Plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the approved standards of parking provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- 12 Details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of above ground construction works and such lighting shall be directed away from the adjacent woodland area to the south. The approved details shall be fully implemented and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority. .

Reason: In the interests of safety, amenity and convenience.

- 13 Notwithstanding any details of landscape works referred to on the approved plans, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground construction works on the site (save for demolition). Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

(a) the identification and protection of existing trees on site or in close proximity to the site boundaries, and shrubs not directly affected by the building works and which are to be retained, including proposed protection measures during any demolition or construction works;

(b) proposed walls and fences or other means of enclosure indicating materials and heights (including such details for the enclosure of all private gardens);

(c) screen planting along the site boundaries, and provision for new tree planting across the site, with a minimum of 17 new trees planted at a minimum girth of 12-14cm;

(d) adequate physical separation, such as protective walls and fencing between landscaped and paved areas;

(e) existing contours and any proposed alteration to ground levels such as earth mounding;

(f) provision for the satisfactory screening of the top floor terraces



- (g) areas of hard landscape works and proposed materials;
- (h) details of the proposed arrangements for the maintenance of the landscape works.
- (i) further details of the proposed areas of 'green roof' as approved
- (j) provision for outside seating / benches

Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

- 14 Further details of screening to all balconies as indicated on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground construction works. The approved details shall be fully implemented prior to occupation of any of the units, as indicated on the approved plans and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent overlooking of the adjacent sites that could be harmful to their residential amenity.

- 15 Prior to the occupation of the development, the applicant shall submit a report which provides evidence that the mitigation measures described in the submitted Air Quality Impact Assessment (Air Quality Consultants report dated November 2015 Job No J2383) have been implemented in full. The report is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the safe development and secure occupancy of the site proposed for residential use.

- 16 Prior to occupation of the residential development hereby approved, confirmation from the Building Control body shall be submitted to the Local Planning Authority to demonstrate that the development has been 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: To ensure the new dwellings are water efficient.

- 17 Prior to the occupation of the development hereby approved further details shall be submitted to and approved in writing by the Local Planning Authority for the provision of a minimum of 3 bird nesting boxes and a minimum of 1 bat roosting box on site. The approved details shall be fully implemented and retained as such thereafter.

Reason: In the interests of biodiversity.

- 18 Prior to the commencement of any works on site (including demolition) details shall be submitted to and approved in writing by the Local Planning Authority demonstrating how the adjacent woodland area to the south will be screened from the site during construction works (including demolition). The proposed mitigation measure shall be retained as such thereafter for the duration of construction works on site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity and to reduce the potential to impact on existing wildlife.

- 19 No works shall commence on site (including demolition works) until such times as a Tree Protection Plan and Arboricultural Method Statement following the recommendations and principles embodied in BS5837:2012 have been submitted to and approved in writing by the

Local Planning Authority. The Plan and Method Statement shall:

- (i) adhere to the principles embodied in BS5837:2012
- (ii) shall include all retained trees within the site and those trees in proximity to the site whose root systems may be impacted upon during construction, and shall show locations of all protective fencing, ground protection, site facilities and storage areas.
- (iii) clearly define root-protection zones with fencing and ground protection measurements annotated on plans.
- (iv) provide further details of pruning works to trees T11, T31 and G47, which shall be in accordance with BS3998:2010 Tree works-Recommendations
- (vi) provide cross sectional drawings shall be showing construction detail and any proposed build-up of soil above normal ground level in order to allow the successful rooting of new turf.

Works shall not commence on site until the Local Planning Authority has been on site and inspected the required tree protection measures in relation to the relevant construction phase. The development shall be carried out strictly in accordance with the agreed details thereafter, unless otherwise agreed in writing by the Local Planning Authority. Any tree that falls into irreversible decline and/or dies as a result of non-adherence to the approved documents within a period not to exceed five years from completion of works shall be replaced with a tree of size and species to be agreed with the Local Authority.

Reason: To ensure retention and protection of trees on the site in the interests of amenity.

- 20 Confirmation that all of the units have been constructed to the Building Regulation M4(2) and not less than 10% to Building Regulation M4(3) shall be submitted to the Local Planning Authority prior to the first occupation of the development hereby approved.

Reason: To ensure a sufficiently accessible development.

#### INFORMATIVES

- 1 Given the age of the building to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.
- 2 In relation to Condition 19 the applicant is advised the Arboricultural method statement is to include specific details with regards to any operations that may encroach upon the root protection areas (RPA's) of all retained trees. The AMS should pay particular attention to the construction of parking over the RPA of T4 Norway Maple and any other works such as the laying of turf and planting within the RPA's of all other trees.

A watching brief is to be carried out by a qualified project arboriculturalist with regards to all works within the RPA of T4.

The Local Authority tree officer is to be given seven days' notice of proposed works within the RPA of T4 in order to arrange a site inspection.

All operatives working on the site will be briefed on the importance of tree protection as part of their induction.

- 3 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 4 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility

for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).

Any person wishing to inspect the above papers should contact Gary Murphy, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5227

## COMMITTEE REPORT

Planning Committee on 10 August, 2016  
Item No 05  
Case Number 16/1707

### SITE INFORMATION

**RECEIVED:** 25 April, 2016

**WARD:** Kensal Green

**PLANNING AREA:** Brent Connects Harlesden

**LOCATION:** 23 Cholmondeley Avenue, London, NW10 5XP

**PROPOSAL:** Conversion of existing dwellinghouse into three self-contained flats (2x 2bed and 1x 3bed), with associated external alterations including replacement of first floor french doors with bifold doors, glass balustrade, new glazed door to ground floor rear and provision for bin stores

**APPLICANT:** LH (Woking) Ltd

**CONTACT:** Dovetail Building Consultants Ltd

**PLAN NO'S:** See condition 2

#### LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

[When viewing this on an Electronic Device](#)

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\\_127713](https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_127713)

[When viewing this as an Hard Copy .](#)

Please use the following steps

1. Please go to [pa.brent.gov.uk](http://pa.brent.gov.uk)
2. Select Planning and conduct a search tying "16/1707" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

## SITE MAP



### Planning Committee Map

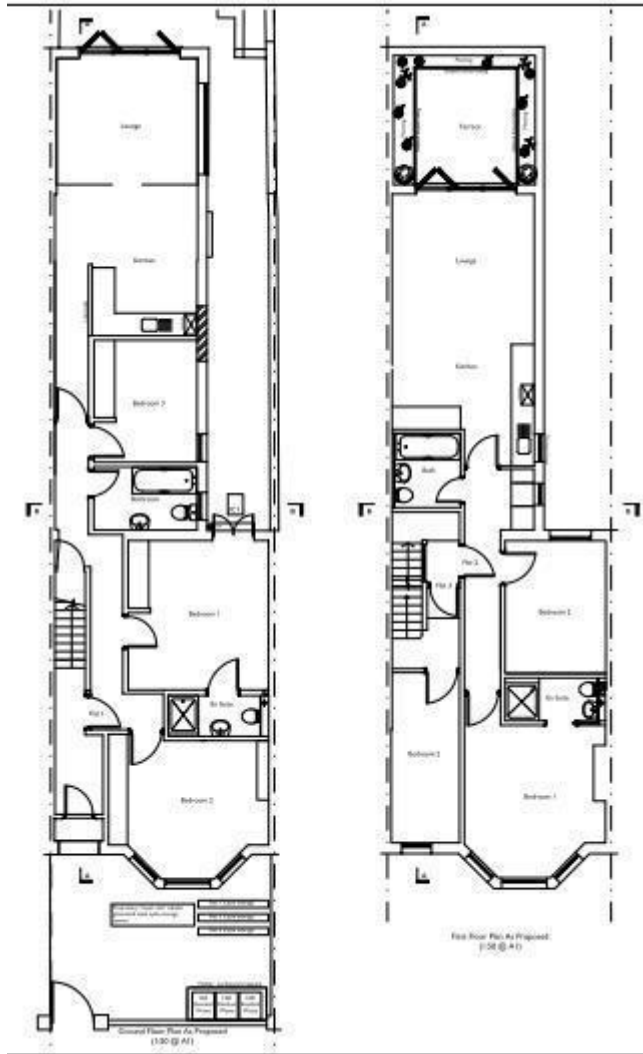
Site address: 23 Cholmondeley Avenue, London, NW10 5XP

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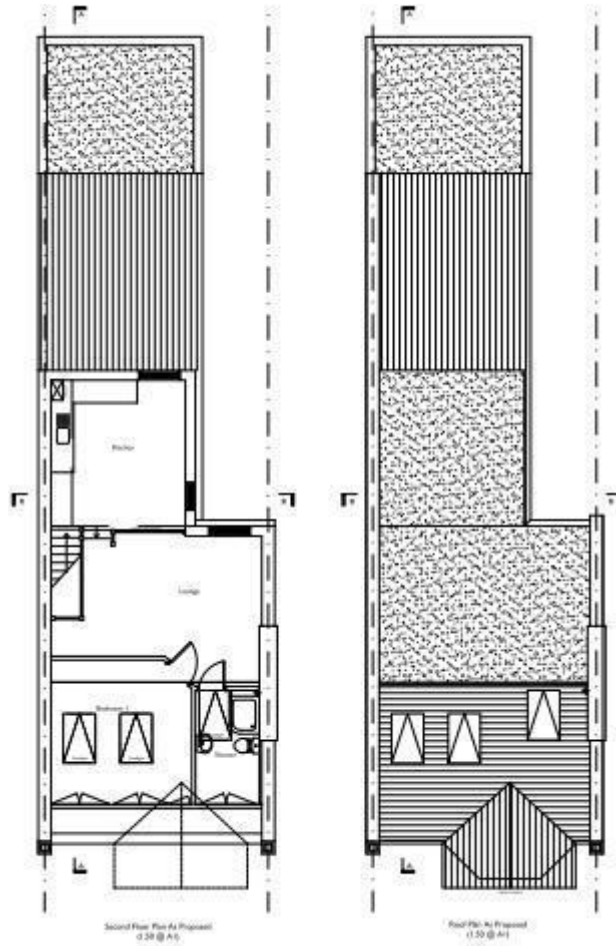
This map is indicative only.

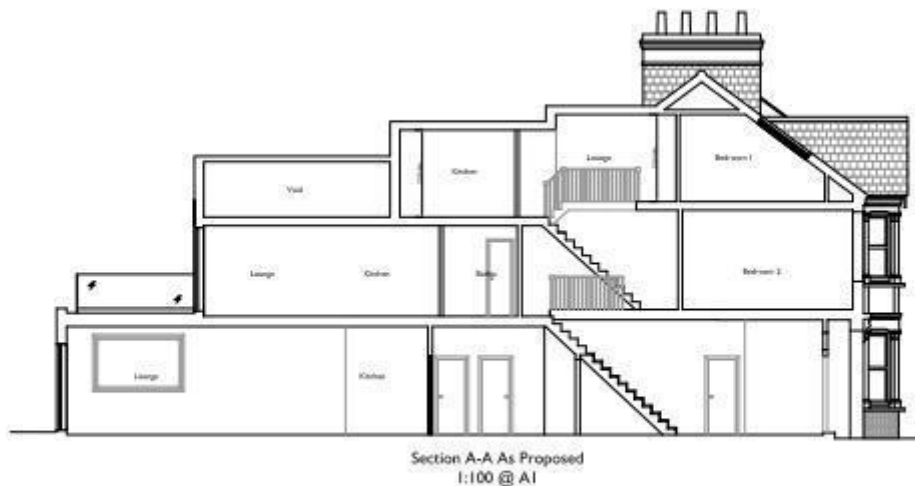
**SELECTED SITE PLANS**  
**SELECTED SITE PLANS**











## RECOMMENDATIONS

### RECOMMENDATION

1. That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

#### Conditions

1. Time
2. Drawings
3. Car free

4. Refuse and cycle provision
5. Garden (sole use of gf flat)
6. Obscure glazing
7. Any other planning conditions considered necessary by the Head of Planning

#### Informatives

2. Party Wall
3. Any other informatives considered necessary by the Head of Planning

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

### **A) PROPOSAL**

Conversion of existing dwellinghouse into three self-contained flats (2x 2bed and 1x 3bed), with associated external alterations including replacement of first floor french doors with bifold doors, glass balustrade, new glazed door to ground floor rear and provision for bin stores

### **B) EXISTING**

Single dwelling house (terraced). Permission for a conversion into 3 x self contained flats has already been granted (see history section) and works are confirmed to have started on site.

This application seeks to amend the fenestration and to re-arrange the layout of the upper floor flat to include an extra bedroom. However, as this is a new full application the due consideration must be had for all other aspects.

### **D) SUMMARY OF KEY ISSUES**

The proposal complies with the Development Plan policies in respect of conversion of a house to flats and in particular re-provides a family sized dwelling and as such your officers have given weight to the merit of providing additional dwellings to contribute towards Brent's housing target.

The key issues for this application are:

- Principle of conversion from dwelling house to flats;
- The quality of accommodation created;
- The impact on the character and appearance of the area;
- The transport impacts; and
- The impacts on neighbouring amenity.

### **RELEVANT SITE HISTORY**

16/0192- Conversion of existing dwellinghouse into three self-contained flats (1x 1bed, 1x 2bed and 1x 3bed), with associated external alterations including replacement of first floor french doors with timber doors and glass balustrade and provision for bin stores- GTD

15/2029- Certificate of lawfulness for proposed erection of rear dormer window and roof extension with three front facing rooflights to dwellinghouse- GTD

## CONSULTATIONS

Letters to neighbouring properties were dispatched on 19/05/2016

There have been three objections to date.

<b>Objection</b>	<b>Paragraph Response</b>
Loss of privacy and increase in noise at host property	5.2, 5.3
Increase in parking on the street	6.8
Increase in rubbish and disturbance	6.5, 6.6

There have been some objections based on non-planning concerns, such as noise and disturbance during the build period.

## POLICY CONSIDERATIONS

### **National Planning Policy Framework (2012):**

- Section 7 – Requiring Good Design

### **The London Plan (2011):**

- Policy 3.5 – Quality and Design of Housing Developments

### **Core Strategy (2010):**

- CP21 – A Balanced Housing Stock

### **Brent's UDP (2004):**

- BE2 – Townscape: Local Context and Character
- BE7 – Public Realm: Streetscape
- BE9 – Architectural Quality
- H17 – Flat Conversions
- H18 – The Quality of Flat Conversions
- H19 – Flat Conversions – Access and Parking
- TRN3 – Environmental Impact of Traffic
- TRN23 – Parking Standards – Residential Developments
- TRN24 – On-Street Parking

### **Supplementary Planning Guidance:**

SPG17 – Design Guide for New Development (2001)

## DETAILED CONSIDERATIONS

### **1. Introduction**

1.1. The proposal seeks to change the current arrangement of one x single dwelling house into three x self contained flats with associated external alterations.

1.2. Application 16/0192 is a material consideration in determining the application- the property currently has an extant permission for the conversion from 1 x dwelling house into 3 x self-contained flats as described in the 'history' section.

### **2. Principle**

2.1. Brent takes a positive approach to the conversion of house to flats however whether a conversion is acceptable in principle rests on the need to comply with the relevant Development Plan policy requirements as follows:

- For the existing dwellinghouse to have an original, unextended floor area of at least 110sqm and to be suitable for conversion;
- For the conversion to accommodate a family sized (three bedroom) unit; and
- For the increase in parking to not materially harm highway and pedestrian safety or to result in excessive forecourt parking

2.2. The unextended floor area of the property is 165sqm and the proposal however with alterations done

under permitted development, the existing floor area of the property is approximately 220sqm. The proposal would reprovide a three-bedroom unit on the ground floor with access to a garden. A car free condition is recommended with the proposal as it is in a sustainable location.

2.3. Your officers consider that the principle of the conversion of the single dwelling house to flats is acceptable as it meets the requirements of policy CP21 within the Core Strategy and H18/H19 of the UDP.

### **3. Quality of Accommodation**

3.1. The proposal intends 1 x 3 bed flat on the ground floor with access to a garden and 2 x 2 bed flat on the first and second floors. The first floor 2 bed flat has access to a roof terrace.

Flat	Type	GIA (target)
Flat 1- Ground Floor	3b 5p	88sqm (86sqm)
Flat 2- First Floor	2b 3p	65sqm (61sqm)
Flat- 3 First Floor and roof	2b 3p	67sqm (70sqm)

3.2. The ground and first floor flats have internal areas that exceed the Nationally Described Space Standards for flatted properties as detailed above. The third flat falls very slightly below this, due to one of the bedrooms being on the first floor. In this case, the proposal is required to be assessed according to a 2 storey property. Given the general good quality of accommodation that the whole unit provides, this slight shortfall is considered to be acceptable.

3.3. Officers note that 53sqm of floor area in the third floor flat is provided with headroom greater than 2.3m, in accordance with the London Plan and the technical housing standards.

3.4. All habitable rooms have adequate outlooks and do not affect privacy of neighbouring residents. Any side facing windows above first floor level will be conditioned to be obscure glazed.

3.5. Whilst it is acknowledged that policy H18 restricts extensions to the roof being used as a single, self-contained flat, it can be considered that as a whole, the proposal provides a good standard of accommodation and this policy can be flexibly applied. Additionally, officers did have concerns about the rooflight outlook from the bedroom of flat 3, however it is noted that the installed rooflights have a cill height of 1050mm above floor level. Your officers consider that these rooflights provide as good outlook as a conventional 1200mm casement window would.

3.6. The proposed flats all meet the requirements to ensure a satisfactory standard of accommodation, in accordance with the Development Plan.

### **4. Impact on Character and Appearance of the Area**

4.1. The external alterations to the property are limited to a change from windows to doors in the rear of the property and some minor fenestration detailing (terrace).

4.2. The majority of the external work has been completed under Permitted Development (rear dormer/outrigger).

4.3. The rear terrace has changed in external appearance, to include a set in from the edges and planting in order to minimise the impact on neighbouring properties..

### **5. Impact on Neighbouring Amenity**

5.1. The new windows (or windows replacing the existing) will be required to be obscure glazed through a recommended condition.

5.2. Officers have considered that there may be a rise in activity at the property, however this is not considered to cause significant detrimental impact to the neighbours standard of amenity as the residential use is not changing.

5.3. It is acknowledged that there could be a rise in use of the terrace during the summer months. To address this, plans have been submitted which show a buffer around the terrace which will decrease the size and reduce the risk of overlooking towards the neighbouring properties.

5.4. Your officers have studied maps and images of the terrace and although there is no certificate of lawful use application for its retention, it is clear that the terrace has been in use since at least 2003.

5.5. There are no other proposal changes that would significantly affect the living conditions of the adjacent neighbours.

## **6. Highway Impacts**

6.1. Car parking allowances for residential use are set out in standard PS14 of the adopted UDP 2004. As the site has good access to public transport services and is located within a CPZ, a reduced allowance of 0.7 spaces per 1-2-bed flat and 1.2 spaces per 3+ bed property applies.

6.2. The existing house is therefore permitted up to 1.2 spaces, which would increase to 2.6 spaces with this proposed conversion to three flats, which is considered a significant increase.

6.3. With no off-street parking to be retained within the site, standards would be complied with. However, Policy TRN23 also requires the impact of any overspill parking on-street to be considered in the case of residential schemes that do not meet the parking standard, with an allowance made for on-street parking where the property fronts a local access road that is not heavily parked and has sufficient width to safely accommodate parking.

6.4. Cholmondeley Avenue is already heavily parked though, so does not have the capacity to safely accommodate additional demand for on-street parking. As such, any proposal that increases demand for parking space in the street would give rise to concern over likely increases in unsafe and obstructive parking on footways, across driveways, at road junctions etc.

6.5. In the case of flat conversion schemes, where the additional demand for parking cannot be accommodated on-site or on-street due to the heavily parked nature of the road, Policy H19 restricts the number of flats that may be provided to one per 75m<sup>2</sup> of the original floor area that the property possesses. In this case, original internal floor area of the property measures 160m<sup>2</sup> (although it has recently received permitted development rights for a loft extension), which normally limits the number of permitted flats to two. The proposed provision of three flats is not considered to be excessive in the context of the whole application.

6.6. However, the very good access to public transport services and location of the site within a Controlled Parking Zone make it suitable for 'car-free' housing, in order to mitigate the impact of the proposal on parking conditions in the area. For future enforcement purposes though, it is important that all three flats are made subject to this agreement and a condition is recommended to remove the rights of future residents to on-street parking permits in the area.

6.7. Standard PS16 requires at least one secure bicycle parking space per flat. No bicycle parking has been indicated and it is recommended that lockable bicycle shelters be provided within the front garden of the property to provide adequate protection against adverse weather and theft. Further details are requested as a condition of any approval.

6.8. Refuse storage for three wheeled bins has been shown within the front garden, allowing easy collection from the highway, which is acceptable.

6.9. Subject to a 'car-free' condition to remove the rights of future residents of all three flats to on-street parking permits in the area, there would be no objections on transportation grounds to this proposal. A condition is also recommended requiring the submission and approval of further details of bicycle parking within the site.

## **7. Summary**

7.1. Your officers consider that the application, subject to conditions, complies with the Development Plan, which takes a positive approach to flat conversions as it serves to increase the housing stock in the borough. Accordingly, the proposal is recommended for approval.



**Brent**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

**DECISION NOTICE – APPROVAL**

=====

Application No: 16/1707

To: Mr Dearman  
Dovetail Building Consultants Ltd  
6 The Courtyard  
Furlong Road  
Bourne End  
Bucks  
SL8 5HB

I refer to your application dated 25/04/2016 proposing the following:  
Conversion of existing dwellinghouse into three self-contained flats (2x 2bed and 1x 3bed), with associated external alterations including replacement of first floor french doors with bifold doors, glass balustrade, new glazed door to ground floor rear and provision for bin stores

and accompanied by plans or documents listed here:  
See condition 2  
at 23 Cholmondeley Avenue, London, NW10 5XP

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:

Signature:

A handwritten signature in black ink, appearing to read 'Aktar Choudhury'.

**Mr Aktar Choudhury**  
Operational Director, Regeneration

**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:-  
Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 17 - Design Guide for New Development  
  
Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-  
  
Built Environment: in terms of the protection and enhancement of the environment  
Housing: in terms of protecting residential amenities and guiding new development
  
- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.  
  
Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.
  
- 2 The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):  
  
2280/AD3 PL4  
2280/AD4 PL2  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
  
- 3 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.  
  
Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.
  
- 4 Notwithstanding the approved plans, the garden to the rear of the property shall be for the sole use of the ground floor flat and the details approved details of the terrace on the first floor plan shall be completed prior to the occupation of the property. These details shall be retained as such for the lifetime of the development.  
  
Reason: As not to prejudice the ground floor flats standard of accommodation and privacy
  
- 5 Notwithstanding the approved plans, prior to the occupation of the development further details of cycle and bin storage for the 3 flats along with a soft landscaping scheme to the frontage and details of the balustrading and buffer planting to the first floor terrace shall be submitted and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved plans and retained for the lifetime of the development.  
  
Reason: In the interest of visual amenity and to comply with Brent's adopted bin and cycle standards



- 6 Prior to the occupation of development, all new (or replaced) windows above the ground floor on the side elevation facing number 21 Cholmondeley Avenue must be obscure glazed and retained as such for the lifetime of the development. This specifically applies to the kitchen/living and w/c of flat 2 and the living area of flat 3.

Reason: To preserve the privacy and the amenity of the neighbouring properties.

#### INFORMATIVES

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

Any person wishing to inspect the above papers should contact Robert Reeds, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 6726

## COMMITTEE REPORT

Planning Committee on 10 August, 2016  
Item No 04  
Case Number 16/1947

### SITE INFORMATION

**RECEIVED:** 9 May, 2016

**WARD:** Kilburn

**PLANNING AREA:** Brent Connects Kilburn

**LOCATION:** Car Park & Rathbone House Garages, Brondesbury Road, London

**PROPOSAL:** Demolition of existing car park (including 6 garages) and the construction of a four to six storey residential building comprising 24 self-contained units (12 x 1bed, 8 x 2bed and 4 x 3bed) with associated bin stores and landscaping

**APPLICANT:** Brent Housing Partnership

**CONTACT:** PRP Architects LLP

**PLAN NO'S:** See condition 2

### LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

[When viewing this on an Electronic Device](#)

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\\_127967](https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_127967)

[When viewing this as an Hard Copy .](#)

Please use the following steps

1. Please go to [pa.brent.gov.uk](http://pa.brent.gov.uk)
2. Select Planning and conduct a search tying "16/1947" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

## SITE MAP



### Planning Committee Map

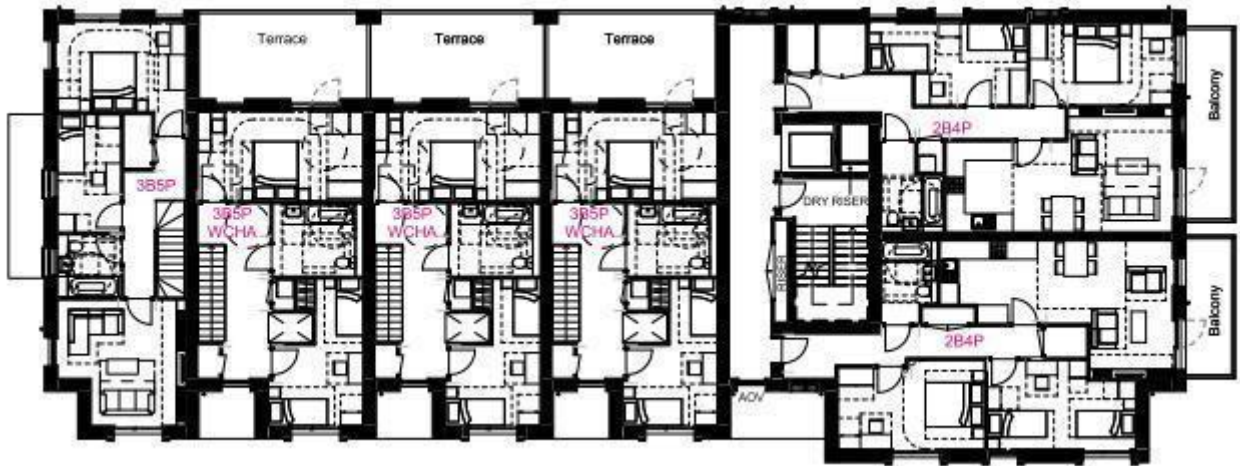
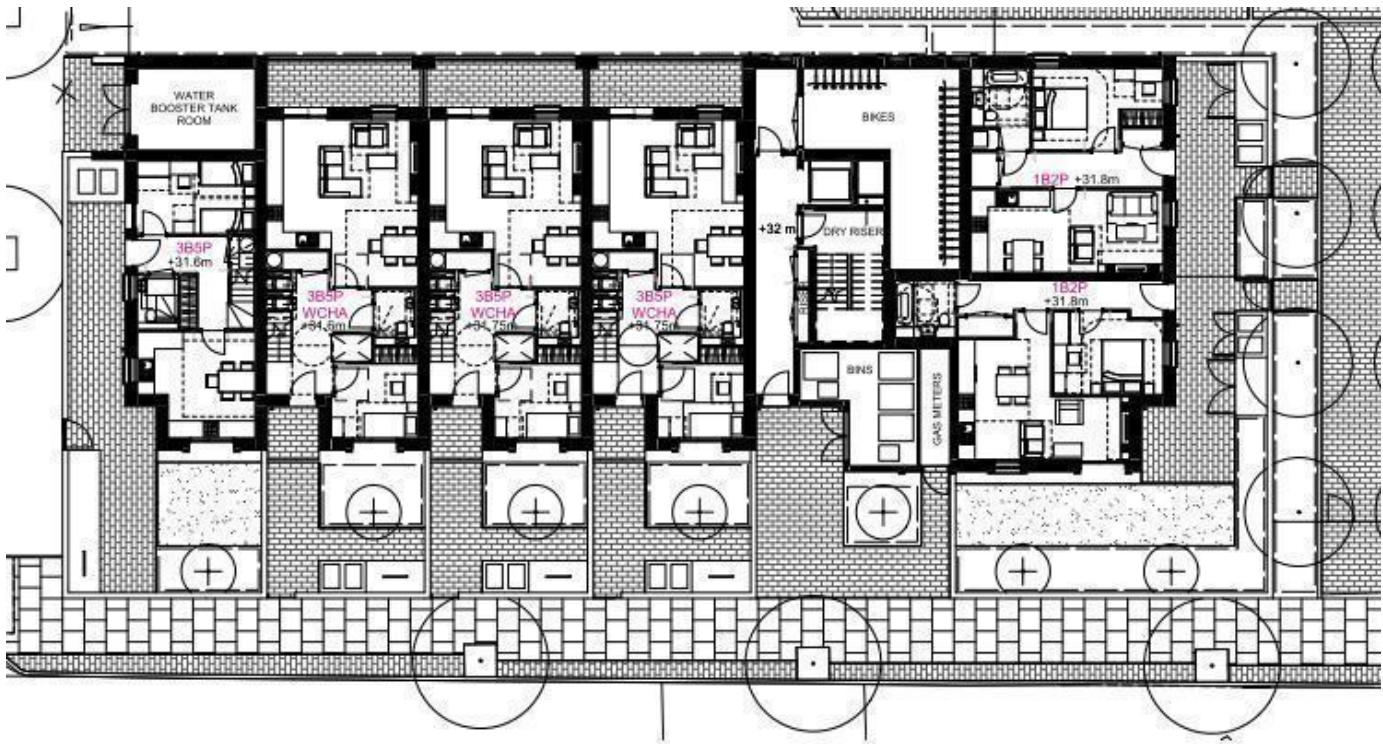
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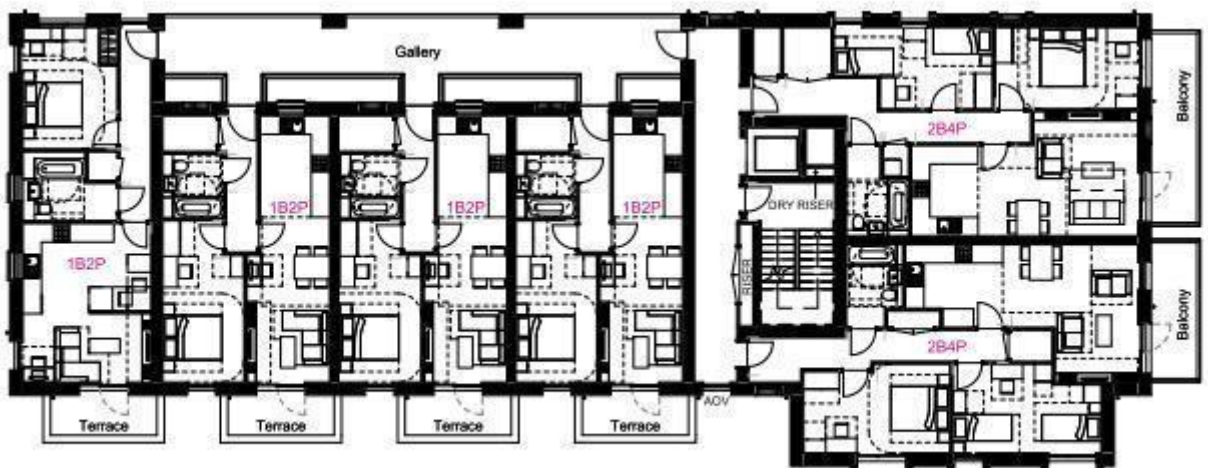
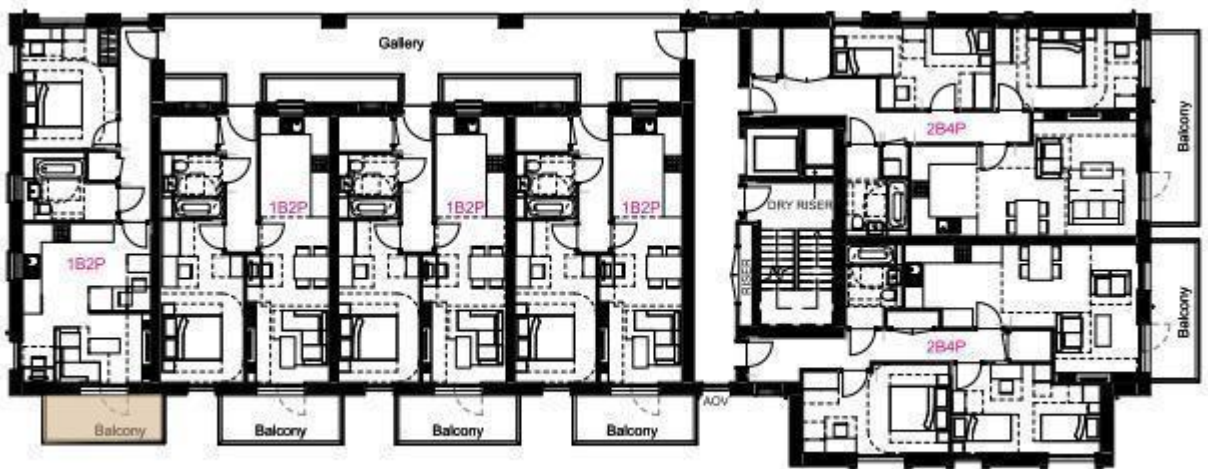
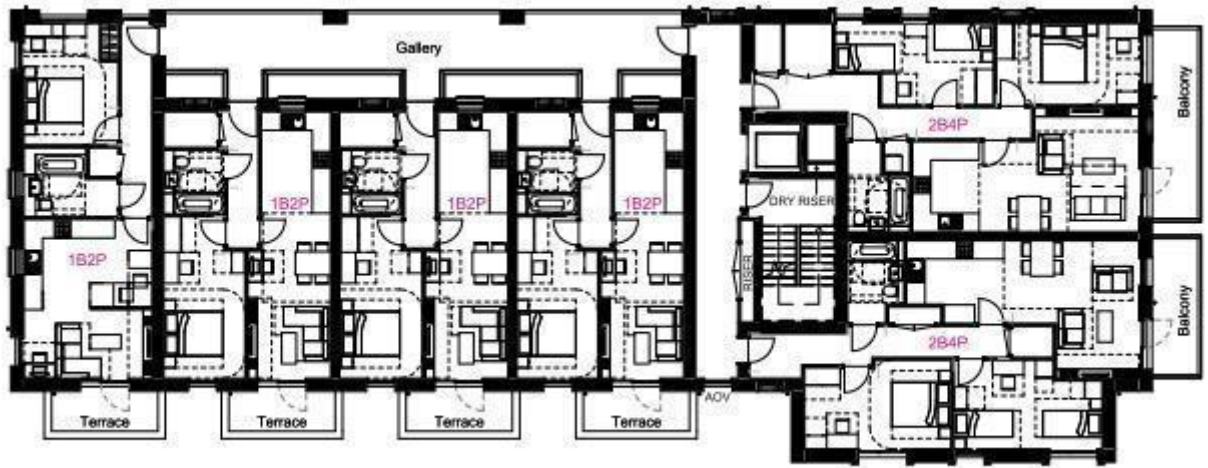
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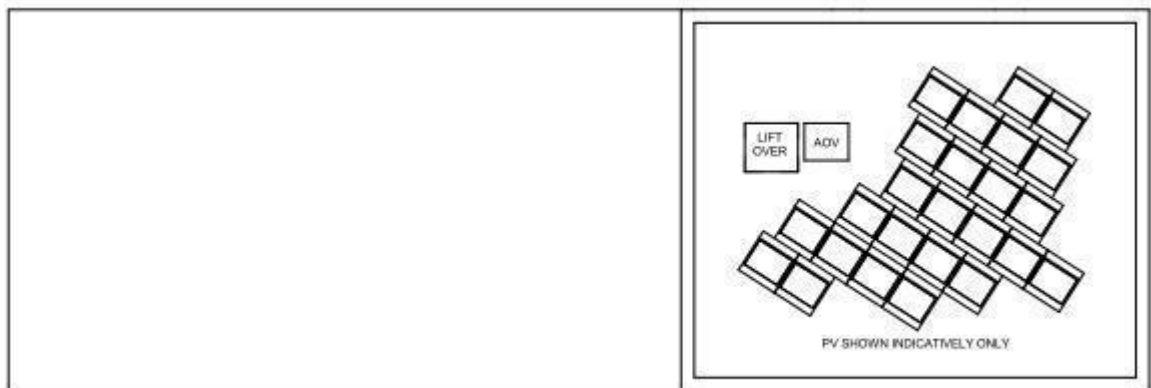
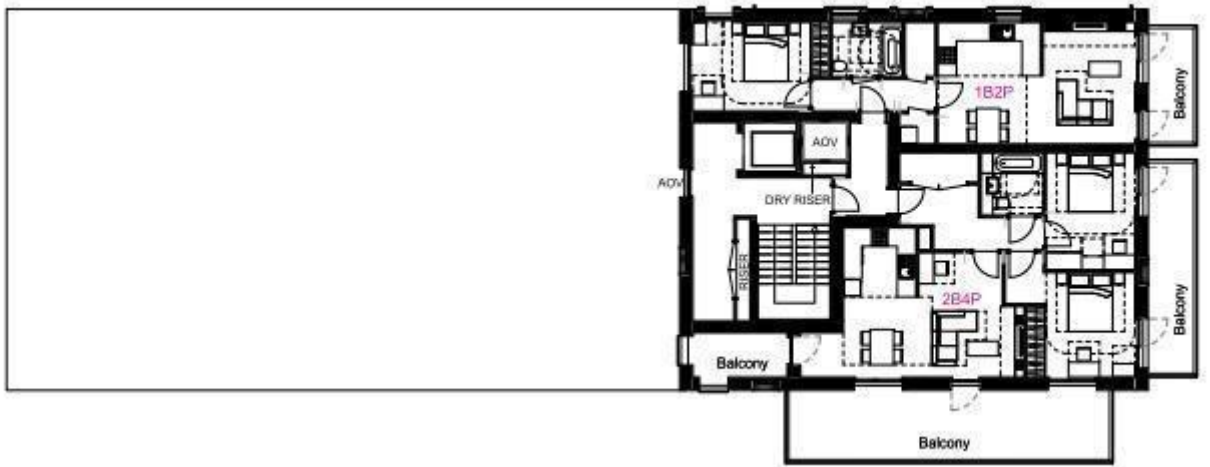
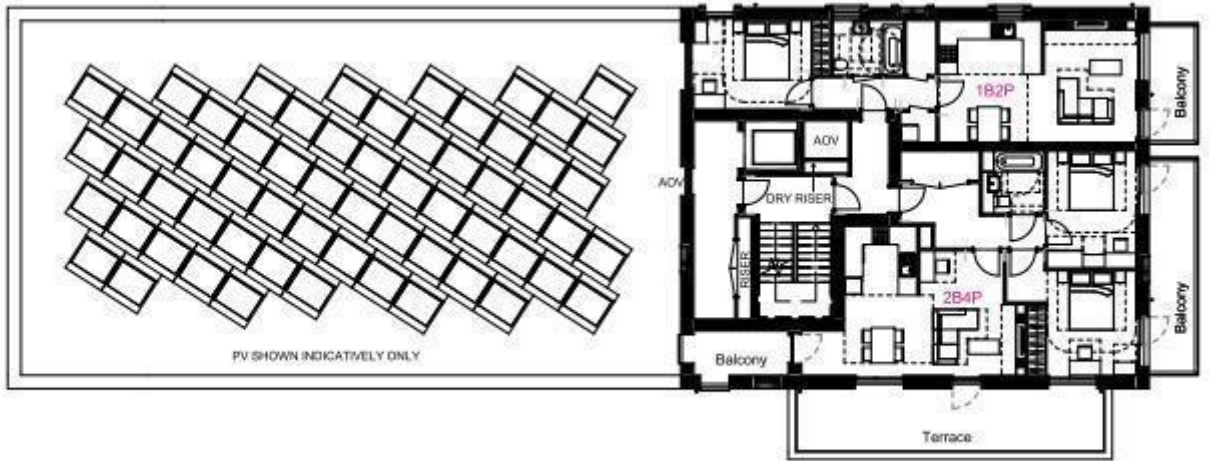
This map is indicative only.

# SELECTED SITE PLANS SELECTED SITE PLANS



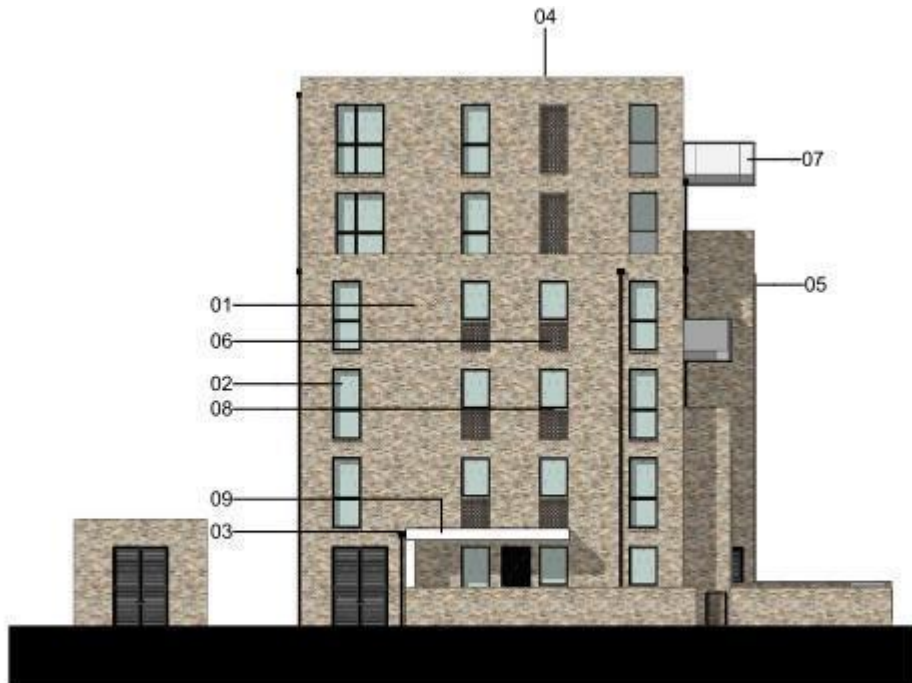
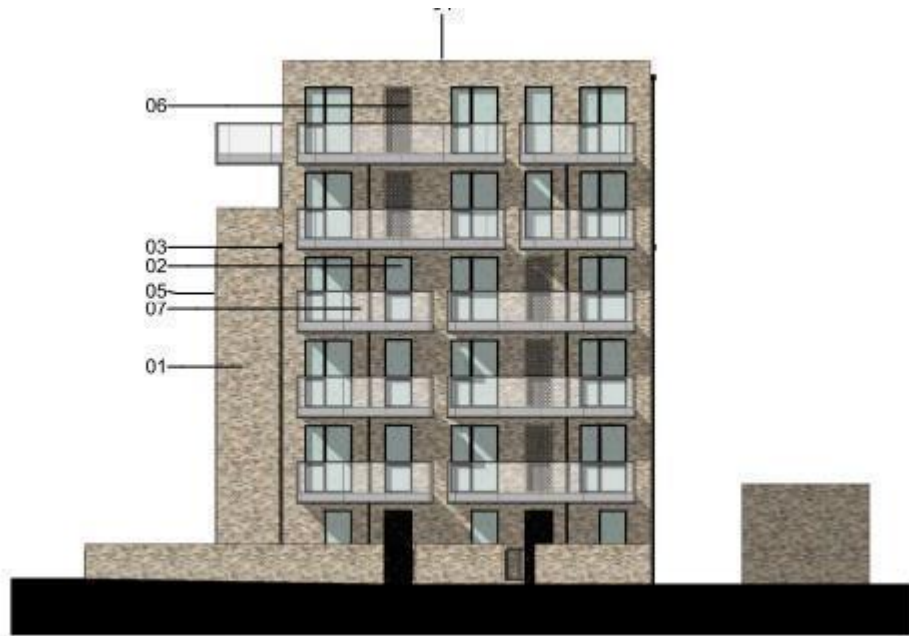














## RECOMMENDATIONS

### RECOMMENDATION

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

#### Conditions

1. Time Limit Condition
2. Approved Plans
3. Details for all external work
4. Further detailed consideration to finishes
5. Provision of secure cycle stores
6. Developer must sign up to Considerate Contractor scheme
7. Water consumption
8. 10% Wheelchair unit provision
9. Reinstate crossovers
10. Noise (installed plant)
11. Air Quality Assessment Report
12. Soil Contamination Measures
13. Remediation Works
14. Energy Assessment Review (35% Carbon Offset)
15. Further details of the PV on the roof
16. Sustainable Urban Drainage System to be implemented
17. Design of refuse stores
18. Landscaping details within the site
19. Tree protection plan

20. Proposed lighting scheme
21. Any other planning conditions considered necessary by the Head of Planning

#### Informatives

1. Party Wall
2. Asbestos
3. Any other informatives considered necessary by the Head of Planning

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

That 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.

#### **A) PROPOSAL**

Demolition of existing car park (including 6 garages) and the construction of a four to six storey residential building comprising 24 self-contained units (12 x 1bed, 8 x 2bed and 4 x 3bed) with associated bin stores and landscaping

#### **B) EXISTING**

The site is located within the Kilburn Square Estate situated between Kilburn High Road (east), Brondesbury Road (south), Algernon Road (west) and Victoria Road (north). The subject site is an existing two level car park (basement and ground floor) and is located on the corner of Brondesbury Road and Algernon Road.

#### **C) AMENDMENTS SINCE SUBMISSION**

The application has undergone minor amendments since submission.

- The slight re-alignment of windows on the rear elevation
- Minor alteration of internal units on the ground floor of the 6 storey block
- Revisions to the proposed landscaping plan

None of the above warrant further consultation and can be considered as formal amendments as part of this planning application.

#### **D) SUMMARY OF KEY ISSUES**

The key considerations when considering this planning application are:

- The sites opportunity to deliver affordable homes as part of Brent Housing Partnership's infill programme. Your officers give great weight to the viable delivery of affordable housing, in line with the adopted Development Plan.
- The transport impacts of the proposed development and the loss of existing parking. Your highway officers consider that the proposal addresses all highway concerns.
- The impact of the proposal on the adjacent Conservation Area- your officers consider this preserves the character and appearance of Kilburn Conservation Area
- The quality of the proposed residential accommodation. Your officers consider that proposal provides a good standard of accommodation, within a building showing strong design credentials, which is in line with the adopted Development Plan
- Impact on living conditions of neighbours, which your officers believe are acceptable

Impact on trees

## RELEVANT SITE HISTORY

Nothing of note.

## CONSULTATIONS

### *Pre Application Consultation by Applicant*

As outlined in the Design and Access Statement, the team did several presentations, public exhibitions and design workshops with residents in order to positively engage with the local community.

### *Application consulting by Planning*

During the application process, the following groups/individuals were sent consultation letters.

#### *Brent/Kilburn Councillors (via e-mail)*

Cllr Rita Conneely

Cllr John Duffy

#### *Statutory Consultees*

Transportation Unit- *Raised no objections subject to conditions covering highway works.*

Environmental Health- *Raised no objections subject to conditions covering remediation, noise, air quality and construction management.*

#### *Internal Consultees*

Principal Heritage Conservation Officer- *Advice received and conditions required for further details on materials*

Policy and Regeneration Unit- *No objection to the principle of development.*

Landscape and Design Team- *Advice received and conditions required for further details on landscaping and materials*

A total of 239 addresses have been consulted surrounding the site. They were dispatched on 02/06/2016.

Site Notices were placed around the site on 08/06/2016.

The application was advertised on 16/06/2016.

There have been 6 comments on the application.

### Objecting

#### *Reason for objecting*

#### *Paragraph response*

24 new units will have significant impact on the availability of parking

See paragraph 10.1 - 10.

The proposal will reduce the level of privacy available to residential properties to the south east. The views afforded to residents will be obscured.

See paragraph 5.1.1 - 5.1.3.

The loss of trees will be detrimental to the leafy feel of Brondesbury Road.

See paragraph 8.5.

Proposal is too large for the area

See paragraph 4.3.

The proposal will cause a loss of light to neighbouring properties.

See paragraph 5.2.1

The above objections are responded to within the main body of the report.

Officer note: There were some comments received that cannot be considered as objections on planning grounds, such as noise during the construction period, service charges and other works to the estate which do not form part of this planning application.

## POLICY CONSIDERATIONS

The Development Plan for the purposes of s38 of the Planning and Compulsory Purchase Act 2004 comprises the London Plan 2015 (FALP), the London Borough of Brent LDF Core Strategy 2010 and the London Borough of Brent Unitary Development Plan (2004)

## National Planning Policy Framework

### Section 7- Requiring Good Design

### Section 12- Preserving and Enhancing the Historic Environment

London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)

The following policy documents need to be taken into account in the assessment of this application:

- London Borough of Brent Unitary Development Plan 2004 (UDP)
- London Borough of Brent Core Strategy 2010 (CS)
- Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"
- The London Plan 2015 (amended)

## DETAILED CONSIDERATIONS

### 1. Key Considerations

1.1 The key issues for consideration are as follows:

- The sites opportunity to deliver affordable homes as part of Brent Housing Partnership's infill programme. Your officers give great weight to the viable delivery of affordable housing, in line with the adopted Development Plan.
- The transport impacts of the proposed development and the loss of existing parking. Your highway officers consider that the proposal addresses all highway concerns.
- The impact of the proposal on the adjacent Conservation Area- your officers consider this preserves the character and appearance of Kilburn Conservation Area
- The quality of the proposed residential accommodation. Your officers consider that proposal provides a good standard of accommodation, within a building showing strong design credentials, which is in line with the adopted Development Plan
- Impact on living conditions of neighbours, which your officers believe are acceptable

### 2. Principle of Development

2.1. The principle of residential development in a sustainable location is supported, therefore the principle of the development rests on the acceptability of the loss of the car park. Once this principle has been established, then consideration can be given to the finer points of the development as outlined in the report below.

#### 2.2. Loss of Parking

2.2.1. The proposal will reduce off-street parking provision for Rathbone House and the adjoining residential blocks (Barrett House, Varley House, Sandby House, Morland House & Kilburn Square), which together total 275 flats, by 27 spaces. These spaces have been deemed by the applicant to be surplus to requirements, with the lower deck of parking being disused for some dozen years or more therefore none of the calculations include the 30 garages on the disused lower level of this site.

2.2.2. To help to corroborate this, Census data for the local output area from 2011 has been examined, which shows a total of 66 cars owned by residents of 248 flats in this immediate area. The Census data area corresponds very closely to the Kilburn Square development, but it should be noted that it includes 'car-free' flats at Coral Mansions and excludes flats at Sandby House. Nevertheless, it is considered to give a suitably accurate representation of car ownership within the Kilburn Square development.

2.2.3. On the basis of the above, average car ownership within Kilburn Square totals about of 0.27 cars/ household and car parking demand within this estate would total about 73 spaces.

2.2.4. There are currently 143 existing car parking spaces within the Kilburn Square estate for the use of these 275 flats ( a ratio of 0.52 spaces per household), which are all managed by Brent Housing Partnership.

This would fall to 0.39 spaces per household as a result of this scheme, which remains above the 0.27 cars per household derived from the census data.

2.2.5. Overnight parking surveys were undertaken by the applicant on two consecutive nights in October 2015. These showed totals of 79 and 80 cars parked within the estate on the two nights respectively, with just two cars parked within this application site on both nights. These results correspond closely with the Census data and demonstrate that, with 143 spaces available, there is currently more than adequate parking space available for Kilburn Square residents.

### 2.3. Residential Use

2.3.1. The surrounding area is broadly residential in nature with other uses of a more commercial nature on Kilburn High Road approximately 200m to the north east of the subject site. The proposal will form part of the Kilburn Square Estate (Barrett House, Varley House, Sandby House, Morland House & Kilburn Square).

2.3.2. In addition, the PTAL rating of the site is 5 (very good), is close to local amenities and has a amenity space within a short walk from the site. Therefore this is an appropriate and sustainable location for residential use.

### 2.4. Summary

2.4.1. On the identified points above, there are no concerns regarding potential overspill parking from this development and the loss of this car park to facilitate development is acceptable. The replacement of the car park with a residential use (subject to finer considerations) is considered a merit of the scheme, given the surrounding uses, the residential nature of the area and the ability for the site to be appropriately serviced.

## 3. Quality of Accommodation

### 3.1. Unit Mix and Unit Sizes

3.1.1. A good standard of accommodation is a combination of several factors including basic space standards (as defined by the London Plan policy 3.5); outlook; privacy; daylight and sunlight; and amenity space. An acceptable living environment is subject to more subjective matters such as the quality of that amenity space, the design of the scheme and the relationship with car parking, cycle storage and external factors such as noise and pollution.

3.1.2. The proposal consists of 24 units, of which 14 are proposed to be affordable rent and 10 are proposed to be intermediate housing. Your officers recommend this is secured by condition.

### 3.2. Unit Mix

Unit	Number	Unit Sizes	Percentage
1b2p	12	51sqm – 54sqm	50%
2b4p	8	72sqm-80sqm	33%
3b5p	1	96sqm	4%
3b5p (wheelchair adaptable)	3	114sqm	13%

3.2.1. All properties reach the minimum requirements for London Plan (Supplementary Housing Guidance 2015) and Technical Housing Standards (March 2015). All units have ample storage and are laid out in a sensible arrangement with habitable rooms facing out towards the street or to the rear overlooking the shared amenity space. Your officers note that the proposal does not have any single aspect units.

3.2.2. The proposals include 3 x wheelchair accessible units which exceeds the target for 10% adaptable units identified in the London Plan.

### 3.3. Density

3.3.1. National, regional and local policies seek to maximise the potential of the site, with the NPPF and the London Plan encouraging the efficient use of land. Policy 3.4 of the London Plan aims to maximise the potential of a site taking account of local context, London Plan design principles and public transport capacity. Brent's Core Strategy policy CP6 seeks to ensure developments have proper regard to policy 3.4 and states that "a notional density figure is not the only consideration, and the quality of design, location of the site and the need to provide family housing are all important".

3.3.2. The proposal has a total of 68 habitable rooms, which totals approximately 680 habitable rooms per hectare (hr/ha). The Sustainable Residential Quality (SRQ) density matrix within the London Plan (table 3.2) suggests that between 200-700 hr/ha is appropriate for this location and the proposed amount fits into these guidelines appropriately.

3.3.3. The proposal provides 17% 3 bed dwellings, which does not meet the requirements outlined in the UDP which requires 25% of units to be 'family sized dwellings' (3 bedrooms or more).

3.3.4. When considering this lack of provision, officers have given substantial weight to the 100% affordable housing that this site will deliver. In addition, the proposed development put forward is part of BHP's wider infill programme to provide new quality affordable homes across the Borough. As part of their overall programme, BHP are currently providing over 28% of 3+ bedroom homes, with the aim to increase this to 35% when sites suitable for family homes, particularly for 4 bedroom family homes become available. Given the slightly denser nature of the site and its location in a more urban area of the Borough, the slight reduction in 3 bed family units (when compared to the Development Plan) in this instance is considered to be acceptable.

3.3.5. Whilst your officers have to consider this particular development on its own merits, the above stated information does help in outlining the wider social housing gain for the Borough.

**3.4. Amenity Space**

3.4.1. The proposal identifies both external balcony and existing outdoor space on the estate as the amenity space for the proposal. As the building is being incorporated into the existing estate, your officers have found this approach to be reasonable.

<b>Unit</b>	<b>Sqm of private external space required</b>	<b>Sqm of private external space proposed</b>
1b 2p units	20sqm	6.5sqm - 7.5sqm
2b 4p units	20sqm	10sqm – 35sqm
3b 5p units	50sqm	27sqm
External provision	600	271

3.4.2. SPG17 states that there should be a minimum of 50sqm for a three bed ground floor flat although allowances can be given for developments in more urban areas.

3.4.3. Based on the calculations held within SPG17 is a requirement for 600sqm of external amenity space on site (four x 50sqm for ground floor three bed units and 20 x 20sqm for all others). A flexible approach can be taken with the 50sqm of provision for the 3 bed units, given the denser nature of the surrounding area and the existing form of the surrounding properties. The balcony, terrace and rear amenity provision totals 271sqm, approximately half the requirement described under SPG17.

3.4.4. Officers also give consideration to the amount of amenity space contained within the development site as a whole. Based on the existing number of units on the estate (and their size) when taking into account SPG17 a total of 6,630m<sup>2</sup> of amenity should be provided. Your officers acknowledge that SPG17 was adopted after this estate was built however this is the closest basis to form a broad summary. Currently the estate offers 7,229m<sup>2</sup>, which provides 29.5m<sup>2</sup> per dwelling. With the addition of the proposed 24 new homes, the average provision per dwelling becomes 26.8m<sup>2</sup>, just 2.6m<sup>2</sup> less per dwelling.

3.4.5. The estates ability to incorporate this proposal combined with the 271sqm of external, private amenity space is considered to be acceptable to officers in this instance.

3.4.6. Within the proposal, your officers consider that there is acceptable degree of privacy for and outlook from each unit. Many of the windows overlook the primary street (Brondesbury Road) or the secondary street (Algergon Road). Following officer concerns, the applicant has also provided further information with regards to ground floor windows facing Rathbone House and amended the relationship to the flank wall of Rathbone and the habitable windows on the ground floor of the proposal. Your officers consider that all habitable room windows have good outlooks and access to light.

3.4.7. Your officers have noted from the plans that there is a sub-station and tank room on the site as well as there being communal plant associated with the residential dwellings. Therefore it is recommended that a



condition is attached to any approval granted requiring any plant/machinery to be taken into account in order to ensure that the noise levels from the operation of this equipment do not cause disturbance to the prospective occupiers of the properties.

3.4.8. Your officers are confident the overall standard of accommodation provided for future occupants of this proposal will be satisfactory and in accordance with the Development Plan.

#### **4. Impact on Character and Appearance of the Area**

##### *4.1. . Surrounding Character*

4.1.1. The subject site is bordered by the Kilburn Conservation Area on two sides. The conservation area (BE25-28 of the UDP and the Kilburn Conservation Area Character Appraisal) is characterised by its different styles of late Victorian architecture, in particular handsome and well detailed Victorian villas from four housing developers covering different timeframes. The site is next to a development of Victorian housing which is described in the Kilburn Conservation Area Character Appraisal as *'all three storey above basement stock brick houses with stucco ground floors and dressings. The properties have deep bracketed eaves cornice and decorative layering of stock brick including rustication and pilasters.'* The conservation area is therefore considered a significant heritage asset.

4.1.2. The existing estate, of which this proposal will form part of, is a mixture of heights from 4 storey to 7 storey. There is also a larger block of approximately 18 storeys however this is served off Victoria Road and some distance from the subject site and doesn't fall into the immediate setting of the site.

4.1.3. The quality of this housing is reasonable- brick built and solid in its urban form and layout. Any future development will need to respond appropriately to the layout and massing of the existing estate whilst being sympathetic to the Conservation Area opposite.

##### *4.2. Scale and Massing*

4.2.1. The proposal is part 4 storey (12.7m) and part 6 storey (18.35m) in height and comprises of a much greater height and massing that what is currently seen on the site.

4.2.2. In the wider context of the site, the general massing of four to six storeys is acceptable - the 4 storeys mirroring the larger Victorian villas and the 6 storey element backing onto the 7 storey Rathbone House block.

4.2.3. The proposal gives height to the building where most appropriate- which is adjacent to Rathbone House and steps down away from this taller element where the site becomes more sensitive- being bordered by the CA at Brondesbury Road and Algernon Road.

4.2.4. The proposal would not dominate the existing urban fabric and is considered to have an appropriate massing response to this constrained site.

4.2.5. Your officers consider the height, massing and size of this block to be acceptable in this location's context.

##### *4.3. Layout*

4.3.1. The subject site is faced on three sides by residential properties and therefore the layout must respond to the existing relationships between blocks.

4.3.2. The distances between the residential properties across Algernon Road and Brondesbury Road are in excess of the 20m minimum stipulated by SPG17. A line of habitable windows are within approximately 11.5m of the proposal (Rathbone House) however these are not single aspect and there are no windows within this part of the rear wall of the proposed development. The aforementioned 11.5m is in excess of the requirements from habitable rooms towards flank walls held within section 3.3 of SPG17.

4.3.3. The proposed building fills the majority of the site. The ground floor units are served by their own doorways, which are set back from the street by a generous front garden depth of approximately 5.5m. This aspect of the proposal is in accordance with the Mayor's Housing SPG, promoting activity between the pavement and private amenity space.

4.3.4. Access to the upper floors is through an entrance door which leads to a lobby and lift within the 6 storey

block. The bins for the shared core (flats) are to be on the ground floor fronting the road.

4.3.5. The new continuous frontage facing Brondesbury Road will better reflect the prevailing building line of the street. It will provide an improved definition to the street edge and enclosure with the existing built form directly opposite. Careful consideration has also been given to the way new built form would be able to mark and turn the corner squarely from Brondesbury into Algernon Road, providing a further well defined and active frontage to this secondary street.

4.3.6. The perimeter wall will be built in the same brick as the main building which shows a consistent approach to materials.

4.3.7. Your officers consider that the proposal, in terms of its layout and relationship to other properties, is acceptable.

#### *4.4. Elevation Design*

4.4.1. Given the site and the differing architectural styles surrounding the proposal, the contemporary design approach is sensible. The use of brick reflects the materials of the conservation area and if innovatively designed, your officers believe this could enhance the setting. However, the use, style of brick, and design of the brickwork bonding is crucial and will require further details. The current elevations only show a limited use of patterned brickwork in a number of areas however the exact materials will be considered further by condition. The proposal is considered to meet the NPPF's guidance (12) by seeking positive improvements in the quality of the built and historic environment, as well as in people's quality of life, including replacing poor design with better design.

4.4.2. The proposed building incorporates projecting balconies and covered galleries, which will have glass balustrades. Further details will need to be submitted with regards to privacy screens between differing unit's balconies.

4.4.3. The windows are proposed to be black framed metal composite; aluminium and timber. The required windows (such as bathrooms) will be obscured appropriately.

4.4.4. Overall the proposals would preserve the character and appearance of Kilburn Conservation Area. Furthermore, in general, the proposals are considered to meet the NPPF's core principle (para. 12); particularly that planning should be seeking to ensure high quality design and seeking to conserve heritage assets in a manner appropriate to their significance.

### **5. Neighbouring Residential Amenity**

#### *5.1. Privacy and Overlooking*

5.1.1. The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the right of land-owners to develop their property. On new developments such as this the main impact on amenity arises from (i) overbearing impact of the size and scale of the building(s); (ii) loss of outlook, which is related to overbearing impact; (iii) loss of privacy; and (iv) loss of sunlight. The Council has published supplementary planning guidance (SPG17) which establishes generally acceptable standards relating to these matters, although site specific characteristics will mean these standards could be tightened or relaxed accordingly. Overbearing impact arising from the height of blocks is controlled via 30 degree and 45 degree planes from neighbouring habitable rooms and relevant boundaries; privacy is quoted as distances between directly facing habitable windows and from boundaries. Neither outlook nor light have specific values, although light is generally controlled to BRE standards.

5.1.2. Your officers have assessed the proposal to ensure there would not be an undue loss of privacy or any unjustified overlooking from the proposed development.

5.1.3. The separation distance (some of which is described in the layout chapters) to neighbouring properties is generally good in all directions. The closest windows to the proposed development are on the projection from the front elevation of Rathbone House (inward facing) and are at a distance of 11.5m. These rooms are dual aspect however and would not have a significant detrimental impact on these windows or the rooms within them. The balconies, however, have the ability to compromise the privacy of neighbouring properties. Further details of obscure glass balustrades at a height of 1.8m will be required through condition to reduce this to acceptable levels.

5.1.4. The separation distances are more than 20m towards properties on Algernon Road and Brondesbury Road and are separated from the aforementioned properties by roads.

5.1.5. Your officers do not feel that the proposal will result in a material loss of privacy, subject to a condition requiring further details of privacy screens on the balconies.

### *5.2. Daylight and sunlight*

5.2.1. The daylight report considered 114 windows in total across 69 rooms. There were three windows which do not reach the requirements of the BRE guidance with regards to daylight. In terms of sunlight, 31 windows were assessed and two do not meet the BRE guidance. The BRE guidance consider this to be a minor impact on these affected windows. It is considered that two of the windows that do not meet this criteria serve dual aspect rooms, which are identified in the previous section (projection from the front elevation).

5.2.2. Your officers are in agreement with the methodology and scope of the report.

5.2.3. The daylight report considered 114 windows in total across 69 rooms. There were three windows which do not reach the requirements of the BRE guidance with regards to daylight. In terms of sunlight, 31 windows were assessed and two do not meet the BRE guidance. It is considered that two of the windows that do not meet this criteria are the dual aspect windows which are identified in the previous section (projection from the front elevation).

5.2.4. In such situations, it is appropriate to have regard for the character of the area, which is a relatively dense urban environment where some degree of impact is expected. Officers have given consideration to the fact that this is a particularly underdeveloped site with little or no built structures which affect the views, daylight or sunlight presently.

5.2.5. Your officers consider that the minor transgressions for a few isolated windows are acceptable particularly when balanced against the merits of the scheme and the cumulative impact is negligible.

### *5.3. Summary*

5.3.1. Your officers consider the proposal adequately response to the living conditions of neighbouring residents.

## **6. Sustainability**

6.1. The Council seeks to ensure new development contributes to sustainable development including climate change adaptation and mitigation. Core Strategy policy CP19 stipulates that London Plan policy 5.2 be followed, which requires carbon dioxide emissions from new development to be minimised in accordance with an Energy Hierarchy to Be Lean (use less energy), Be Clean (supply energy efficiently), Be Green (use renewable energy). The development appears to meet the London Plan target of a 35% reduction in carbon dioxide emissions from the Building Regulations Part L 2013 baseline Target Emissions Rate.

6.2. The development appears to exceed the Part L 2013 baseline of 35% (38%).

- Be lean – Proposed measures include a well-insulated building fabric, energy efficient glazing, targeting low air permeability and minimising thermal bridges through best practice detailing. The development has been designed to accommodate passive design measures. This represents 10% of the total reduction.
- Be clean - The applicant has identified that there are no existing heat networks. The development is close to an identified district heating opportunity zone but that this is problematic due to being separated by a railway line. They use the London heat network to illustrate this.
- Be green – The applicant has decided to use PV networks. They note that it can be mounted on any unshaded roof space and that approximately 190m<sup>2</sup> un-shaded roof area will be required to fit in the 19kwp PV panels. As this represents the majority of the reduction; a condition will be placed to request a more detailed PV Roof Plan.

6.3. The London Plan targets a 35% reduction in CO<sub>2</sub> emissions and any shortfall will be subject to a condition requiring appropriate compensatory measures if not met.

## **7. Landscape**

### *7.1. Within the scheme*

7.1.1. Your officers have assessed the landscape strategy submitted with the proposals.

7.1.2. Brent policy stipulates that 50% of front gardens should be soft landscaping and whilst the proposals do fall very marginally short of this, the proposal also includes the introduction of small ornamental trees to front gardens. The front gardens of the ground floor units also have cycle and refuse provision.

7.1.3. The boundary treatment proposed along Brondesbury Road and Algernon Road is to be a simple brick wall. This will be of a height that is sufficient to disguise the necessary waste bins from the footpath (approximately 1.2m) and will be in style and height similar to existing conditions within the conservation area. These details are considered to be broadly acceptable and will be reserved by condition.

7.1.4. There will be new planting proposed surrounding the site (as seen within the Landscape Masterplan) along with trees lining the pathway towards Rathbone House/the subject site.

7.1.5. Subject to more detailed considerations such as species choice and coverage, to be secured by condition, the landscaping proposals are acceptable.

## 7.2. *Wider improvements*

7.2.1. Following consultation with the existing residents of the estate, improvements are proposed to the existing landscaping features of the site. These are:

- Bulb and shrub planting surrounding the site;
- New tree planting between the development site and the adjacent car park;
- Introduction of new play equipment.
- Introduction of new hedge surrounding the site (as requested through consultation)
- Raised timber allotment beds (details to be conditioned)

7.2.2. Subject to approval of finer details, the proposed landscape requirements are deemed acceptable and appropriate for the nature of this scheme.

## 8. **Trees**

8.1. In accordance with s197 of the Town and Country Planning Act 1990, the Council has a duty to ensure, whenever appropriate, that adequate provision is made for the preservation or planting of trees by the imposition of conditions. The proposed development has been assessed in light of this duty and your officers are satisfied that the Council's duty in respect of trees can be met, subject to conditions.

8.2. An assessment of all existing trees on site has been undertaken to assess the extent of tree loss as a result of the proposals. The proposal will see the removal of six trees. The proposal seeks to replace these trees with three within the courtyard area and six adjacent to the public footpath to the north of the site.

8.3. Of the trees to be removed, all are categorised as either A, B, C or U. (A being the highest quality, C being the lowest and U to be removed). There are two category A trees that will be lost as a result of this proposal, three category C and a single category U tree.

8.4. The existing trees are considered to provide some amenity value presently, and their loss will need to be mitigated against in order to make adequate provision for the planting of trees. The proposal is for five new street trees in total to mitigate against the loss of street trees: three on Brondesbury Road and on Algernon Road. There are also ten trees proposed on the pathway between the proposed building and car park along with smaller, ornamental trees in front gardens.

8.5. Your officers consider that the important trees that require replacing are the two category A trees and the three category C trees. These are sufficiently mitigated against by the planting of the new proposed street trees. The other trees, as outlined above, can be considered as genuine amenity benefits to the immediate vicinity as they will be of an appropriate size to soften the appearance of the new development as well as providing visual amenity benefits.

8.6. Your officers, if members resolve to grant planning permission, recommend that a condition requiring the submission of a tree protection plan is required prior to the commencement of ground works.

## 9. **Environmental Health**

### 9.1. *Construction*

9.1.1. Officers acknowledge that that the proposed demolition and construction of the residential dwellings will be carried out within close proximity to existing residential and commercial premises and there is a risk of short term harm to amenity arising from construction in terms of noise, dust, pollution and other disturbances. These matters are, however, covered under separate legislation and therefore it is not appropriate to seek to limit development because of these likely impacts nor to control their impacts under planning legislation.

9.1.2. Due to the proposal including the demolition of a structure built before 1985, offices recommend that an informative is added to consider the risks of asbestos on site.

## 9.2. Air Quality

9.2.1. Policies 4A.14 - 4A.20 of the London Plan aim to prevent and mitigate any significant potential pollution impacts arising from development in terms of air quality, noise, vibration and on water quality and supply. Officers acknowledge that this site is within an Air Quality Management Area and an appropriate assessment will be required. This requirement has been partially satisfied however any additional provisions to meet Air Quality requirements can be achieved without material changes to the plans that will be granted. Due to the submitted information with this application and nature of the site officers consider it reasonable to secure any additional provisions on site through condition.

## 9.3. Contamination

9.3.1. The proposed site has previously had an industrial use and therefore contamination of the land is likely. Your officers have considered the JOMAS geo-environmental desk study and preliminary risk assessment (Report ReferenceP9474J843 dated 26th April 2016) and are in agreement with the methodology of this report and the conclusions for a site investigation to be undertaken.

9.3.2. Therefore due to there being a requirement for some further investigative works officers would recommend conditions stipulating further works, should the application be approved.

## 9.4. Summary

9.4.1. Your officers have no objections to the application on Environmental Health grounds, subject to appropriate conditions.

## 10. Transportation

10.1. Officers have given consideration to the below when assessing the application:

- Brondesbury Road – local traffic-calmed residential access road & bus route.
- Algernon Road – local residential access road and 20 mph zone
- Controlled Parking Zone “KB” – 8.30am-6.30pm weekdays
- No parking at any time on AR frontage & at junction, but 6 p&d bays along BR frontage
- Neither BR nor AR noted as heavily parked at night

10.2. Car parking allowances for residential use are set out in standard PS14 of the adopted UDP 2004. As the site has very good access to public transport services and is located within a CPZ, reduced allowances of 0.7 spaces per 1-/2-bed flat and 1.2 spaces per 3-/4-bed property apply.

10.3. This proposal would therefore generate a total parking allowance of up to 18.8 spaces for the 24 proposed flats and by providing no off-street parking within the site for the new dwellings, standards would be complied with.

10.4. As explained in the opening section, the proposal will reduce off-street parking provision for Rathbone House and the adjoining residential blocks (Barrett House, Varley House, Sandby House, Morland House & Kilburn Square), which together total 275 flats, by 27 spaces. These spaces have been deemed by the applicant to be surplus to requirements, along with the lower deck of parking as it has been disused for some dozen years or more.

10.5. This development will reduce off-street parking within the estate to 116 spaces, leaving a surplus of about 40 spaces. The applicant therefore proposes that residents of the new flats will be allowed to purchase permits to use some of these surplus spaces and on this basis, there should be no additional demand for

on-street parking arising from this proposal.

10.6. In any case, the lengths of Brondesbury Road and Algernon Road fronting the site were also surveyed by the applicant and these areas were also lightly parked at night, with only 9-10 cars parked in 49 spaces along the northern side of Brondesbury Road and eastern side of Algernon Road adjoining the Kilburn Square estate. This also matches Brent's own overnight parking surveys, which show neither street to be heavily parked at night.

10.7. It is recommended that three spaces within the adjoining off-street car park are marked and reserved for disabled Blue Badge holders for the three proposed wheelchair units though, in order to satisfy standard PS15. Alternatively, consideration could be given to marking spaces on-street along the Brondesbury Road frontage of these units, upon application by future residents.

10.8. Standard PS16 requires the provision of at least one secure bicycle parking space per flat. A secure store is indicated at ground floor level for 28 bicycles for the flats, providing more than adequate provision in a protected location. Further stores are proposed in the front gardens of the four 3-bed units, which are also welcomed.

10.9. On this basis, when considering the site's good level of access to public transport there are appropriate alternative to car use. Therefore, your officers consider that there are no concerns regarding potential overspill parking from this development.

10.10. Bin storage (four Eurobins and two wheeled bins) is proposed in a communal storage area alongside the main entrance for the flats, allowing providing adequate storage in an easily accessible location for collection for the 1- and 2-bedroom flats. Separate stores are proposed in the front gardens of the 3-bed units, also allowing easy collection from the highway.

10.11. Fire appliance access is also provided directly from the two highways fronting the site.

10.12. With no vehicular access required to the site in future, both existing crossovers will need to be reinstated to footway with full height kerbs, allowing the opportunity to also extend parking bays along the site frontage. The cost of these works, including TRO's, will need to be met by the applicant prior to occupation of the development.

10.13. Surface water drainage is to be fed to a 30m<sup>3</sup> attenuation tank, before being fed into the existing sewer beneath the adjoining car park area via a hydrobrake limiting discharge to 2l/s, in line with greenfield rates. This sewer is then already connected to the public sewer in Brondesbury Road.

10.14. Subject to a condition requiring the reinstatement of the existing crossovers to the site to footway and associated amendments to parking bays to be paid for by the applicant prior to occupation of the development, there would be no objections on transportation grounds to this proposal.

## 11.0. Summary

11.1. Your officers see significant benefits to the scheme, which includes the continued and viable delivery of affordable housing within a sustainable location along with the improvements to the frontage of Brondesbury Road and improvements to the wider landscaping of the area.

11.2. Accordingly, for the reasons set out in detail within the report, your officers recommend this proposal for approval.

## CIL DETAILS

The proposal may be eligible for social housing relief. The figures quoted here do not include any discount for relief because an application for relief must be made after planning permission has been issued and be received in the proper form and decided before any works commence.

This application is liable to pay **£578,154.06\*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\*\* floorspace which on completion is to be demolished (E): 97 sq. m.

Total amount of floorspace on completion (G): 2107 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	2107	0	2010	£200.00	£35.15	£491,732.14	£86,421.92
			0	£0.00	£0.00	£0.00	£0.00

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	274	
<b>Total chargeable amount</b>	£491,732.14	£86,421.92

\*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

\*\***Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

**Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.**



**Brent**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 16/1947

To: Mr martin  
PRP Architects LLP  
10 Lindsey Street  
London  
EC1A 9HP

I refer to your application dated 09/05/2016 proposing the following:  
Demolition of existing car park (including 6 garages) and the construction of a four to six storey residential building comprising 24 self-contained units (12 x 1bed, 8 x 2bed and 4 x 3bed) with associated bin stores and landscaping  
and accompanied by plans or documents listed here:  
See condition 2  
at Car Park & Rathbone House Garages, Brondesbury Road, London

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:

Signature:

A handwritten signature in black ink, appearing to read 'Aktar Choudhury'.

**Mr Aktar Choudhury**  
Operational Director, Regeneration

**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:-

Brent Unitary Development Plan 2004  
Central Government Guidance (London Plan)  
Council's Supplementary Planning Guidance SPG17

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment  
Housing: in terms of protecting residential amenities and guiding new development

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

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

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

AA5587-2000- Location Plan  
AA5587-2007 A- Elevations Sheet 1  
AA5587-2008-A Elevations Sheet 2  
AA5587-2003 A- Proposed Site Plan  
AA5587-2004 A Proposed Ground and First Floor Plan  
AA5587-2005 A Proposed Second and Third Floor Plan  
AA5587-2006 A Proposed Fourth, Fifth and Roof Plan  
Soft Landscape Strategy (AL5587- 2102 Rev A)  
Landscape Masterplan (AL5587-2101 Rev A)  
Tree Retained and Removal Plan (AL5587-2100 Rev A)

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

- 3 The development hereby approved shall be implemented and maintained for the lifetime of the development as 100% affordable housing (meaning subsidised housing at below market rents, intended for households who cannot afford housing market rates), except in the case where any intermediate housing unit is delivered as shared ownership housing and a purchaser of any shared ownership unit subsequently purchases additional equity and staircases out to own 100% equity in that shared ownership unit. 14 units (6 x 1, 4 x 2 and 4 x 3 bedroom units) shall be delivered as affordable rented housing and 10 units (6 x 1 and 4 x 2 bedroom units) shall be delivered as intermediate housing, and LB Brent will have the right to nominate people to be housed in the affordable rented housing in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development is implemented in accordance with the details submitted, and to contribute to meeting Brent's identified housing needs, including meeting LB Brent's statutory housing duties.

- 4 Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced (not including demolition). The work shall be carried out in accordance with the approved details.

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

locality.

- 5 Prior to commencement of above ground works (not including demolition or site preparation), further details of the following shall be submitted to and approved in writing by the local planning authority. Such details shall include drawings, including sections where appropriate, at a suitably large scale (e.g. 1:5, 1:10, 1:20, 1:50) or manufacturer's literature which show:
- (i) the window and door manufacturer, model, materials and colour;
  - (ii) window and door reveals, headers and sills, including the depth of the reveals;
  - (iii) opening arrangement of typical window;
  - (iv) balcony treatment (elevations and section plans including details of the floor level, with any ledges or flat surfaces to be provided on the inside of the balconies only); and
  - (v) The proposed obscure glazing between the proposed balconies at a height of 1.8m; and
  - (vi) junction details of differing materials and brickwork bonding;

The development shall be completed in accordance with the details so approved before the new development is occupied.

Reason: These details are required to ensure that a satisfactory development is achieved.

- 6 Full details of secure and covered cycle parking for a minimum 52 bicycles, including the layout of cycle parking areas and details of cycle storage facilities within those areas shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in full prior to occupation and shall thereafter be retained for the lifetime of the development.

Reason: In the interest of sustainable transport and highway flow and safety.

- 7 Further details of a communal television system/satellite dish provision shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any satellite dish. The approved details shall be fully implemented and retained for the lifetime of the development.

Reason: In order to mitigate the possibility of numerous satellite dishes being installed on the buildings hereby approved, in the interests of the visual appearance of the development, in particular, and the locality in general.

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

**Reason:** To protect acceptable local noise levels, in accordance with Brent Policy EP2

- 9 Prior to the commencement of the development, an Air Quality Report shall be submitted to and approved in writing by the Local Planning Authority. The Air Quality Report shall include the impact of the building works and operation of the development on local air quality, as well as the impact of local air quality on the future residents of the development. Any mitigation measures recommended within the approved report shall be implemented and thereafter be retained for the lifetime of the development.

Reason: To ensure the safe development and secure occupancy of the site proposed for residential use.

- 10 Following the demolition of the buildings and prior to the commencement of building works, 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 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 should any contamination be found that presents an unacceptable risk to any identified receptors. The written report is subject to the approval in writing of the Local Planning Authority.

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

- 11 Prior to occupation of the development any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full and a verification report shall be provided to 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

- 12 No occupation of the development shall occur unless an Energy Assessment Review has been submitted to and approved in writing by the Local Planning Authority. This review by an approved independent body shall verify that the development has met or exceeded the following:

- (i) Minimum 35% improvement on Part L 2013 Building Regulations Target Emission Rate ("TER") for CO<sub>2</sub> emissions; and
- (ii) Provides details of the future connection to Decentralised Heat / Energy Network

If the review specifies that the development has failed to meet the above levels, appropriate compensatory measures shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

The approved Energy Strategy (or as amended) shall be fully implemented and maintained for the lifetime of the Development unless otherwise agreed in writing with the Council.

Reason: To ensure a satisfactory development which incorporates sustainability measures that are commensurate to the scale of development proposed.

- 13 Details of the roof plan, showing the areas of the proposed photovoltaic panels in accordance with the sustainability measures secured as part of this development, shall be submitted to and approved in writing by the Local Planning Authority, prior to completion of construction work and shall be installed prior to occupation of the development hereby approved and shall be retained for the lifetime of the development.

Reason: To demonstrate these are adequate and suitable to provide the level of carbon offset sought.

- 14 Prior to commencement of works above ground level, further details of the sustainable urban drainage measures to achieve a 5l/s discharge rate for surface water in accordance with the London Plan SUDS drainage hierarchy shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be implemented in accordance with the approved details.

Reason: To comply with London Plan Policy 5:13 (Sustainable drainage).

- 15 Prior to the occupation of the development, details of the private and communal refuse stores shall be submitted and approved in writing by the Local Planning Authority. Such details will include the design of the bin stores and the quantum and types of bins (to include recyclable

waste provision). The approved details shall be retained for the lifetime of the development.

Reason: To provide adequate refuse facilities for residents and to ensure the effective pick up of waste from the development

- 16 No development shall be carried out until what time as the person carrying out the works is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.

Reason: To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.

- 17 Prior to occupation of the residential development hereby approved, confirmation from the Building Control body shall be submitted to the local planning authority to demonstrate that the development has been 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: To ensure the new dwellings are water efficient

- 18 Not less than 10% of residential units shall be wheel chair accessible (in the case of Affordable Rented units) or Easily Adaptable (in the case of Private and Intermediate units) unless otherwise agreed in writing by the Local Planning Authority.

Reason; To ensure suitable facilities for disabled users, in accordance with the London Plan policy 4.5.

- 19 The existing vehicular crossovers on Brondesbury Road and Algernon Road shall be reinstated to footway with full height kerbs and the subsequent extension of the parking bays shall be undertaken by the Local Highway Authority at the applicant's expense prior to occupation of the development. The approved details shall be retained for the lifetime of the development.

Reason: In the interests of visual amenity and highway safety

- 20 Details of lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of relevant works associated with the improvements to the estate wide communal areas, for the footpaths leading to the proposal and any security lighting on the building.

The approved details shall be fully implemented and retained for the lifetime of the development.

Reason: In the interests of safety, amenity and convenience.

- 21 Prior to the demolition of the car park and garages, a tree protection plan and arboricultural method statement set out in accordance with BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The tree protection plan shall include all retained trees within the site (as outlined in the drawing AL5587\_2100 A) and those trees in proximity to the site whose root systems may be impacted upon during construction. The TPP shall show locations of all protective fencing, ground protection, site facilities and storage areas.

The arboricultural method statement is to include specific details with regards to any operations that may encroach upon the root protection areas (RPA's) of all retained trees. The AMS should pay particular attention to the construction of parking over the retained trees. Cross sectional drawings shall be provided showing construction detail and any proposed build-up of soil above

normal ground level in order to allow the successful rooting of new turf. All operatives working on the site will be briefed on the importance of tree protection as part of their induction.

Any tree that falls into irreversible decline and/or dies as a result of non-adherence to the approved documents within a period not to exceed five years from completion of works shall be replaced with a tree of size and species to be agreed with the Local Authority.

Reason: To protect trees in the immediate environment and to retain a mature tree cover around the site

- 22 All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed during the first available planting season following completion of the development hereby approved. Such details shall include:

- (i) All species of grasses, plants, shrubs, hedges and trees within the development;
- (ii) Adequate physical separation, such as protective walls and fencing, between landscaped and paved areas;
- (iii) Details of the proposed arrangements for maintenance of the landscaping; and
- (iv) Boundary walls, fences and paving bordering and within the development.

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.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

## INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 2 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.
- 3 Delete this and enter unique informative here
- 4 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).

Any person wishing to inspect the above papers should contact Robert Reeds, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 6726

## COMMITTEE REPORT

Planning Committee on 10 August, 2016  
Item No  
Case Number 16/1181

### SITE INFORMATION

**RECEIVED:** 18 March, 2016

**WARD:** Preston

**PLANNING AREA:** Brent Connects Wembley

**LOCATION:** Land rear of 66 to 68 Llanover road, Pembroke Road, Wembley

**PROPOSAL:** Demolition of existing garages and erection of a two storey 3 bedroom dwellinghouse with a converted loft space, associated car and cycle parking spaces, bin stores, landscaping and amenity space

**APPLICANT:** Mr Smy

**CONTACT:** BCConsultants

**PLAN NO'S:** See condition 2.

### LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

[When viewing this on an Electronic Device](#)

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\\_127145](https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_127145)

[When viewing this as an Hard Copy](#) .

Please use the following steps

1. Please go to [pa.brent.gov.uk](http://pa.brent.gov.uk)
2. Select Planning and conduct a search tying "16/1181" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

# SITE MAP



## Planning Committee Map

Site address: Land rear of 66 to 68 Llanover road, Pembroke Road, Wembley

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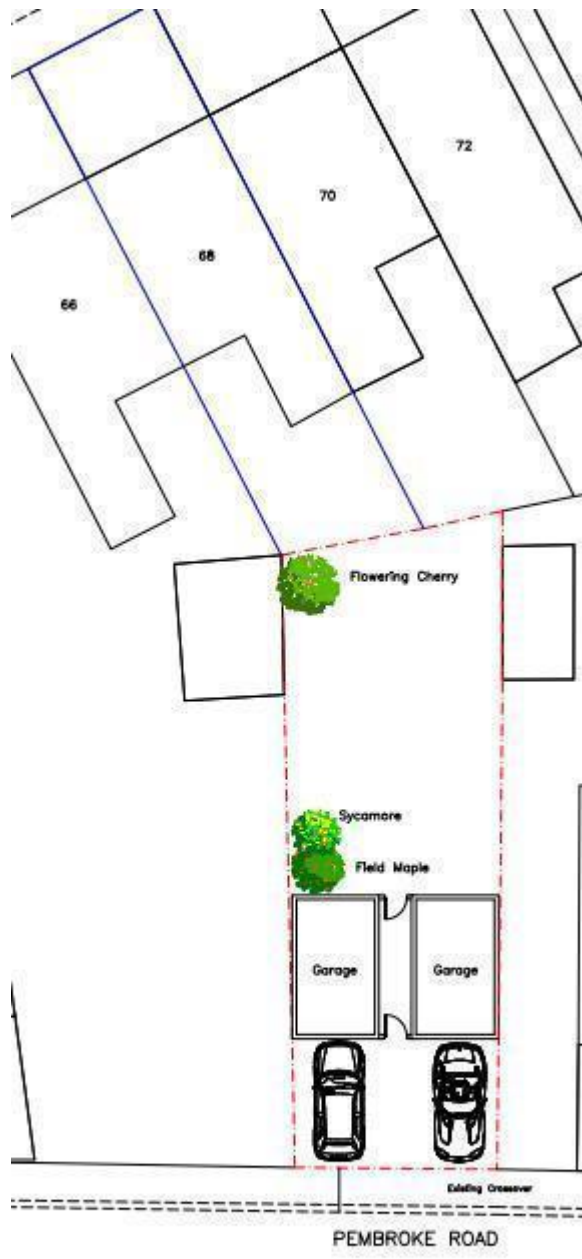
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This map is indicative only.



# SELECTED SITE PLANS

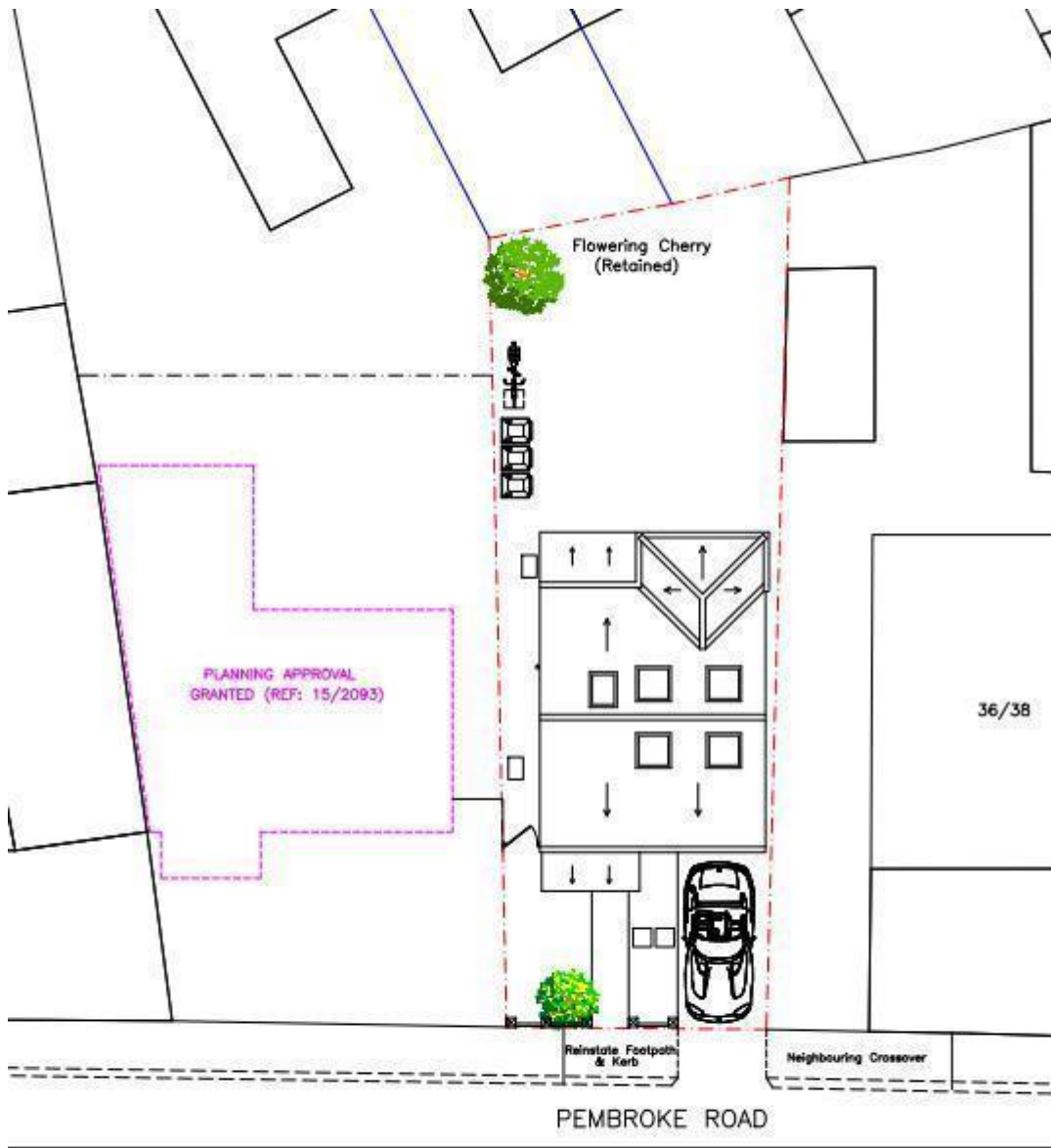
## SELECTED SITE PLANS



EXISTING BLOCK PLAN

Proposed Garages & Driveway  
to be Built 3 Bed  
with Associated  
entireties





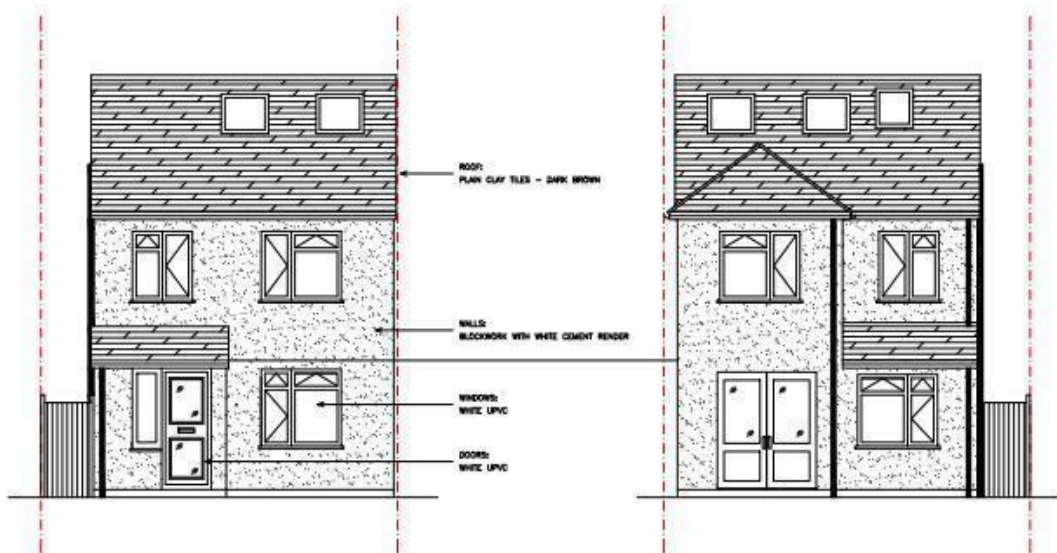
PROPOSED BLOCK PLAN

Description:

Removal of Existing Garages & Construction of New Build 3 Bedroom Dwelling with Associated

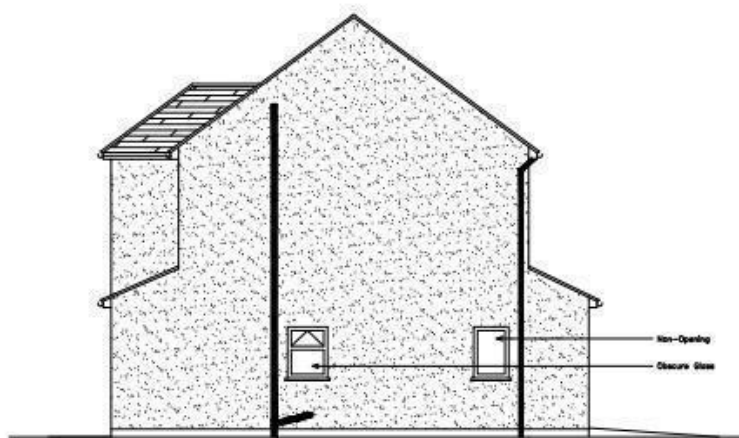
SCALE 1:100





PROPOSED FRONT ELEVATION

PROPOSED REAR ELEVATION

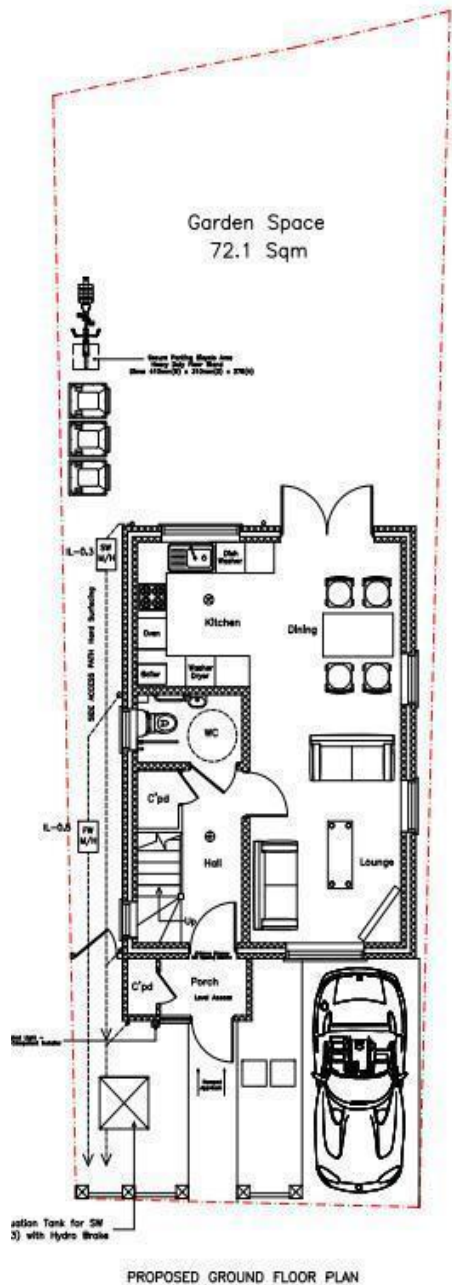


PROPOSED SIDE ELEVATION



NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
2. ALL DIMENSIONS WILL BE CHECKED ON THE BUILDING.

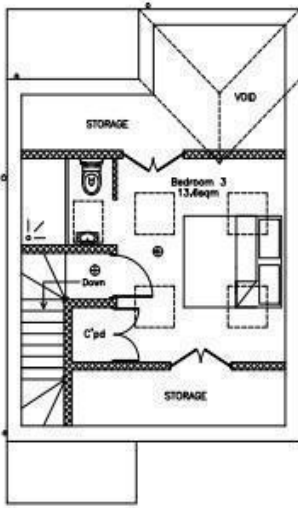
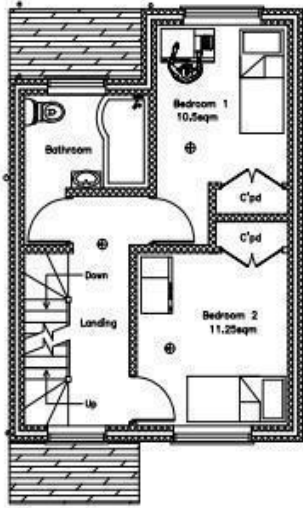


Structure above main bedroom and bathroom ceiling  
to be capable of supporting ceiling tanks

Service Controls should be within height band of 450mm to 1050mm from  
the Floor level and at least 200mm away from any internal room corner

All Proposed Foul & Surface Drainage to be Submitted  
to Thames Water & Approved before works commence onsite.  
See Attached Attenuation Tank Calculation confirming  
minimum size of tank (1m3) required

GROUND FLOOR = 41.8sqm  
FIRST FLOOR = 38.3sqm  
SECOND FLOOR = 17.8sqm  
TOTAL = 97.9sqm

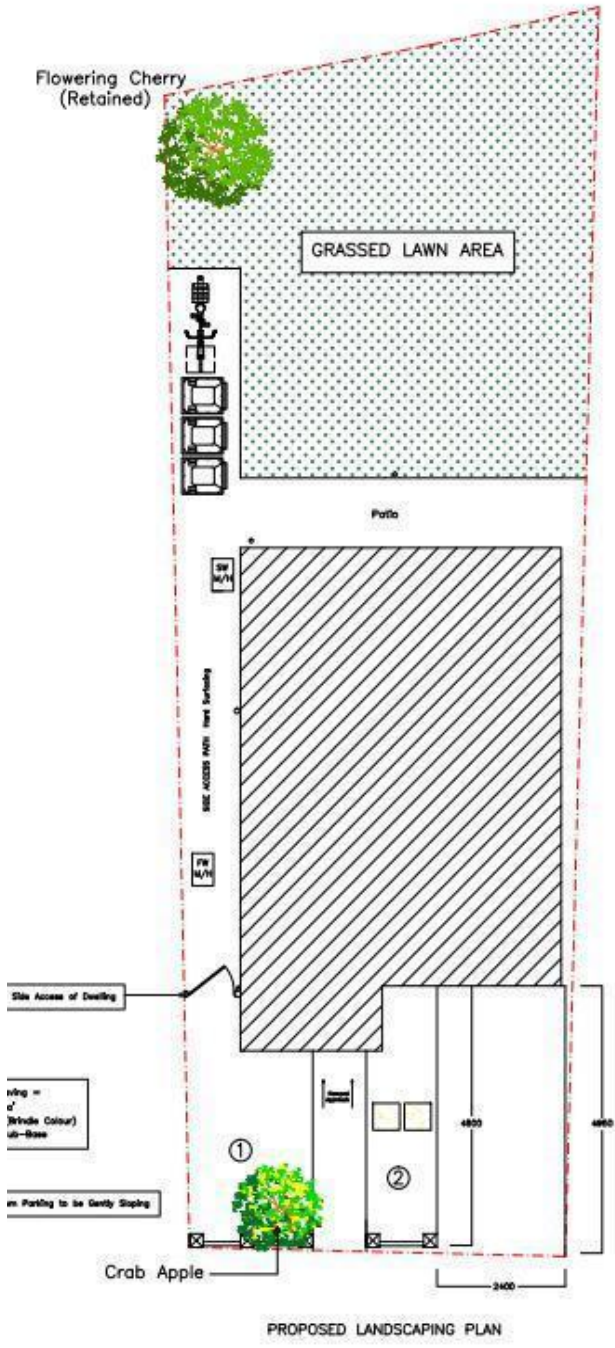


Approach to Entrance from Parking to be Gently Sloping

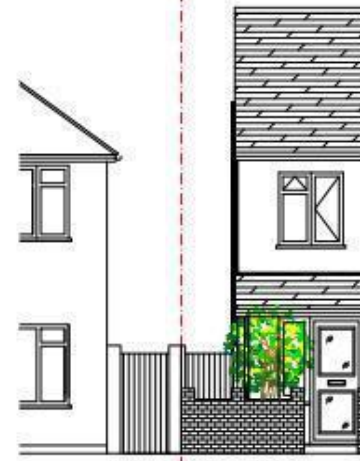


⊕ Smoke D  
to Ground  
⊙ Heat Det

- NOTES
1. SECURITY NOTES ON RESOLVE NUMBERING IN  
RESPECT OF BORES ON THE FIRST WALLS ARE THE OWNER'S  
RESPONSIBILITY. BE APPROVED BY A PROFESSIONAL  
STRUCTURAL ENGINEER.
  2. ALL DIMENSIONS ARE TO BE CHECKED ON SITE BEFORE  
BEGINNING ANY WORKS OF CONSTRUCTION.



PLANNING APPROVAL GRANTED (REF: 15/2083)



**PLANTING AREAS**

- 1 Alternate Pyracantha Orange & Red Saphyr - 2 per m<sup>2</sup> in 5L pots
- 2 3x Berberis Thunbergii in 5L pots

NOTE: Areas 1&2 to be Covered in 50mm Wood Bark to suppress weeds & retain moisture

**Planting Specification**

All native species should be of local stock. Native trees and shrubs certified as British Native plant stock.

All planting stock should comply with the Horticultural Trade Association National Plant Specification.

All planting preparation, handling, planting and maintenance should be in accordance with CDE Code for Handling and Establishing plants.

All trees and shrubs to comply with BS2083 Part 1 1996, planted to BS 4909:1999 and BS4422:1999.

Topped trees transplanted into planting beds to be gently rounded towards the centre of each bed to allow for settlement.

In completion of planting the whole area of the shrub bed shall be mulched with 75mm consolidated thickness of natural textured decorative grade natural pine bark having first been prepared in accordance with the specification.

Free standing hedges shall have a 3 strand galvanized steel and tanalised softwood three post fence to BS 1722 Part 2:1977 erected along a line between the two rows of hedge plants.

- NOTES
1. RELEVANT NOTES ON DRAWING SHEETS IN RESPECT OF WORK ON SITE SHALL BE THE OWNER'S RESPONSIBILITY. RE-APPPOINTMENT OF A PARTY WALL SURVEYOR IS REQUIRED.
  2. ALL DIMENSIONS ARE TO BE CHECKED ON SITE BEFORE COMMENCEMENT OF WORKING WORK.

## RECOMMENDATIONS

1. That the Committee resolve to GRANT planning permission.
2. That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### Conditions

1. That works on the development must commence within 3 years of the decision
2. That works are carried out in accordance with the approved plans
3. That the applicant submits details of the all external materials to be approved by the LPA
4. That the applicant implements the approved landscaping details prior to occupation of the development and maintains the planting
5. That no further extensions be constructed at the dwelling without planning permission
6. That the four side facing windows are obscure glazed and non-opening below a height of 1.8m
7. That the parking space be constructed as per the approved plans before occupation and retained as such
8. That suitable sound insulation and noise reduction measures are implemented to prevent noise nuisance
9. That a Construction Method Statement is approved by the LPA and implemented during construction.

### Informatives

1. The applicant may have obligations under the provisions of the Party Wall etc Act 1996
  2. The applicant must ensure that works is carried out entirely within the subject property
  3. The applicant has obligations under the Control of Asbestos Regulations given the age of the existing building
  4. The applicant is advised to contact the transportation department to make arrangements for necessary highway works
  5. The applicant is liable to pay the Community Infrastructure Levy should the development proceed
  6. Any [other] informative(s) considered necessary by the Head of Planning
1. That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.
  2. That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

## A) PROPOSAL

Demolition of existing garages and erection of a two storey 3 bedroom dwellinghouse with a converted loft space, associated car and cycle parking spaces, bin stores, landscaping and amenity space.

## B) EXISTING

The application site comprises a plot of land occupied by garages, to the rear of 66 and 68 Llanover Road. The plot fronts the western side of Pembroke Road with 36/38 Pembroke Road bordering the site to the north. A vacant plot of land which has planning permission for the erection of a new dwelling (15/2093) borders the south boundary of the site.

The property to the rear of the site, No. 68, is outlined blue on the Site Location Plan indicating that the applicant also owns this property. It is likely that the garages belong to number 68. Number 68 has crossover onto Llanover Road serving one off street parking space. The garages at the rear onto Pembroke Road also has a crossover. The existing drawing does not accurately show the existing crossover, but its location can be seen within the site photos.

The plot is not within a conservation area nor does a listed building exist within its curtilage. The plot is located within an area of distinctive residential character, as designated within Brent's UDP 2004.

## **D) SUMMARY OF KEY ISSUES**

### ***Key considerations***

- Principle;
- Quality of accommodation;
- Design;
- Impact on neighbouring amenity;
- Parking & servicing;

#### ***1. Principle***

Pembroke Road and its surrounding area are residential in nature and as such the continuation of the residential use within a detached dwelling is acceptable in terms of the character and use. It is noted that the houses along the road are mixed between terraced, semi-detached and detached. The addition of a detached house would not be deemed to be unduly detrimental to the area's character if the design respects the features and proportions of surrounding dwellings. At present there is no property on this plot and the proposal seeks to erect a two storey dwelling with three bedrooms. The new housing is particularly welcomed in the context of CP21 as it would result in the creation of a family unit.

#### ***2. Quality of accommodation***

Overall, the proposed indoor and outdoor spaces are considered to provide a good standard of amenity and general environment for future occupants of the site and are considered acceptable. This is when tested against the relevant standards within SPG17 and the London Plan.

#### ***3 Design***

The design is considered to be complementary in the context of the established, mixed character of the street. The materials and design of the dwelling façade are acceptable, opting for a traditional character and features that are replicated from surrounding properties; this includes window proportions and general house proportions.

#### ***4 Impact on neighbouring amenity***

When tested against all immediately adjoining properties, the dwellinghouse is not deemed to give rise to unduly detrimental amenity impacts on nearby residents, in accordance with the relevant SPG5 and SPG17 design standards.

#### ***5 Parking & transport considerations***

On-street parking in front of the property on Pembroke Road is not able to be safely accommodated, due to the very limited width of the road, with majority parking on the public footway. The maximum parking allowance for a 3 bedroom dwelling is 1.6 spaces. The provision of one off-street parking space is therefore considered to be sufficient for the proposed dwelling. The loss of the garage and off-street parking for the existing dwelling is acceptable as the site does have a crossover onto Llanover Road, which can accommodate one off-street parking space. In conclusion, parking for the site as whole is one space per dwelling and this is acceptable. The plans were amended to ensure that that the parking layout for the proposed dwelling complies with Brent's Domestic Vehicle Crossover Policy.

## **RELEVANT SITE HISTORY**

## **98/2238. Full Planning. Refused. 21/12/1998.**

Clearance of site and erection of a pair of three-bedroom semi-detached houses with integral garages and vehicular accesses onto Pembroke Road.

## **CONSULTATIONS**

15 nearby properties along Pembroke Road and Llanover Road were consulted regarding the proposal for a minimum of 21 days on 19/04/2016.

Two representations were received.

A letter of objection was received from the occupier at 39 Pembroke Road and a petition with three signatories was received, with the head petitioner being the occupier at 35 Pembroke Road. Both of these objections were sent to the Council on 09/05/2016.

The grounds of objection are summarised as follows:

- The proposed development is in the garage space representing overdevelopment which will erode the character of the surrounding area.
- The new property will result in losses of light to the adjoining residence.
- The development cannot meet the need for accommodation in the borough because of its cramped nature.
- The development defeats the original intent of local housing to maintain a certain degree of green land for private gardens and for accommodation not to be cramped. This could open the door to numerous other applications within private gardens and parking spaces.
- It is likely that the proposed 3 bedroom development will have a need for more than one car, adding cars to a very busy and congested road.
- The appeal decision relating to application 15/0544 states that the area currently experiences a high level of parking pressure, notably exacerbated by the proximity of a tyre centre. The increased parking pressure of the development would reduce convenience for local road users and pedestrians as well as potentially cause a reduction in highway safety.
- The proposed site is adjacent to another site recently granted planning permission. That site alone will increase parked cars by at least two if not three further cars on an already congested road.
- Over the years the Council has approved development to such an extent that the area bound by Llanover Road, Clarendon Gardens, Rosslyn Crescent and East Lane has no open space left for the enjoyment of residents.
- The proposed development appears to provide cramped living accommodation.

Officer's response to concerns raised:

- The plot in question is comparable in size to many of the surrounding gardens and would not be deemed to result in a pattern of development that is out of character with the area.
- Particular attention is paid to the appeal decision for application 15/2093 where development within a similarly sized site adjacent to this was deemed to be appropriate by the planning inspectorate.
- The dwelling will provide a suitable amount of private open amenity space to ensure that a good standard of accommodation is offered to residents and that the accommodation will not be cramped. It is deemed that this will maintain a suitable open, suburban character at the proposed dwelling and will not result in an unacceptable loss of green space.
- The scheme has been assessed by the Council's highways department to determine if the likely parking requirements of the house can be accommodated along the road given the current parking situation. Further details can be seen in the 'detailed considerations' section.
- The scheme has been assessed to determine whether the dwelling provides an acceptable standard of accommodation to residents. The assessment has been made in accordance with London Plan standards and local Brent standards (within SPG17). Further details can be seen in the 'detailed considerations' section.

### Further consultations

The Council's Transportation, Environmental Health, Urban Design and Landscape units were also consulted, as well as the three Council Members for Preston Ward, Cllrs Hossain, Bradley and Harrison.

Transportation initially resisted the proposal on grounds that the length of the proposed driveway for the new



house would not be able to accommodate a standard length car, leading to overhanging of the footway of Pembroke Road and obstruction to pedestrian movement. Amendments have since been made to address these concerns (full details in the 'detailed considerations' section).

Environmental Health did not object to the proposal although did recommend conditions and informatives relating to noise emanating from the nearby tyre repair centre, construction noise, dust and asbestos.

Urban Design suggested that the house should be equipped with a bay window that is in rhythm and size of the bays on the street. The frontage of the building is articulated through the arrangement of fenestration (doors and windows). Many of the houses in the locality have bay windows. However, the directly adjoining house does not. It is not necessary to directly replicate the surrounding buildings in order to reflect with the character of the area, particularly where houses in the street are of varied size and design. As such, it is considered that a bay window is necessary to reflect the patterns and rhythms of development in the locality.

Landscaping did not object to the applicant's revised front garden layout proposal.

## **POLICY CONSIDERATIONS**

### **National Planning Policy Framework 2012**

#### **London Plan 2011**

Policy 3.5 – Quality and design of housing developments

#### **Brent UDP 2004**

**STR11** – The quality and character of the Borough's built and natural environment will be protected and enhanced; and proposals which would have a significant harmful impact on the environment or amenities of the Borough will be refused.

**STR14** – New development will be expected to make a positive contribution to improving the quality of the urban environment in Brent by being designed with proper consideration of key urban design principles relating to townscape (local context and character), urban structure (space and movement), urban clarity and safety, the public realm (landscape and streetscape), architectural quality and sustainability.

**BE2** – Townscape: Local Context & Character

**BE3** – Urban Structure

**BE6** – Landscaping

**BE7** – Public Realm: Street scene

**BE9** – Architectural Quality

**H11** – Housing on Brownfield Sites

**H12** – Residential Density – Layout Considerations

**TRN3** – Environmental Impact of Traffic

**TRN11** – Cycle Parking

**TRN23** – Parking Standards - Residential Developments

**TRN24** – On-Street Parking

#### **Brent Core Strategy – July 2010**

**CP2** – Population & Housing Growth

**CP17** – Protecting & Enhancing the Suburban Character of Brent

**CP21** – A Balanced Housing Stock

#### **Supplementary Planning Guidance**

**SPG 5** – Domestic Extension Standards

**SPG 17** – Residential Design Standards

## **DETAILED CONSIDERATIONS**

### **Key considerations**

- Principle;
- Quality of accommodation;
- Design;
- Impact on neighbouring amenity;

- Parking & servicing;

## **1. Principle**

1.1 Pembroke Road and its surrounding area are residential in nature and as such the continuation of the residential use within a detached dwelling is acceptable in terms of the character and use. It is noted that the houses along the road are mixed between terraced, semi-detached and detached. The addition of a detached house would not be deemed to be unduly detrimental to the area's character if the design respects the features and proportions of surrounding dwellings.

1.2 Policy CP21 of the Council's Core Strategy sets out the housing priority for the Borough and places particular emphasis on the meeting the identified demand for family sized (capable of accommodating 3 or more bedrooms) accommodation through both major developments and subdivision/conversion schemes.

1.3 At present there is no property on this plot and the proposal seeks to erect a two storey dwelling with three bedrooms. The new housing is particularly welcomed in the context of CP21 as it would result in the creation of a family unit.

## **2. Quality of accommodation**

2.1 The application proposes a single dwellinghouse in place of garages on this wide tract of land. A forecourt is to be created at the front of the plot.

2.2 The proposed internal floor space is 97.9m<sup>2</sup> which is in excess of the standards stipulated in the London Plan for a three bedroom, four person dwelling, which requires 90m<sup>2</sup> across three stories. The proposal would allow for 68m<sup>2</sup> of outdoor amenity space to the rear of the unit which is greater than the minimum 50m<sup>2</sup> set out in SPG17. The garden would provide a good standard of private space that is suitably set away from highways and other sources of sound disturbance.

2.3 It is noted that the house has a good level of outlook to the front and the rear and that all habitable rooms benefit from this outlook.

2.4 The section shows the ground and first floor to have a floor to ceiling height of 2.4 m, and the loft bedroom reaching a maximum height of 2.3 m. The floorspace of the loft is approximately 19 % of the floorspace of the ground floor. The proposal does not meet the 2.5 m floor to ceiling height target set out in the Mayor's Housing SPG, but does meet the 2.3 m target set out in the Technical Housing standards. The floor to ceiling height for the proposed house is considered to be acceptable, resulting in a good standard of residential accommodation. The five front and rear facing rooflights would provide an acceptable standard of light and outlook in the absence of windows.

2.4 Overall, the proposed indoor and outdoor spaces are considered to provide a good standard of amenity and general environment for future occupants of the site and are considered acceptable. The proposal is considered to accord with London Plan Policy 3.5, UDP Policies BE2 and BE9 and Supplementary Planning Guidance 17 and the Mayor's Housing SPG.

## **3 Design**

3.1 The proposed dwelling is modest in size and scale and would occupy a substantial width of its plot. The coverage of the building is in keeping with the character of surrounding houses. The materials and design of the dwelling façade are acceptable, opting for a traditional character and features that are replicated from surrounding properties; this includes window proportions and general house proportions. The proposed porch is of suitable proportions that are suitably subservient to the house's character.

3.2 Whilst there is a predominance of hipped roofs along the eastern side of Pembroke Road, there is a predominance of gable end roofs along the western side of Pembroke Road, which this dwelling will be in keeping with. It is noted that the two immediately adjoining properties (36/38 Pembroke Road and the approved dwellinghouse under 15/2093) have hipped roofs; however both of these dwellings are considerably wider than the house proposed. The width of the proposed house is in keeping with the older properties which generally possess gable end roofs.

3.3 Whilst it is noted that the proposed neighbouring dwellinghouse (15/2093) was approved with a hipped roof, this property will be notably narrower and as such will appear as a less bulky addition within the streetscene, even when built with a gable end roof. The justification for accepting the hipped roof design is

given further weight when it is considered that it enables roof staircase access. Furthermore, the two front rooflights would be an acceptable addition to the streetscene which would not dominate the roofplane.

3.4 The house is within half a metre of the boundary with 36/38 Pembroke Road. However, there is a generous spacing (approx. 3m) between the two dwellings by virtue of a wide neighbouring plot. As such, the spacing between houses is considered to reflect the local character and appearance.

3.5 There is a well established building line that runs up both sides of the street with properties having a consistent set back from the public highway which this house's design broadly respects.

3.6 The Council's urban design officer suggested that a bay window is introduced. Whilst this has not been proposed, it is not considered to be necessary given that the proposed house reflect the patterns and rhythms of development in the street. It should be noted that the adjoining house does not have a bay window, nor does the approved house on the southern side of the site. Also, the provision of a bay would result in an inadequate depth of the car parking space.

3.7 The design is considered to be complementary in the context of the established, mixed character of the street. The proposal is considered to accord with UDP Policies BE2, BE7 and BE9, Core Strategy Policy CP17 and Supplementary Planning Guidance 17.

#### **4 Impact on neighbouring amenity**

4.1 The house would match the rear building line of no. 36/38 Pembroke Road and as such would not give rise to concerns of undue loss of light or amenity at this property by virtue of rearward projection. There are no side facing habitable room windows at 36/38 Pembroke Road and as such there would be no loss of amenity by virtue of side wall proximity.

4.2 The house would extend approx. 2.8m to the rear of the proposed dwelling to the south (15/2093). Considering that the house will be set in by more than a metre from the shared boundary there is no concern that this rearward projection would give rise to unduly detrimental amenity impacts or losses of light. There is also a two storey projection (of 2.8m) proposed which will begin approx. 6m from centre of the nearest habitable room at the recently approved property (15/2093) as measured laterally. With this level of separation, it is noted that the proposed dwelling would accord with the 1:2 guidance as specified within SPG5.

4.3 There is a separation distance to the rear garden boundary with 66 to 70 Llanover Road of between 8.5 and 10 m. The distance from the first floor rear bedroom window to the rear boundary is a minimum of 9.5 m from the rear boundary. Whilst this falls marginally below the 10 m distance specified in SPG17, this level of shortfall is not considered to result in an unduly detrimental level of impact.

4.4 When tested against all immediately adjoining properties, the dwellinghouse is not deemed to give rise to unduly detrimental amenity impacts on nearby residents. The proposal is considered to accord with UDP Policies BE2 and BE9 and Supplementary Planning Guidance 17.

#### **5 Parking & transport considerations**

5.1 Llanover Road is a local access road. It is a narrow 6m wide road and because of this, illegal footway parking is prevalent along the road. This obstructs access for pedestrians with wheelchairs and pushchairs. The road also experiences relatively high traffic flows from vehicles travelling between East Lane and Wembley High Road. Pembroke Road is also a 6m wide local access road along which footway parking is fairly common place. The site is within Wembley Stadium event days, when on-street parking is restricted to permit holders only. Neither of the two roads is listed in the UDP as being heavily parked at night, but more recent overnight parking surveys from 2013 indicate that both roads are now heavily parked. The site has fairly low access to public transport with PTAL 2. There is one bus route available locally and North Wembley station within walking distance.

5.2 The parking allowance for the dwelling unit is given in Standard PS14 of the UDP. Policy BE7 may be applicable. The maximum parking allowance for 3 bedroom dwelling is 1.6 spaces and this is a significant increase in the parking allowance. The loss of the garage and off-street parking for the existing dwelling is acceptable as the site does have a crossover onto Llanover Road, which can accommodate one off-street parking space (albeit at a reduced depth) to satisfy the existing parking standards. Drawing number LA36Pembroke/16/01, showed the existing site however, the existing crossover does not extend the full width

of the rear of garages as shown on the drawings.

5.3 The drawings initially submitted proposed one off-street parking space along the northern section of the front boundary wall, making use of the existing crossover which was considered acceptable providing the remainder of the crossover must be reinstated back to footway and only a 2.4m wide crossover should be retained. However, the depth of the proposed crossover was less than 4.8 m and the proportion of soft landscapign within the frontage did not accord with the Council's crossover policy. The cycle parking initially proposed also was not suitably secure or weatherproof.

5.4 Revised drawings were submitted which showed the parking space increased in length to 4.8 m, accessed via a 2.4 m wide crossover, and approximately 46 % of the frontage soft landscaped. The revised proposals address the concerns previously raised by Highways and is in compliance with Brent's Crossover Policy. etails of cycle storage can be secured through condition.

5.5 The proposal is considered to accord with policies TRN3, TRN10 and TRN15 of the adopted UDP 2004 and Brent Council's Domestic Vehicle Footway Crossover Policy. It is recommended that the consent, if granted, is subject to a condition requiring that the property shall not be occupied until all associated crossover works have been completed to the satisfaction of the Local Highway Authority. An informative is recommended, advising the applicant to contact the Head of Transportation to arrange for the various crossover works to be undertaken.

## **6 Environmental health considerations**

6.1 The proposed site is close to a commercial property that carries out car/tyre repairs. Due to the type of tools that are used in this activity noise could cause disturbance to prospective occupiers of the proposed dwelling. It is recommended that a condition is attached requiring the applicant to consider the existing noise climate of the area and if required installing noise mitigation measures into the design of the property. A condition has been recommended in relation to this.

6.2 The proposed demolition of the existing garages and construction of the dwelling will be carried out within close proximity to existing residential and commercial premises. Therefore without appropriate controls noise and dust emissions could cause disturbance to local residents and businesses. Dust emissions may also adversely impact on local air quality. It is therefore recommended that the a condition is attached to any approval granted.

6.3 Given the age of the building to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials. An informative will be attached to the decision notice to remind the applicant.

## **7 Landscaping considerations**

7.1 There is no objection to the landscaping plan proposed which includes permeable block paving with suitable provision of soft landscaping in the form of alternate Pyracantha Orange and Red Saphyr (2 per m<sup>2</sup> in 5L pots) and 3 Berberis Thunbergh (in 5L pots). A crab apple tree is to be planted in the front garden and a flowering cherry tree is to be retained close to the rear site boundary.

## **8 Amendments**

8.1 The discussions above (with the exception of parking and transport) relate to the amended plans (as submitted on the 29/06/2016). The original plans saw a house that was set slightly further forward in the plot and extending slightly further to the rear.

8.2 These plans were amended to set the house further back from the front to provide a full 4.8m deep parking bay, a reduced 2.4m wide vehicular access and crossover and 50% soft landscaping (as detailed in the previous section). This satisfied transportations requirements for an acceptable front garden layout. In addition, the rear projection of the property was reduced so as to ensure a full 10m was maintained to the rear site boundary in order to acceptably maintain outlook and rear garden amenity for properties along Llanover Road.

## **9 Conclusion**

9.1 For the reasons discussed above, the proposed dwellinghouse is considered to be in keeping with all relevant planing policies and guidance. Accordingly, the application is recommend for approval.

## CIL DETAILS

The proposal is liable to pay CIL as set out below despite providing less than 100sqm of new floorspace because the proposal comprises at least one new residential unit, in accordance with Reg 42(2) of the CIL Regulations 2010 (as amended), the provisions of which supersede the provisions of Reg 42(1) 'exemption for minor development'.

This application is liable to pay **£28,159.85\*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\*\* floorspace which on completion is to be demolished (E): sq. m.

Total amount of floorspace on completion (G): 97.9 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	97.9	0	97.9	£200.00	£35.15	£23,950.54	£4,209.31

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	274	
<b>Total chargeable amount</b>	<b>£23,950.54</b>	<b>£4,209.31</b>

\*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

\*\***Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

**Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.**



**Brent**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 16/1181

To: Mr Cunningham  
BCConsultants  
140 Weston Road  
Aston Clinton  
Buckinghamshire  
HP22 5EP

I refer to your application dated 17/03/2016 proposing the following:  
Demolition of existing garages and erection of a two storey 3 bedroom dwellinghouse with a converted loft space, associated car and cycle parking spaces, bin stores, landscaping and amenity space and accompanied by plans or documents listed here:  
See condition 2.  
at Land rear of 66 to 68 Llanover road, Pembroke Road, Wembley

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:

Signature:

A handwritten signature in black ink, appearing to read 'Aktar Choudhury'.

**Mr Aktar Choudhury**  
Operational Director, Regeneration

**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:-

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 5 - Altering and Extending your Home  
Council's Supplementary Planning Guidance 17 - Design Guide for New Development

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment  
Housing: in terms of protecting residential amenities and guiding new development

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

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

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

LA36Pembroke/16/01 – Issue Date: 29/06/2016

LA36Pembroke/16/02 – Issue Date: 29/06/2016

LA36Pembroke/16/03 – Issue Date: 29/06/2016

LA36Pembroke/16/04 – Issue Date: 29/06/2016

LA36Pembroke/16/05 – Issue Date: 29/06/2016

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

- 3 The landscape works, planting and other front forecourt works shown on the approved plans shall be carried out prior to the occupation of any part of the development; this is to include the width of the vehicular access being reduced to 2.4m and the remainder of the redundant existing crossover being reinstated back to footway.

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same position, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the area.

- 4 No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Class(es) A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reasons: In the interest of the amenities of the adjoining dwellings, having regard to the size and siting of the proposed development and relationship with adjoining properties.

- 5 The windows on the side faces of the dwellinghouse shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.8m above floor level) and shall be permanently returned and maintained in that condition thereafter unless the prior written

consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupier(s).

- 6 Prior to the occupation of the dwellinghouse the parking space shall be completed in accordance with the approved plans and maintained as such and used solely for purposes ancillary to the main dwellinghouse for the lifetime of the development.

Reason: in the interest of highway and pedestrian safety.

- 7 Details of materials for all external work, including samples which shall be made available for viewing on site, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- 8 Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The construction of the development must be carried out in accordance with the approved details.

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

Details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (excluding any demolition, site clearance or the layout of foundations) to demonstrate how the proposed development will accord with the BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following noise levels:

Time	Area	Maximum noise level
Daytime Noise 07:00 – 23:00	Living rooms and bedrooms	35 dB LAeq (16hr)
Night time noise 23:00 – 07:00	Bedrooms	30 dB LAeq (8hr) 45 dB L <sub>Amax</sub>

The development shall be completed in accordance with the approved details.

Reason: In the interest of the amenities of future occupiers.

9

## INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 2 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.
- 3 Given the age of the building to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.



- 4 The applicant is advised to contact the Council's head of transportation (020 8937 5123) to arrange for the necessary works to the crossover to be carried out on their behalf, at the applicant's expense.
- 5 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).

Any person wishing to inspect the above papers should contact Toby Huntingford, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1903

## COMMITTEE REPORT

Planning Committee on 10 August, 2016  
Item No  
Case Number 16/0629

### SITE INFORMATION

RECEIVED: 12 February, 2016

WARD: Queensbury

PLANNING AREA: Brent Connects Kingsbury & Kenton

LOCATION: 234 -238 Princes Avenue, London, NW9 9QU

PROPOSAL: Erection of two storey 3 terraced dwellinghouses (3 x 4 bedroom) with a basement level, in rear gardens of Nos. 234 to 238 Princes Avenue with vehicular and pedestrian access from Princes Close and associated front and rear lightwells, car and cycle parking, bin stores and landscaping

APPLICANT: HERMITAGE DEVELOPMENT AND CONSTRUCTION LTD.

CONTACT: Loren Design Ltd

PLAN NO'S: Please see condition 2.

### LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

[When viewing this on an Electronic Device](#)

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\\_126549](https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_126549)

[When viewing this as an Hard Copy .](#)

Please use the following steps

1. Please go to [pa.brent.gov.uk](http://pa.brent.gov.uk)
2. Select Planning and conduct a search tying "16/0629" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

# SITE MAP



## Planning Committee Map

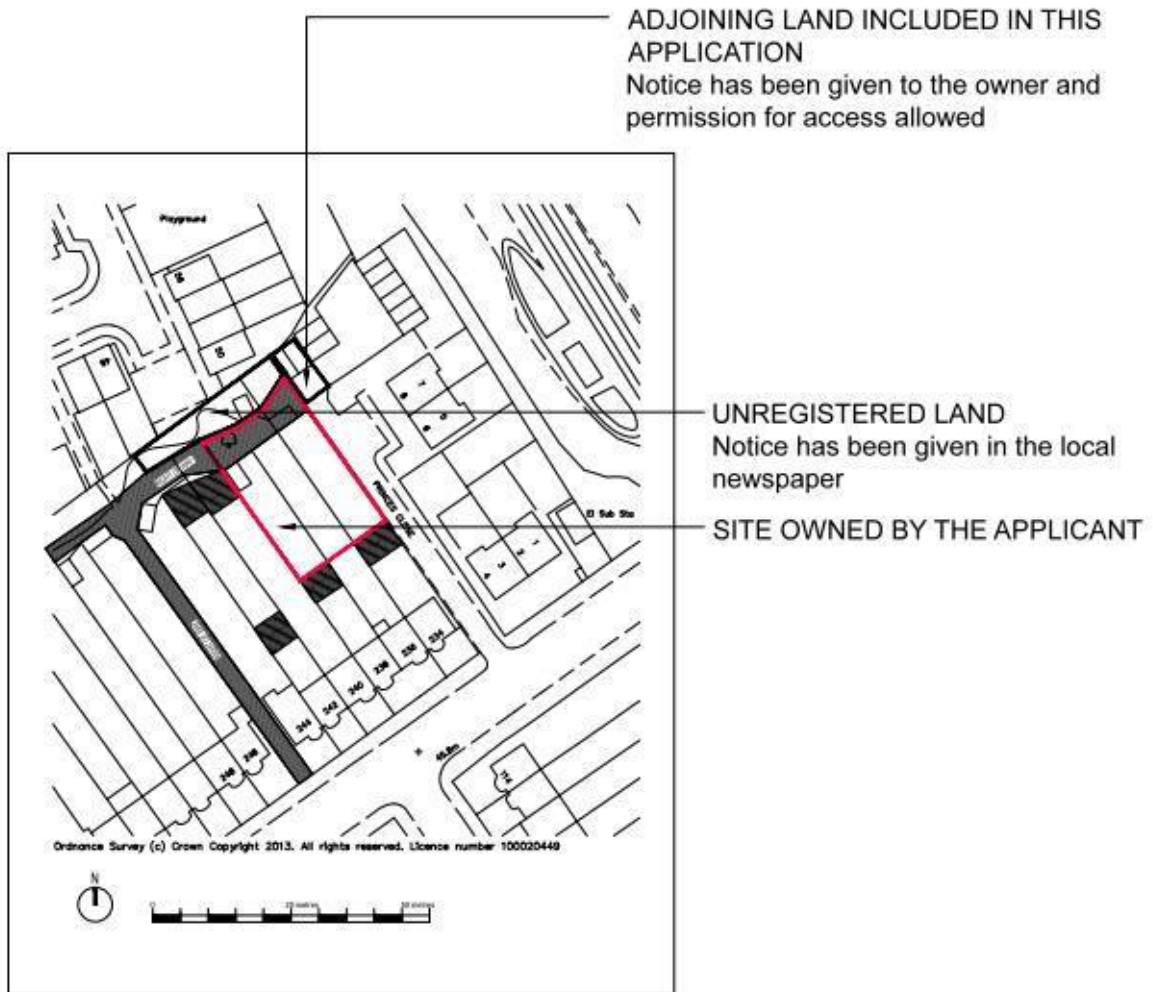
Site address: 234 -238 Princes Avenue, London, NW9 9QU

© Crown copyright and database rights 2011 Ordnance Survey 100025260



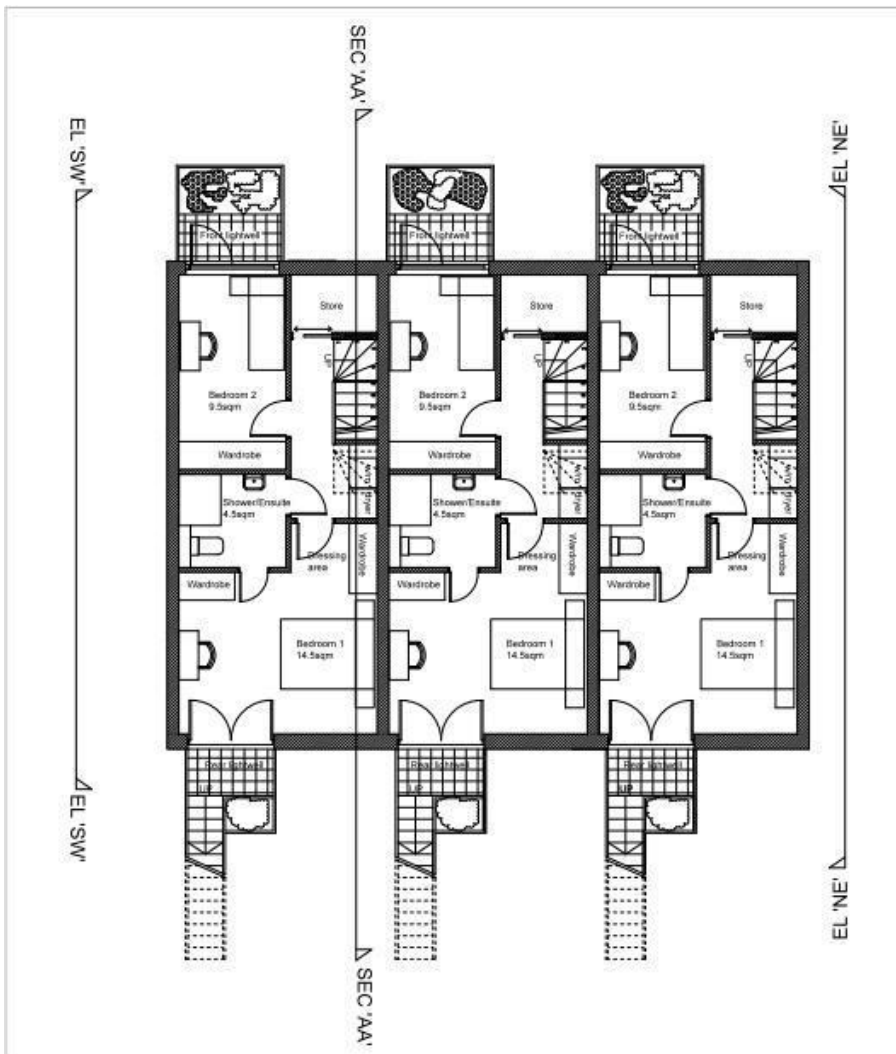
This map is indicative only.

# SELECTED SITE PLANS SELECTED SITE PLANS

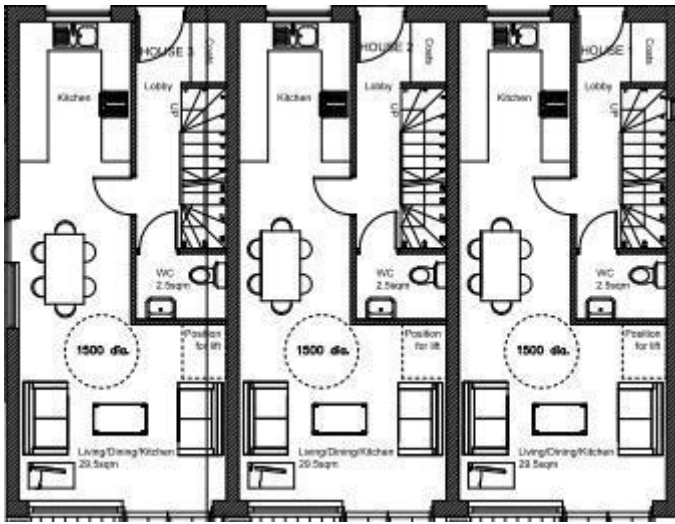


SITE

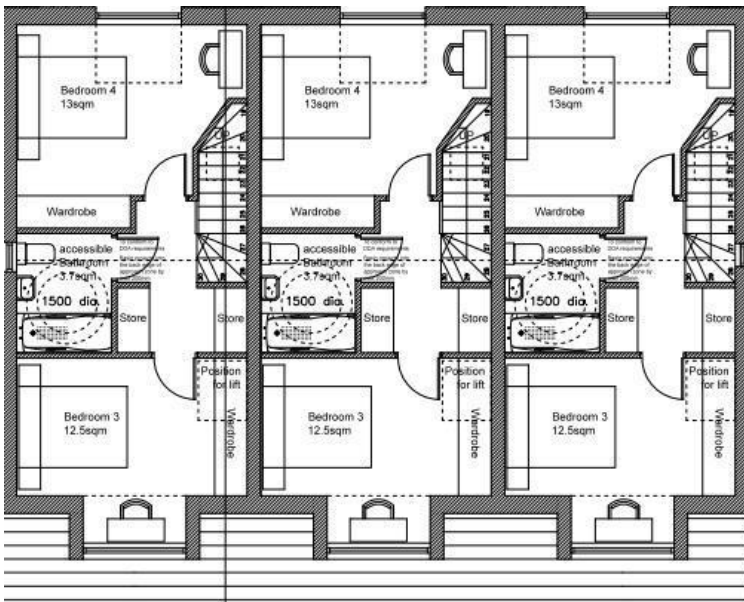
LOCATION PLAN



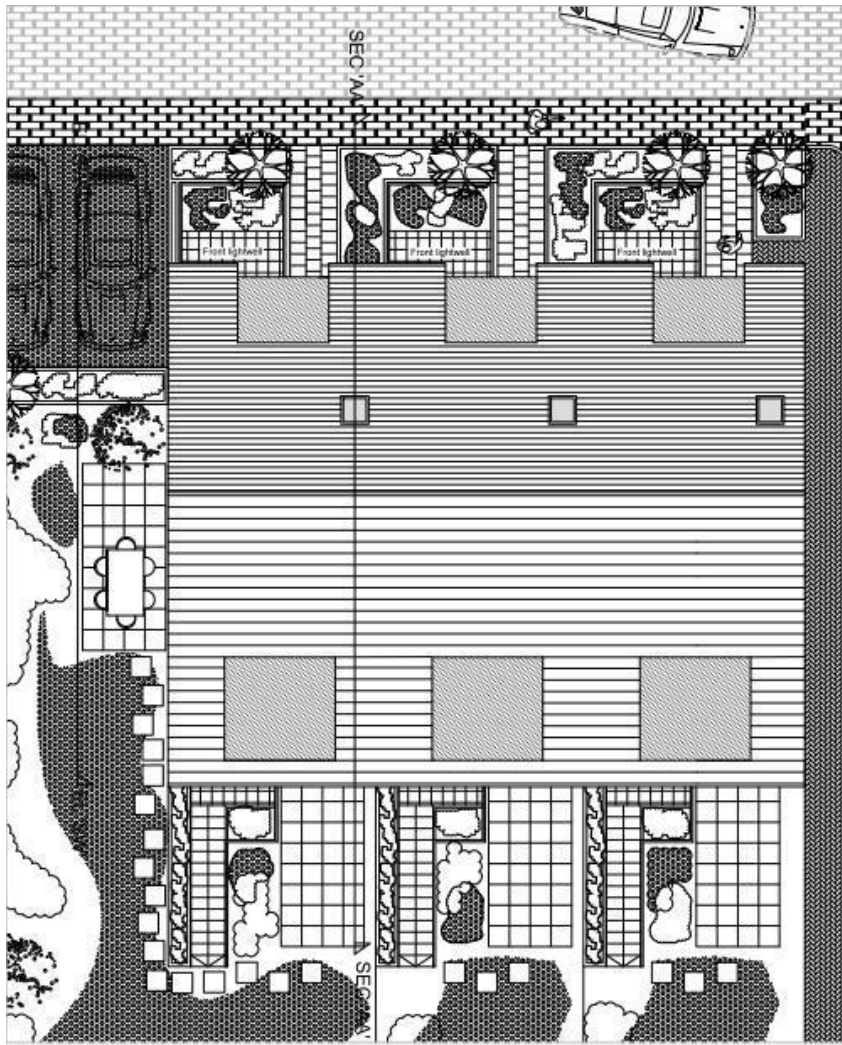
**BASEMENT PLANS**



GROUND FLOOR PLANS



FIRST FLOOR PLANS

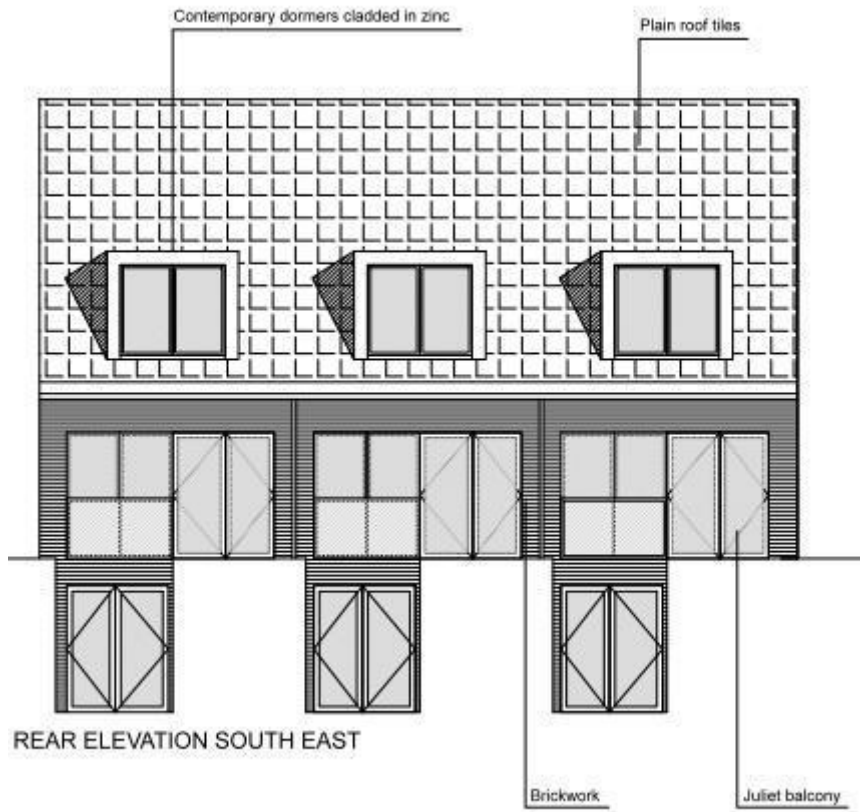


ROOF PLANS

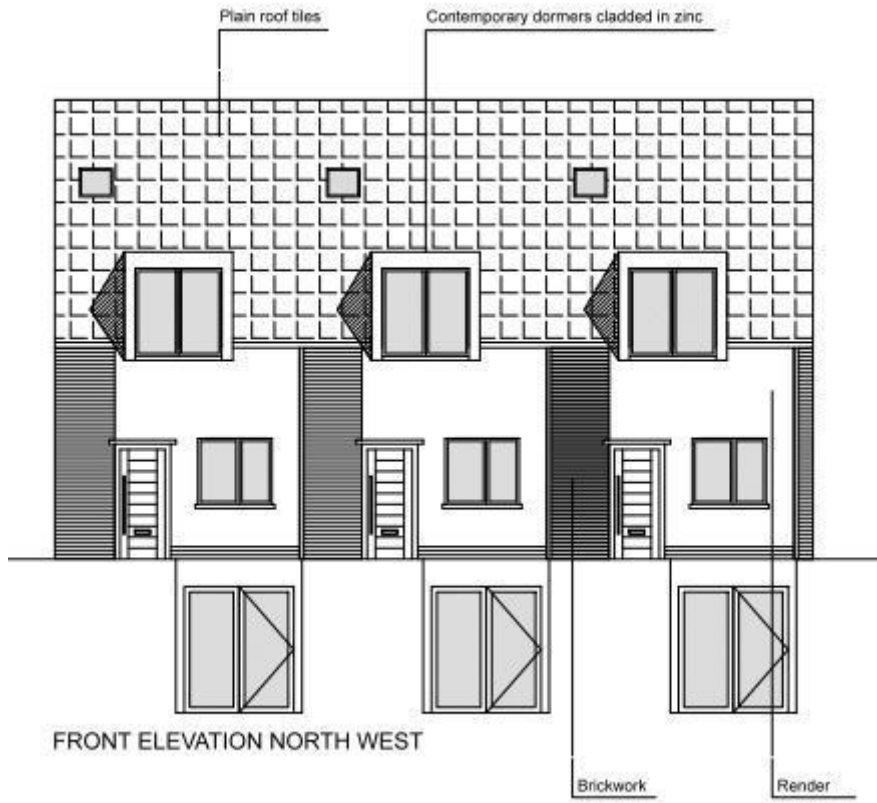




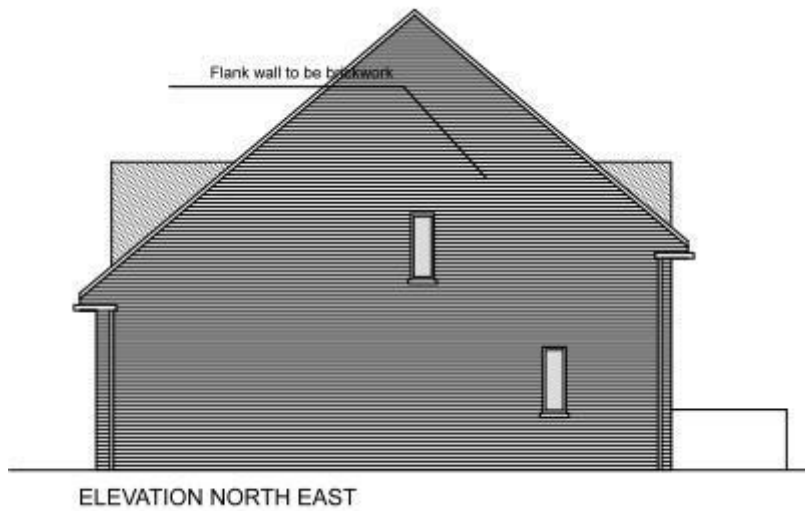
Rear Elevation



Front Elevation

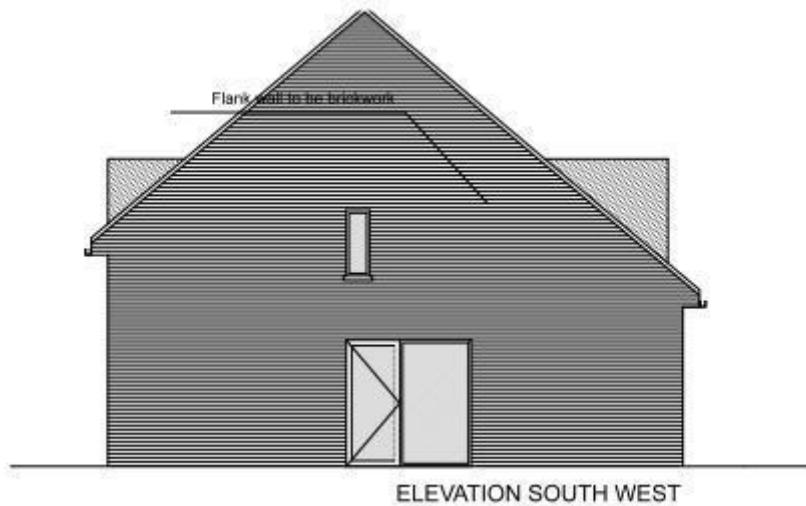


Side Elevation



Side Elevation

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## RECOMMENDATIONS

1. That the Committee resolve to GRANT planning permission.
2. That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### Conditions

1. Time Limit (3 Years)
2. Approved drawings / documents
3. Materials – supply details
4. Considerate constructors scheme
5. Sound insulation – levels
6. Landscape Plan
7. Provision of parking, cycle parking, refuse storage and access

### Informatives

1. Party Wall
3. That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.
4. 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.

## A) PROPOSAL

The application seeks planning permission for the erection of three, two storey terraced dwellinghouses (3 x 4 bedroom) with a basement level, in rear gardens of Nos. 234 to 238 Princes Avenue with vehicular and pedestrian access from Princes Close and associated front and rear lightwells, car and cycle parking, bin stores and landscaping

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Ref: 16/0629 Page 10 of 20*

## B) EXISTING

The application site is located on backland in between the rear gardens of 234, 236 and 238 Princes Avenue and properties along Rose Bates Drive. The site would be accessed from Princes Close.

## C) AMENDMENTS SINCE SUBMISSION

None.

## D) SUMMARY OF KEY ISSUES

The key issues for consideration are as follows

- Appeal decision: The decision on the previous planning appeal is a material consideration in the determination of this application. The Inspector disagreed with three of the four reasons for refusal, citing on the impacts on the living conditions of No. 240 with particular regard to outlook. The recommendation for this application has regard to this decision.
- Principle: Although the development would alter the pattern of development in the immediate vicinity, this would not cause unacceptable harm to the character and appearance of the area. The principle of development is therefore considered to be acceptable.
- Character and appearance: The proposal is considered to have a high quality design that has regard to the character of its surroundings and does not inappropriately challenge or dominate surrounding development.
- Standard of accommodation: The living conditions of future occupiers of the development would be acceptable
- Impact on neighbouring amenity: This previous reason of refusal has been addressed by the removal of one of the dwellings. The relationship between the proposed dwellings and all surrounding properties is considered to be acceptable.
- Parking & servicing: It is considered that the modest amount of traffic that would be generated by the development would not undermine highway safety

## E) 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)
Dwelling houses	0	0	0	357	357

### Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING ( Houses )										
PROPOSED ( Houses )				3						3

## RELEVANT SITE HISTORY

**15/0566** - Erection of two storey 4 terraced dwellinghouses (4 x 4 bedroom) with a basement level, in rear gardens of Nos. 234 to 238 Princes Avenue with vehicular and pedestrian access from Princes Close and associated car and cycle parking, bin stores and landscaping. **Refused. Appealed (under ref: APP/T5150/W/15/3082065) and dismissed.**

**14/3675** - Erection of 4 terraced dwellinghouses (2 x 4 bedroom and 2 x 3) bedroom in rear gardens of No.'s 234, 236 and 238 Princes Avenue with vehicular and pedestrian access from Princes Close with associated

car and cycle parking, bin stores and landscaping. **Withdrawn.**

## CONSULTATIONS

The owner/occupier of 25 nearby and surrounding properties were notified of the application 11th March 2016.

Three representations and one petition containing 6 signatures were received objecting to the proposal on the following grounds:

Objection	Response
The proposal will result in additional parking and traffic pressures. This would cause problems for emergency and service vehicles and pose danger to children and residents.	This is discussed in paragraphs 7.1 to 7. of the Detailed Considerations element of the report.
Proposal will effect existing parking provision and servicing within the locality	This is discussed in paragraphs 7.1 to 7.7 of the Detailed Considerations element of the report.
Proposed development by reason of its siting, bulk and size is incongruous and is contrary to local Policies	This is discussed in paragraphs 4.1 to 4.8 of the Detailed Considerations element of the report.

### Transportation

*The application should be resisted in its current form.*

This is discussed in the Details Considerations element of this report.

### Landscape

*The current proposal differs significantly from that which was dismissed at appeal*

This is discussed in the Details Considerations element of this report.

### Environmental Health

Raised no objections subject to a condition relating to sound insulation being attached to any consent.

## POLICY CONSIDERATIONS

### National Planning Policy Framework 2012

#### The London Plan Consolidated with alterations since 2011

- 3.3 Increasing Housing Supply
- 3.5 Quality and design of housing developments
- 5.3 Sustainable Design and Construction
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture

Mayor's Housing Supplementary Planning Guidance

#### Brent Core Strategy – July 2010

- CP2 – Population and Housing Growth
- CP17 – Protecting & Enhancing the Suburban Character of Brent
- CP21 – A Balanced Housing Stock

#### Brent UDP 2004

- BE2 – Townscape: Local Context & Character
- BE6 – Landscape Design
- BE7 – Public Realm: Street scene
- BE9 – Architectural Quality
- EP2 - Noise and Vibration
- H12 – Residential Quality Layout Considerations
- H15 - Backland development
- TRN 3 - Environmental Impact of Traffic
- TRN 11 - London Cycle Network

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## DETAILED CONSIDERATIONS

### 1. Background

1.1 The site originally formed part of the rear gardens of properties 234, 236 and 238 Princes Avenue. It is located in between Princes Avenue and Rose Bates Drive.

1.2 The planning history for the site is outlined in the relevant section above. The most recent application (15/0566) was dismissed at appeal on 11 January 2016. The scheme has been redesigned following that decision as the applicant has sought to address the reason for refusal.

1.3 The initial decision notice issued by the Council included four reasons of refusal. Following the assessment of the Planning Inspector, the appeal decision notice included one reason of refusal which was as follows:

*“The development would therefore unacceptably harm the living conditions of the occupiers of No 240 with particular regards to outlook. This would conflict with policy BE9 of the Brent Unitary Development Plan (the UDP) which states that new development should provide a satisfactory level of outlook for existing residents. It would also conflict with guidance in the Council’s Supplementary Planning Guidance - Design Guide for New Developments (SPG17).”*

1.4 All other matters raised by the Council were considered acceptable by the Planning Inspector.

1.5 The appeal decision is a material planning consideration and the Local Planning Authority must take in to account the findings of the Planning Inspector when assessing a subsequent application.

### 2. Proposal

2.1 Each dwelling would have four bedrooms and be two storeys with a basement level, with capacity for 8 persons. Two bedrooms are proposed at basement level with two more at first floor level.

2.2 Externally, each dwellinghouse would have a lightwell at the front and rear that would serve the basements. A single dormer is also proposed in each roofslope (front and back) of each dwellinghouse. A single rooflight is proposed in the front roofslope of each dwellinghouse.

2.3 The roof form of the properties would be gabled with a ridge height of 8.39 m. Each property would have a depth of 10.5 m and width of 4.65 m.

2.4 Each property would have a modest forecourt area. Communal parking is proposed opposite the properties, where refuse and cycle storage would also be provided.

2.5 Direct access to the rear gardens would be provided from both the ground floor and basement levels.

2.6 The majority of the proposal remains the same as the previous scheme; however, the number of units has been reduced from four to three in order to address the impact of the proposal on the occupiers of No. 240 Princes Avenue.

### 3. Principle of Development

3.1 Residential rear gardens do not fall within the definition of Previously Developed Land. This policy position came into force in June 2010, where Local Planning Authorities were required to have regard to this new policy position in preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications. In the case of Brent, the adopted Core Strategy sets out the chosen local strategy as one of directing new housing to the identified growth areas (policy CP1, CP2) and to protect and enhance the suburban character of Brent (policy CP17). This policy position is reinforced in Paragraph 53 of the NPPF which states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example, where development

would cause harm to the local area.

3.2 Previously officers considered the principle of the redevelopment of this land to be inappropriate and contrary to Policy, however, following the appeal decision in which the Inspector found that *“although the development would alter the pattern of development in the immediate vicinity..... this would not cause unacceptable harm to the character and appearance of the area. The proposal would thus accord with policy CP17 of the CS and policies BE2, BE7, BE9 and H15 of the UDP insofar as they seek high quality design that has regard to the character of its surroundings and does not inappropriately challenge or dominate surrounding development”*. The principle of the development of the application site is considered to be acceptable in this instance.

#### **4. Character and appearance**

4.1 The National Planning Policy Framework advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Chapter 7 under the heading ‘Requiring Good Design’ states that development should respond to local character and reflect the identity of local surroundings.

4.2 The requirements of National Policy are further enforced by saved policies BE2 and H12 of the Brent Unitary Development Plan 2004. Saved Policy BE2 states that development should take account of the need to respect or improve the quality of existing urban spaces, townscape or historical features which contribute favourably to the character of the area.

4.3 The area is characterised by rows of terrace properties occupying rectangular plots which front onto the local road network. There is an area of newer development to the north that is markedly different to the settlement pattern of the wider area.

4.4 The appeal site comprises part of the rear gardens of Nos 234, 236 and 238, the dimensions of which are significantly larger than that which prevails in the locality. They are not therefore the typical suburban gardens found in the locality.

4.5 The Planning Inspector found that *“Although the orientation of the proposed dwellings to the cul-de-sac would be different, their overall relationship to the houses fronting Princes Avenue would not be dissimilar to that which currently exists on the east side of Princes Close where properties are sited to the rear of properties that front onto Princes Avenue. I accept the proposed dwellings would be positioned side-on and present a largely blank elevation to Princes Close. However, there is nothing unusual about this type of arrangement and I noted a similar example on Rose Bates Drive to the north of the appeal site.”*

4.6 The general layout and approach to the siting of the properties remains the same within this current proposal and is therefore considered to be acceptable.

4.7 The overall design, layout and finish of the proposed dwellings remains the same as within the previous proposal and are therefore considered to be acceptable within this application. Accommodation will be provided over three floors including a basement level; consequently the dwellings would be two-storeys in height. The majority of the dwellings would be screened by the existing frontage development along Princes Avenue. The dwellings would not therefore be unduly prominent or visually obtrusive.

4.8 The appeal decision concluded that although the development would alter the pattern of development in the immediate vicinity *“this would not cause unacceptable harm to the character and appearance of the area”*. There is no reason for a different view to be formed in this instance and it is considered that the proposal would accord with policy CP17 of the Core Strategy and policies BE2, BE7, BE9 and H15 of the UDP. The proposal is considered to have a high quality design that has regard to the character of its surroundings and does not inappropriately challenge or dominate surrounding development.

#### **5. Standard of accommodation for future occupants**

5.1 The Planning Inspector concluded that *“the living conditions of future occupiers of the development with particular regards to outlook from basement level bedrooms would be acceptable. Consequently, the proposal would accord with UDP policy BE9 and guidance in SPG17.”*

5.2 The layout of the three units proposed remains the same as within the previous scheme and is therefore considered to be acceptable.



## 6. **Impact of the proposed development on neighbouring occupiers**

6.1 Within the previous application the south-west gable wall of the development extended right up to the boundary with No 240 Princes Avenue. Consequently it appeared as a large, featureless and bland expanse of masonry up to the boundary, when viewed from the rear garden of No 240. This would have resulted in a significantly detrimental impact on the outlook currently enjoyed by the occupiers of that property and would have been overbearing. Additionally the proposal failed to comply with the 45 degree guidance set out within SPG17 which looks to ensure that new development is not overbearing or visually obtrusive to residential gardens.

6.2 In order to address this reason of refusal the applicant has removed the fourth dwelling from the proposal and reduced the scheme to three. This has created an open area within the application site adjacent to the common boundary with No. 240. The proposal now complies with the Council's 45 degree guidance and results in an appropriate degree of separation between the boundary and the proposed building. This results in a much more neighbourly form of development and it is considered that the previous reason for refusal has been satisfactorily addressed.

6.3 The relationship between the proposed dwellings and all other surrounding properties was considered to be acceptable by the Council and the Planning Inspector within the previous consent. There is no reason for a different view to be formed in this instance and the proposal is acceptable on these grounds. The proposal complies with policy BE9 and guidance in SPG17.

## 7. **Highways**

7.1 The layout of the proposed parking, access and servicing for the development within the current application is the same as within the previous application. The Council refused the previous scheme on the grounds that the lack of any confirmed right of access over the unregistered land to the rear of the properties to provide the proposed parking spaces, combined with the absence of any turning head at the end of Princes Close and the absence of a satisfactory footway into the site, meant that the applicant had failed to demonstrate that the site can be safely accessed by vehicles and pedestrians, to the detriment of highway safety.

7.2 Transportation officers took the same approach to the current proposal as the previous scheme. Within the Planning Inspectors decision, which as set out above is a material planning consideration, the Inspector formed a different view on these matters as set out below:

*"...there is no legal requirement for the appellant to offer the road for adoption and the development is wholly within the site boundary as depicted by the red line on the location plan. Furthermore, it is undisputed that the relevant legal notices have been served. Accordingly, I am satisfied that the correct procedures have been followed and that the subsequent delivery of any scheme would be a private matter to be resolved between the parties at the appropriate time."*

7.3 This approach has therefore been adopted for this current application. This is also the case for the other issues raised by transportation officers.

7.4 With regard to the other points raised, it is accepted that Princes Close has a substandard width which results in poor turning provision, however, these are existing problems and it is not the applicants responsibility to address these issues. Within the documentation submitted it is forecast that the development would generate a maximum of 3 additional peak-hour trips which is considered to be reasonable for a development of this size.

7.5 Currently refuse vehicles have to reverse down Princes Close as there is nowhere to turn. It is not considered that the development would materially increase either the frequency or length of these manoeuvres and therefore would not result in any material impact.

7.6 The development would make satisfactory provision for off-street parking within the site and therefore it would not exacerbate existing levels of on-street parking as a result.

7.7 To conclude it is now considered that the modest amount of traffic that would be generated by the development would not undermine highway safety and therefore it is concluded that the proposal would not have a detrimental impact on highway safety. It would thus accord with policies TRN10, TRN11, TRN23 and TRN34 of the UDP and can be supported in this instance.

## 8. Conclusion

8.1 The proposed development is considered to have satisfactorily addressed the previous reason for refusal set out by the Planning Inspector. The scheme is of an appropriate siting and design, would have an acceptable relationship with surrounding properties, would not undermine highway safety and is consequently recommended for approval subject to the conditions set out in the decision notice.

### CIL DETAILS

This application is liable to pay **£102,687.07\*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\*\* floorspace which on completion is to be demolished (E): sq. m.

Total amount of floorspace on completion (G): 357 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	357		357	£200.00	£35.15	£87,337.50	£15,349.57

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	274	
<b>Total chargeable amount</b>	£87,337.50	£15,349.57

\*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

\*\***Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

**Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.**



**Brent**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

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Application No: 16/0629

To: Mr Loren  
Loren Design Ltd  
Unit 9 51 Derbyshire street  
Bethnal Green  
Greater London  
E2 6JQ

I refer to your application dated 12/02/2016 proposing the following:  
Erection of two storey 3 terraced dwellinghouses (3 x 4 bedroom) with a basement level, in rear gardens of Nos. 234 to 238 Princes Avenue with vehicular and pedestrian access from Princes Close and associated front and rear lightwells, car and cycle parking, bin stores and landscaping and accompanied by plans or documents listed here:  
Please see condition 2.

at 234 -238 Princes Avenue, London, NW9 9QU

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:

Signature:

**Mr Aktar Choudhury**  
Operational Director, Regeneration

**Notes**

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

DnStdG

## SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework 2012  
London Plan 2011  
Wembley Area Action Plan Jan 2015  
Brent Local Development Framework Core Strategy 2010  
Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance

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

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

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

LP 100  
PL 102 B  
PL 200 B  
PL 201 B  
PL 100 B  
PL 101 B  
SP/01 B  
TS 01

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

- 3 Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The development shall be constructed in accordance with the approved statement.

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

- 4 The development hereby approved shall not be occupied unless the car parking spaces, cycle parking spaces, refuse storage and the accesses within the site and to and from the adopted highway (both vehicular and pedestrian) detailed within the drawings and documents hereby approved have been implemented in full accordance with the approved drawings and details and are available for use for the residents of the development. Thereafter, they shall be retained and maintained for the life of the development and they shall be used solely for purposes ancillary to the houses hereby approved, and the parking spaces shall be allocated at a minimum of 2 parking spaces per dwelling.

Reason: In the interest of highway flow and safety, and the amenities of future occupiers.

- 5 Details of materials for all external work, including samples which shall be made available for viewing on site or in an agreed location, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details.

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

Prior to the commencement of development (excluding any demolition, site clearance and the laying of foundations), details shall be submitted to and approved in writing demonstrating that the development will be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following noise levels:

Time	Area	Maximum noise level
Daytime Noise 07:00 – 23:00	Living rooms and bedrooms	35 dB LAeq (16hr)
Night time Noise 23:00 – 07:00	Bedrooms	30 dB LAeq (8hr) 45 dB LAmax

The development shall be constructed in accordance with the approved details.

Reason: To obtain required sound insulation and prevent noise nuisance

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- 7 A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the units hereby approved. The approved scheme shall be completed in full prior to first occupation of the development hereby approved and thereafter retained for the life of the development.

The landscaping scheme shall include:

- Details of plants, including species, size and density/number;
- Details of trees to be removed and retained;
- Proposed walls and fencing, indicating materials and heights;
- Materials used for the hard landscaping
- Screen planting along all boundaries.
- Adequate physical separation, such as protective walls and/or fencing, between landscaped and paved areas.
- Any contouring and any alteration of the ground levels;

Any trees and shrubs planted or to be retained 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.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

## INFORMATIVES

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

Any person wishing to inspect the above papers should contact Andrew Neidhardt, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1902