



## Planning Committee

**Wednesday 13 September 2017 at 7.00 pm**

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

### Membership:

#### Members

Councillors:

Agha (Chair)  
Moher (Vice-Chair)  
S Choudhary  
Colacicco  
Daly  
Hylton  
Maurice  
W Mitchell Murray

#### Substitute Members

Councillors:

Ahmed, A Choudry, Ezeajughi, Hoda-Benn,  
Kabir, Naheerathan, Pitruzzella and Thomas

Councillors

Colwill and Kansagra

**For further information contact:** Joe Kwateng, Governance 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**

## **Notes for Members - Declarations of Interest:**

If a Member is aware they have a Disclosable Pecuniary Interest\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest\*\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also a Prejudicial Interest (i.e. it affects a financial position or relates to determining of any approval, consent, licence, permission, or registration) then (unless an exception at 14(2) of the Members Code applies), after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

### **\*Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

### **\*\*Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party of trade union).

(b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision, the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who employs or has appointed any of these or in whom they have a beneficial interest in a class of securities exceeding the nominal value of £25,000, or any firm in which they are a partner, or any company of which they are a director
- any body of a type described in (a) above.

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.		
2. Minutes of the previous meeting held on 9 August 2017		1 - 6
<b>PART 1- APPLICATIONS FOR DECISION</b>		
3. 17/1829 The Willows, 136 Honeypot Lane, London, NW9 9QA	Queensbury	11 - 36
4. 17/2331 Manor Park Works, Manor Park Road, London, NW10 4JJ	Kensal Green	37 - 62
5. 17/2643 44 Hardinge Road, London, NW10 3PJ	Brondesbury Park	63 - 78
6. 17/1139 Garages rear of 39 Keslake Road, Peploe Road, London	Queens Park	79 - 94
7. Any Other Urgent Business 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 18 October 2017**



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 Wednesday 9 August 2017 at 7.00 pm

PRESENT: Councillors Agha (Chair), Moher (Vice-Chair), S Choudhary, Colacicco, Daly, Maurice and W Mitchell Murray

ALSO PRESENT: Councillor Mili Patel

Apologies for absence were received from Councillor Hylton

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

None.

Approaches.

All members received an email from a resident of Braunston House in relation to the application for 224-249 and 253 Ealing Road, Wembley (Ref. 16/3606).

#### 2. **Minutes of the previous meetings - 12 July 2017**

RESOLVED:-

that the minutes of the previous meeting held on 12 July 2017 be approved as an accurate record of the meeting.

#### 3. **111 Chamberlayne Road, London NW10 3NS**

PROPOSAL: Temporary use of land to the rear of 111 Chamberlayne Road for outside seating area

RECOMMENDATION: To GRANT planning permission and grant delegated authority to the Head of Planning to issue the planning permission and impose conditions and informatives to secure the matters set out in the draft decision notice.

That the Head of Planning be granted 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.

Damian Manhertz (Deputy Area Planning Manager) introduced the report and answered members' questions. He referenced the supplementary report and responded to issues on noise, overlooking and impact of the seating area. These were raised in the petition that was submitted after the report had been published.

He clarified that excessive noise and harm caused through elements such as smoking could be classified as a statutory nuisance and as such would be covered and controlled through Environmental Health legislation rather than planning legislation. Members heard that the windows adjacent to the plot related to a clinic rather than a residential property and that a wall approximately 1.6m in height provided some separation, drawing attention also to recommended condition 3 to limit the hours of use from 09.00 hours to 18.00 hours, Monday to Saturday.

The Deputy Area Planning Manager continued that although visitors to the clinic would have to pass it, it was worth noting that the coffee shop was a commercial unit within a secondary shopping frontage and what was being proposed would be of benefit and help to their business. In addition to the condition on the hours of operation, the application was being recommended for a temporary trial period so as to assess the actual impact.

Gillian Lonsdale (objector) circulated photographs of the site and raised the following issues of concern; the umbrellas would result in loss of natural light to her adjoining osteopathy clinic; the patrons to the coffee shop would adversely impact on her business through noise disturbance, smoking and loss of security for her clients. She requested the imposition of the following conditions; the umbrellas should not be used between 08.00 hours and 17.00 hours; the erection of a “no smoking” sign and the installation of a CCTV surveillance camera to deter anti-social behaviour gathering.

Simon Millett (applicant’s agent) stated that the applicant had a permitted development right which would expire on or before 31 December 2018, drawing attention to a typographical error in condition 1. He added that Planning and Environmental Officers were satisfied with the proposal and had recommended conditions to allow control and to assess its impact prior to any application that would be submitted upon expiry of the current temporary scheme.

He continued that there was no anti-social behaviour on the premises and that adequate separation via the 1.6m wall existed. He noted that, his client proposes that the seating area to the rear would be a no smoking part of the premises and customers would continue to use the area to the front of the store if they wanted to smoke, this would be implement as part of his clients management of the site. In response to members’ questions, the agent stated that the applicant could put up a “no smoking” sign. A suggestion was put forward to lower the ground level of the seating area to reduce its impact on the surroundings. Mr Millett noted that this and CCTV was not part of the proposal and he did not consider it was necessary.

In response to queries raised, the Deputy Area Planning Manager stated that the umbrellas were of acceptable height and that the hours of use of the site had been conditioned for 9am till 6pm. He added that any reported breaches occurring during the use would be dealt with by the planning enforcement team and the environmental health officers.

Rachel Murrell (Development Management Manager) advised that there was no justification to require CCTV cameras and that outside smoking was controlled by other legislation.

DECISION: Granted planning permission as recommended subject to updating Condition 1 to reflect the time period set out for the 2 year change of use. (Voting was recorded as follows: For 6; Against 0; Abstention 1).

**4. 62 Dunster Drive, London NW9 9EL**

PROPOSAL: Conversion of existing dwelling into 3 self-contained flats with associated internal alterations and provision of front car parking, soft landscaping and bin storage.

RECOMMENDATION: To GRANT planning permission and grant delegated authority to the Head of Planning to issue the planning permission and impose conditions and informatives to secure the matters set out in the draft decision notice.

That the Head of Planning be granted 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.

Chris Heather (Deputy Area Planning Manager) informed the Committee that a total of 8 (not 81) objections had been received from 5 properties. He clarified that the principle of use and the proposed sub-division was acceptable and that the amendments proposed as part of the application were considered relatively minor in design terms for a sufficiently high quality residential accommodation.

He added that the impact was considered not to be materially greater than the development which had planning permission and was currently under construction. He continued that the impact on the highway was considered to be acceptable.

Pamela Surayah (objector) circulated photographs to support her presentation and to inform members that what was being built was much larger (higher) development than that the specification granted in December 2016. She alleged that residents were not consulted about the proposal and went on to raise the following issues of concern; health and safety risk aspects of such a hugely imposing and out of character building on the corner of a major junction, where several accidents have occurred to date due to poor visibility; the development would be out of character with neighbouring residential properties in terms of its excessive scale which would result in overbearing. She requested that the Enforcement Team be asked to get involved to make sure that the building complies with the scheme granted permission in December 2016

Desal Al Hasani (applicant's agent) informed members that an extant planning permission was granted in 2016 and that the construction of the building was substantially complete and in accordance with conditions imposed and building regulations requirements. He added that the building would remain residential with no impact on neighbouring residential properties.

In the ensuing discussions, members noted that the claim by the agent that the building was substantially complete was not backed up by photographs recently taken and submitted by the objector. Rachel Murrell (Development Management Manager) advised that members could either defer the application until the development was substantially complete and the Enforcement Team had established that the development was being carried out in accordance with the permission granted in December 2016 or to agree in principle and delegate authority to Head of Planning to grant planning permission in due course when satisfied.

DECISION: Deferred the application until the development was substantially complete and the Enforcement Team had established that the development was being carried out in accordance with the planning permission granted in December 2016.

(Voting on the above decision was unanimous).

#### **5. 245-249 and 253 Ealing Road, Wembley HA0 1EX**

PROPOSAL: Redevelopment of the site to provide two new buildings of part 9 and part 10 storeys high to accommodate 92 flats (7 x studios, 45 x 1 bed, 26 x 2 bed and 14 x 3 bed units), ground floor commercial use within Use class A4 (drinking establishment) or Use class D1 (community centre) with associated basement for car and cycle parking spaces and storage, vehicular crossover, bin stores, amenity space, landscaping and associated works

RECOMMENDATION: To GRANT planning permission subject to conditions and the completion of a satisfactory Section 106 or other legal agreement with Heads of Terms as set out in the report

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

That the Head of Planning be granted delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out draft decision notice.

That the Head of Planning be granted 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 3 months of the Committee date the legal agreement has not been completed, the Head of Planning be granted delegated authority to refuse the 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.

Chris Heather (Deputy Area Planning Manager) introduced the report, referenced the supplementary report and answered members' questions. He informed members that although the scheme was "car free", the applicants had already provided information on how the development would achieve 10% wheelchair accessible units. In view of that, he recommended an amendment to condition 15 of the draft decision notice to require compliance. In terms of unit sizes, members heard that of the 92 flats proposed, only 6 would fall short of the London Plan standard, with the other 86 flats exceeding the standards. Although the distance would not achieve the 20m separation distance in many instances, SPG17 stipulates that 20m was a standard for privacy and not for outlook. He added that at least 20m should be established between facing windows for privacy and at least 10m of unobstructed space should be achieved from habitable room windows to establish suitable outlook.

In respect of density, he noted that the proposed development would have 1,997 habitable rooms per hectare, which was substantially higher than the 725 habitable rooms per hectare achieved at the 243 Ealing Road development. Both of these densities are higher than the recommended 200-700 habitable rooms per hectare within the London Plan. Whilst it was acknowledged that its relationship with the existing buildings was slightly tighter than that established within 243 Ealing Road, the building still sits within more open surroundings that cannot be accounted for within a density calculation that only considers land within the applicant's ownership. In terms of daylight and sunlight impacts, he explained that out of 589 windows, only 78 (13.2%) did not meet BRE recommendations

Chris Heather informed members that the scheme would deliver 24 affordable housing units which was considered to represent the maximum reasonable amount when compared against the viability and development costs/constraints, as backed up by correspondence from BNP Paribas. In addition there was a clause for post implementation financial review mechanism to reasonably capture any improvement in viability for deferred affordable housing planning obligations within the S106 agreement. He added that the scheme would also retain the public house in accordance with Brent's planning policy DMP21, the community use of which would be secured through the S106 agreement. To ensure retention of the pub, he recommended a new condition revoking permitted development rights for the unit to convert to an A1, A2 or A3 unit.

Andrew Linnie, speaking on behalf of the local residents raised concerns on loss of daylight, massing, density, noise and access. He alleged that 122 neighbouring windows failed the light assessment test. He continued that the building was too large and access points have thus been included in the rear and side block A, which would create problems for emergency exits and access to refuse stores. Members heard that the balconies would look directly into nearby homes thus resulting in overlooking and lack of privacy. The objector then highlighted the excessive density of the scheme at 800 units/hectare as against 200 under the London Plan and for surrounding homes and lack of adequate infrastructure including schools to support the scheme. He noted that although the scheme

would be “car free”, that would be insufficient to address the parking situation in the area adding that the nearby Alperton station would not be able to provide adequate public transport facility for the additional population. The objector added that the applicant failed to seek and incorporate the views of residents.

Steve Buckmaster (applicant’s architect and agent) informed members that in terms of massing, height and scale, the proposed development was appropriate for the site as was the principle of development which was in accordance with the Development Plan for the area. He continued that in addition to housing provision, the scheme would deliver community use at ground floor level, £1.6m in CIL to offset any deficiencies. He added that the mix of units was appropriate as was the affordable housing and viability issues which had been scrutinised by PNB Paribas, the Council’s assessor.

Members then discussed the application during which they raised issues of concern relating to community access, density, transport links, upgrade to Alperton station, play space and infrastructure including schools to support the scheme.

Chris Heather stated that the community access to the public house for Corib Rest at Salusbury Road NW6 did differ from this proposal as there were already agreements in place relating to this. He reiterated that although the density was higher, the buildings would sit within more open surroundings. The upgrade of Alperton Station was a matter for Transport for London (TfL) whose officers would feed into the Stage 2 consultation with the Mayor of London. In respect of play space, he was of the view that both on-site play space and Alperton Sports Grounds would be adequate to satisfy the needs of the children in the development. He continued that in terms of school places, Children’s Services make provision for proposed developments.

Members then voted to approve the application as set out below on the Chair’s casting vote.

DECISION: Granted planning permission as recommended subject to an additional condition revoking permitted development rights, the removal of condition 25 as set out in the supplementary report and with additional informative requiring the applicant to ensure that any damage to public realm is repaired and that maximum standards were applied to fire safety issues.

(Voting was recorded as follows: For 3 + Chair’s casting vote; Against 3; Abstention1).

## **6. Any Other Urgent Business**

None.

The meeting closed at 9.15 pm

A AGHA  
Chair

## **PART 1 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  
Item No  
Case Number

13 September, 2017  
03  
17/1829

## SITE INFORMATION

RECEIVED	25 April, 2017
WARD	Queensbury
PLANNING AREA	Brent Connects Kingsbury & Kenton
LOCATION	The Willows, 136 Honeypot Lane, London, NW9 9QA
PROPOSAL	Demolition of the existing care home building and redevelopment of the site comprising the erection of a five storey building providing 50 self-contained flats (4 studios, 11 x 1bed, 23 x 2bed and 12 x 3bed) with associated basement level, car and cycle parking space, bin stores, amenity space and landscaping
APPLICANT	136 Honeypot Lane LLP
CONTACT	CGMS
PLAN NO'S	Please refer to condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_133914">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_133914</a></p> <p><b><u>When viewing this as a Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="http://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "17/1829" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

**RECOMMENDATION** Resolve to grant planning permission subject to conditions and the completion of a satisfactory Section 106 or other legal agreement.

### Section 106 Heads of Terms

1. Payment of legal and professional costs;
2. Notification of commencement;
3. The provision of the proposed Affordable Housing (10 homes will be affordable intermediate affordable housing)
4. A pre-implementation financial viability review shall be undertaken if construction works not commence within 15 months of the date of decision, to reasonably capture any improvement in viability for deferred Affordable housing planning obligations;
5. That the approved flats are parking permit restricted (and therefore not eligible for on-street parking permits);
6. Undertaking of highway works through an agreement under S38/S278 of the Highways Act 1980, including the realignment of the existing crossover to create the proposed main vehicular access, creation of the crossover associated with the access to the substation (which shall be 2.4 m wide with no radius kerbs and a 50 mm upstand), the implementation of double yellow lines along the adjacent section of Honeypot Lane, all associated all associated changes and proposed new line marking and associated TRO costs; and repositioning of any traffic signs; together with the costs of any changes to statutory undertakers' equipment; The properties shall not be occupied until all associated Highway works have been completed to the satisfaction of the Local Highway Authority;
7. The payment of £15,000 to mitigate against the impact of the increased emissions related to its transportation during operational phase of the development;
8. Training and employment plan targeting Brent residents;
9. Contribution towards a local carbon off-setting scheme to achieve the London Plan targets for carbon reduction, should those targets not be met through on-site measures.
10. The approval of a revised Travel Plan that achieves a "pass" rating using TfL's ATTrBuTE programme and implementation of that plan, including reviews.
11. Any other planning obligation(s) considered necessary by the Head of Planning

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

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

#### Conditions

1. Time limit for commencement
2. Approved drawings/documents
3. Provision of parking spaces, cycle spaces and refuse storage
4. Membership of Considerate Constructors Scheme
5. Water consumption levels
6. Clearance to take place outside of bird breeding season
7. Implementation of drainage measures
8. Approval of Materials
9. Details of fenestration (to address noise)
10. Contamination - site investigation
11. Contamination - remediation




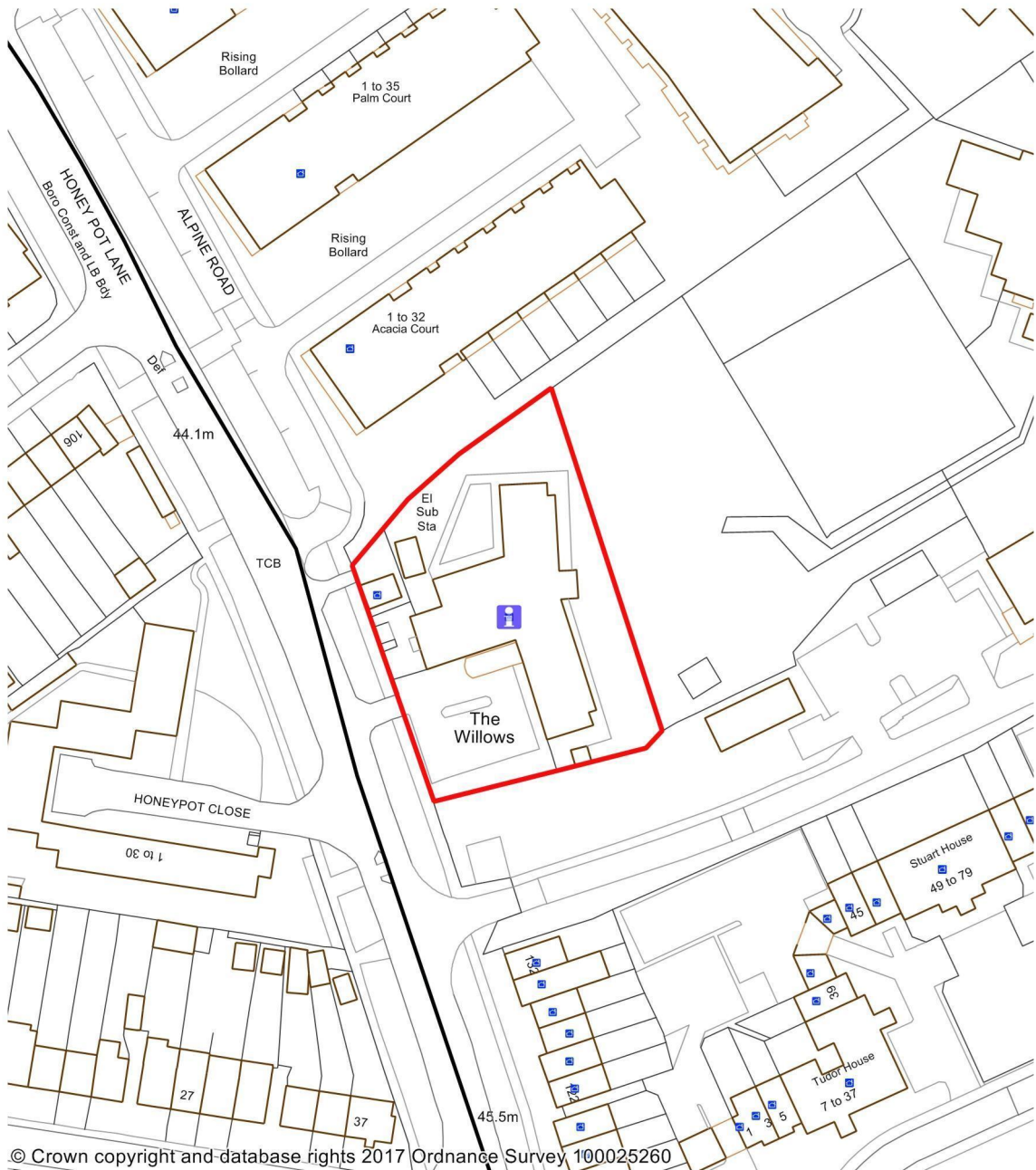
12. Provision of accessible units
13. Details of lighting
14. Landscaping details
15. Energy strategy
16. Construction Management Plan
17. Badger Survey
18. Parking management and allocation plan
19. Site drainage
20. Any other planning condition(s) considered necessary by the Head of Planning

#### Informatives

1. Community Infrastructure Levy
  2. Photographic survey of footway before works
  3. Contact the Councils Network Management Team (Highways)
  4. Control of Asbestos
  5. Imported soil details
  6. Party Wall Act
  7. Building near boundary
  8. 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 committees 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, if by 3 months of the committee date the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.
  3. That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

## SITE MAP

	<p><b>Planning Committee Map</b></p> <p>Site address: The Willows, 136 Honeypot Lane, London, NW9 9QA</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is indicative only.

## PROPOSAL IN DETAIL

The proposal is to demolish the existing care home building and redevelopment of the site comprising the erection of a five storey building providing 50 self-contained flats (4 studios, 11 x 1bed, 23 x 2bed and 12 x 3bed). The basement level would provide car and cycle parking space and plant rooms. The ground floor would provide bin stores, cycle stores, sub station, 800 sqm of communal amenity space and children's playspace area and landscaping. All flats are also to be provided with a private balcony/terrace or gardens.

Revised plans were received making the following amendments to address issues of outlook and overlooking:

### Ground Floor

Swapping the ground floor Unit 06 with the substations providing a dual aspect ground floor 3 bed unit. The bin store is still accessible directly from Honeypot Lane. Whilst the garden area is significantly reduced for Unit 06, it does now provide a dual aspect unit with a better outlook ;

### First & Second Floors

Removal of all protruding balconies on the eastern elevation. Inset balconies provided and large south facing studio units introduced in lieu of the 1 beds previously proposed (Units 15, 16, 26 & 27). The inset balconies give a secondary aspect for these units in a westerly direction. Units 14 and 25 have also had inset balconies introduced.

### Third Floor

Removal of protruding balconies on the eastern elevation.

## EXISTING

The site is located on Honeypot Lane, and is around 0.24 hectare. It is occupied by a two-storey building, which comprises a vacant residential care home of approximately 1,200 sqm in size. The site is set within a mainly residential area and is directly adjacent to a 5-storey residential building, Alpine House to the north. To the east lies an NHS Clinic separated by land that carries a Grade I Site of Importance to Nature Conservation designation. Queensbury Jubilee Line Station are located about 6 minute walk away. The site is within a PTAL rating of 2. The building is not listed, nor is it within a conservation area.

## SUMMARY OF KEY ISSUES

The key issues for consideration are as follows:

1. The principle of development: The proposal results in the loss of an elderly care home for which there is an identified need in the borough. However, the care home does not meet current standards and could not be brought up to those standards and the loss is accordingly in line with Brent Policy. The provision of new homes accords with Council policy, also meeting an identified need in the borough.
2. The mix of residential units and the provision of Affordable Housing. The proposal materially accords with the Housing Mix set out within Brent Policy, with 24 % of the units providing family accommodation. 10 intermediate shared ownership affordable units are proposed, which represents the maximum reasonable proportion of Affordable Housing. The non-provision of Affordable Rented units is considered to be acceptable as the submitted financial viability assessment demonstrates that this would not be feasible. A financial viability review is recommended to be secured through the Section 106 agreement to re-test the viability of the scheme should works not commence within 15 months of the date of the decision.
3. The design, appearance and scale of the proposed building. The proposed building is of a similar scale to the adjoining Alpine House development and is considered to pay an appropriate regard to the character of the area. It utilises good architecture with quality detailing and materials in order to maximise the sites potential whilst respecting surrounding development.
4. The potential impact on the amenities of adjoining occupiers. The proposed development accords with the SPG17 30 degree line in relation to all units but one of the adjoining residential block. The submitted daylight and sunlight assessment shows that the impact on the daylight received by most surrounding windows

accords with BRE guidance for daylight. Those windows that do not accord with guidance levels are subject to reduced daylight caused by over-sailing balconies within that development, and the windows would comply if those balconies were not present.

5. The quality of the proposed accommodation. The scheme provides a good standard of residential accommodation which meets the relevant standards.

6. The transport impacts of the proposed development. The level of parking falls marginally below the 75 % level which is typically considered to represent an operational minimum. However, the shortfall is small (3 parking spaces) and the units will be supported by a travel plan, zip car availability in the adjoining site (Alpine House) and the units will be parking permit restricted, with a CPZ to be implemented in the surrounding area in Spring/Summer 2018. Appropriate levels of cycle parking are proposed.

7. Ecology and landscaping. The proposal results in the loss of some trees. However, replacement planting is proposed which will result in an increase in the number of trees on site. The submitted ecological assessment demonstrates that the proposal will not have a material impact on the Site of Importance to Nature Conservation that is primarily outside of the site. However, a condition is recommended to secure additional planting to ensure that the mitigation measures highlighted in the assessment are adequately met.

**RELEVANT SITE HISTORY**

The application follows pre-application advise (ref. **16/0494/PRE** and **17/0022/PRE**) for the demolition of the existing care home and redevelopment of the site to provide 46 unit residential units within a 5-storey building together with car and cycle parking and areas of shared and private amenity for residents.

**17/1171** - Prior approval application for demolition of vacant two storey care home building. Refused for the following reason:

*The demolition of the existing care home on site at The Willows, 136 Honeypot Lane requires prior approval for the method of demolition in accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 11, Class B. Prior approval is hereby refused in relation to the method of demolition due to the impact of the proposed demolition on the local highway network, as further information is required, with particular regard to the provisions for a local drainage system has been made within the site to ensure that the settling of silt is not discharged onto the Public Highway; where materials would be stored; delivery times; how operatives will travel to the site and where they will park; and detail and traffic management required in order for the crane to be erected and dismantled.*

**17/2208** - Prior approval application for demolition of the vacant Care Home (Use Class C2). Approved, but not yet implemented.

**CONSULTATIONS**

Consultation with neighbours

A press notice advertising the proposal was published on 11 May 2017, and a site notice was displayed on 8 May 2017. In addition, letters were sent to 366 neighbouring properties on 3 May 2017. Councillors for Queensbury Ward were also consulted.

Following this, 18 representations have been received. The majority of objections were received from residents of Palm Court, Ruskin Gardens, Honeypot Lane and Acacia Court. The prevailing issues raised within these representations are laid out and responded to below. In addition, a petition objecting to the proposal has been received. It has been signed by 29 residents, on the grounds of: Overdevelopment and Parking and traffic issues.

The consideration of the objections has been an integral part of the consideration of the scheme and the discussion of the objections is therefore set out within the Detailed Considerations part of the report. The relevant paragraphs are signposted in the below table:

Ground of objection	Relevant paragraphs from Detailed Considerations section of report
Parking issues	Please see paragraph 44 to 53

Traffic congestion and increase in traffic accidents	
Increase in traffic	
Cars being vandalised as they have to park on the road	
Construction traffic	
Loss of privacy	Please see paragraphs 19 to 29
Loss of light to Acacia Court	
Overlooking of Acacia Court	
Dust and noise pollution	Please see paragraph 55
Loss of trees	Please see paragraphs 40 to 43
Impact house prices	Please see paragraph 63
Over development of the site	Please see paragraph 64
The dignity and privacy of the NHS Mental Health and Learning Disabilities patients will be compromised with our site being overlooked by an additional private housing.	Please see paragraph 22
The proposed development will directly overlook our current inpatient units and this could be detrimental to the health and well-being of our patients as well as infringe on their dignity and privacy.	

#### **Queensbury Ward Councillors**

Cllr Kanapathipillai Naheerathan, Cllr Rameshchandra Patel and Cllr Sandra Kabir  
No comments received.

#### **Environmental Health**

Environmental health do not object to the proposal but recommend conditions. This is discussed later in this report.

#### **Brent Adult Social Care**

It is agreed that the existing building on the site, formerly used a residential care home, does not meet current ASC requirements for older persons accommodation with support. We agree with the applicant that it would not be possible to refurbish the existing building in order to make it fit for purpose. We disagree with JLL's assertion in their 'Use Assessment' report that a scheme would need to be '60+ units' in order to be viable – ASC's assessment is that 40+ units are required for a residential or Extra Care scheme to be viable. However it is agreed that any supported accommodation scheme commissioned by ASC would require all bedrooms to have en-suite bathrooms as a minimum standard, and the existing building would be unable to provide 40+ units of this type.

ASC do consider the site to have considerable potential for a purpose built Extra Care facility to meet Brent's current identified shortfall of 100 units of older persons accommodation with support. The site does have good access to public transport with several bus services stopping nearby, and is located in an area of Brent which has no local Extra Care provision to serve the local population. Whilst the location of facilities such as shops are further away that the 'normally within 400m' stated in DMP20 we would argue that the current shortage of suitable land within the borough realistically requires some flexibility where a site meets most other requirements. In addition there may be scope for developing a large mixed Extra Care/supported housing development in partnership with CNWL NHS Trust who own under-utilised land that adjoins the site.

Given the foregoing factors, ASC's preference would be that the site is used to develop new build supported accommodation for older persons to meet identified local needs. ASC would actively work with the developer to find ways to support the development of a commercially viable Extra Care scheme on this valuable site.

This is discussed in paragraphs 1 to 4 of the detailed considerations part of this report.

### **Statement of Community Involvement**

The applicant has set out the level of pre-consultation that was carried out, as required through the Localism Act (2011). The consultation process was based around the following methods:-

Flyers detailing the proposed scheme were sent to residential properties within close proximity to the site, covering both the London Borough of Brent residents, but also those properties within the London Borough of Harrow. It specifies that limited responses were received.

In addition, the applicant has approached the NHS, representing the land owners surrounding the application site to the east and south. The NHS current position is that the existing facility is to be retained and that as the principal neighbour they are supportive of the principle of redevelopment of the vacant building.

## **POLICY CONSIDERATIONS**

The following planning policy documents and guidance are considered to be of relevance to the determination of the current application

- National Planning Policy Framework 2012 (NPPF)
- National Planning Practice Guidance (NPPG)
- Technical Housing Standards 2015
- London Plan Consolidated with amendments since 2011 (March 2016)
- Mayors Housing SPG 2016
- London Borough of Brent Core Strategy 2010
- London Borough of Brent Development Management Policies 2016
- Brent Supplementary Planning Guidance 17:- Design Guide For New Development

Brent's106 Supplementary Planning Document

## **DETAILED CONSIDERATIONS**

### ***Land Use Principle***

1. Core Strategy policy CP 21 and DMP 20 are relevant with regard to housing that meets an identified need in the borough and in this particular case, accommodation with shared facilities or additional support. The borough has a significant need for housing for older people. By 2037 it is projected a third of Brent's overall population will be over 65. The Brent Strategic Housing Market Assessment identifies a need for an additional 2,900 specialist older persons housing units for the period 2011-37. The London Plan sets an annual target for Brent of 175 units for specialist housing for older people. As such, the proposed development will result in the loss of housing which meets an identified borough need. Policy DMP20 specifies that the loss of such accommodation will only be acceptable where it is demonstrated that there is no Brent need for that type of accommodation or residents' needs can be better met by other existing

accommodation, or that the accommodation is unsatisfactory and cannot be improved to achieve the current standards.

2. The applicant submitted a 'Use Assessment' report produced by JLL in April 2017. The report found the existing building is in a poor state of repair and too small to offer a viable scale for a care home, for which 60+ beds would be required.
3. The Council's Adult Social Care team have acknowledged that the existing building on the site does not meet current Adult Social Care requirements for older persons accommodation with support and that it would not be feasible to refurbish the existing building in order to make it fit for purpose. However, they do not agree with that a replacement care would need 60 or more beds to be feasible. They specify a strong preference for the site to be redeveloped to provide new supported accommodation for older persons to meet identified local needs.
4. Whilst the proposal results in the loss of accommodation for which there is an identified need, that accommodation does not meet current standards and would provide an unsatisfactory standard of accommodation. The accommodation cannot be feasibly improved to achieve the current standards and as such, the loss of the care facilities accords with policy DMP20. It is proposed to provide self contained residential dwellings within this site. The provision of new homes meets an identified need in the borough and the area is considered to be appropriate for the residential accommodation. As such, the general principle of the loss of the care home and the provision of new homes is considered to accord with policy.

### ***Mix of residential accommodation and the provision of Affordable Housing***

5. Core Strategy Policy 21 (A Balanced Housing Stock) outlines the need to maintain and provide a balanced housing stock in Brent. These needs include an appropriate range and mix of self-contained accommodation types and sizes, including family sized accommodation (capable of providing three or more bedrooms). Policy CP2 sets a target of 25 % of the new homes in Brent to provide family accommodation.
6. The table below shows the overall proposed housing mix. A total of 12 family sized (3-bedroom units) are proposed, which materially accords with the Council's 25 % target for family housing (12.5 units would represent 25 %). The Affordable Housing proposals are discussed below.

Proposed mix of homes (the number of units is specified in the table):

	Intermediate	Private	Total
1 bed 1 person	0	4	4
1 bed 2 person	2	9	11
2 bed	3	20	23
3 bed	5	7	12
Total	10	40	50

Proposed percentages of units within each tenure:

By tenure	Intermediate	Private	Total
1 bed 1 person	0.0%	10.0%	8%
1 bed 2 person	20.0%	22.5%	22%
2 bed	30.0%	50.0%	46%
3 bed	50.0%	17.5%	24%

7. London Plan Policy 3.12 requires boroughs seek the maximum reasonable amount of affordable housing when negotiating on private and mixed use developments, having regard to a number of factors, including development viability. Policy CP2 of Brent's Core Strategy sets a strategic target that 50% of new homes delivered in the borough should be affordable. Brent's DMP15 reinforces the 50% target set by policy CP2 and the need to seek the maximum reasonable amount of affordable housing. It also specifies that 70% of new affordable housing provision should be social/affordable rented housing and 30% should be intermediate housing in order to meet local housing needs in Brent.

8. A total of 10 Intermediate units are proposed, situated on the ground, first and second floor of Core A. This represents 20 % Affordable Housing when calculated using the number of units or 22.4 % when calculated by habitable room. It is normally considered appropriate to calculate the proportion of Affordable Housing by habitable room to give weight to the provision of family sized affordable housing for which there is a significant need within the borough.
9. The applicant submitted a Financial Viability Assessment (FVA) undertaken by Savills which was assessed by consultants instructed by the Council. It was concluded that the scheme showed a deficit of £1.08 million below benchmark land value even if no affordable Housing was proposed, and £1.8464 million below benchmark land value with the proposed provision of 10 intermediate shared ownership units. As such, the proposal represents the provision of the maximum reasonable proportion of Affordable Housing. The provision of all of the Affordable Housing as Intermediate Shared Ownership accommodation does not accord with the Affordable mix set out in Brent Policy. However, the significant deficit even that would be apparent even if no Affordable Housing is provided justifies the absence of Affordable Rented units in this instance. Nevertheless, it is considered that at a pre-commencement viability review should be secured if the scheme does not commence within 15 months of consent as scheme viability is subject to change over time, but the level of change is not likely to be materially significant over time, with the 15 month period being considered to be a reasonable period within which the findings of the current assessment can be treated as being up-to-date. Should scheme viability improve and a higher proportion of Affordable Housing be viable, financial contributions towards Affordable Housing would be applicable. This would be secured through the Section 106 legal agreement.

The proposal includes 5 wheelchair accessible homes, comprising 2 x 1-bed, 2 x 2-bed and 1 x 3-bed flat. These would be

10. The housing mix, including the provision of Affordable Housing, is considered to be in accordance with Brent and Mayoral policy, with the scheme providing the maximum reasonable amount of affordable housing.

### ***Design, Layout, Scale and Appearance***

11. The surrounding buildings vary significant in their design, scale and appearance. The existing building on the subject site is a two-storey building with a large pitched roof. To the north lies the Alpine House development, comprising Acacia, Palm, Tulip and Cypress Courts, a 5-storey modern development situated across five blocks. Opposite the application site, the Honey Pot Close flatted blocks are three storeys tall, whilst to the south of the site, adjacent to the access to the Kingswood Centre NHS facility, buildings are typically 3- to 4-storeys in height with pitched roofs, with some buildings that are 2-storeys tall. The Kingswood Centre is a NHS facility which specialises in assessing and treating people with learning disabilities. The access to this facility is situated to the south of the subject site whilst the single storey buildings that contain the centre are situated to the rear. The distance between the subject site and the main buildings is around 75 m. Immediately adjoining the eastern boundary of the application site there is a large area of mature vegetation. This area, which is within the Kingswood Centre curtilage, is designated as a Grade I Site of Importance to Nature Conservation (SINC). An element of this designation projects along the northern boundary of the subject site.
12. Objectors have cited concerns about the scheme on the basis that they consider it to be the over-development of the site. Over-development is often interpreted in a number of ways, including the size or form of a building (whether it is in keeping with its context), an excessive intensity of use and/or the excessive level of impacts associated with the building or use. The design, layout, scale and appearance of the building will be discussed in this section whilst impacts on light and outlook and other impacts will be discussed in later sections of the report.
13. The height of the building has regard to that of the Alpine House development which adjoins the northern site boundary. To the South, on the opposite side of the NHS access, the 4-storey (with pitched roof) buildings reach a comparable height, with the three storey buildings within that development slightly lower. Whilst the Kingswood Centre to the east is lower in height (single storey), the height of the proposed building pays an appropriate regard to the context within which the development will be primarily viewed.



14. The proposed development has been set 2.6 m to 5.7 m in from the northern boundary, maintaining a 20 m distance between the northern facade of the proposed building and the opposing (southern) facade of Acacia Court. This spacing reflects the separation distances between the buildings within the Alpine House development, for which there is a distance of between 19 and 20 m between the blocks within this development (between Tulip and Palm Courts, and between Palm and Acacia Courts). The land immediately to the south of the site is relatively open at present, with a 28 m wide strip of land which includes a grassed area and the access to the Kingswood Centre. The proposed building is situated approximately 5 m from this southern boundary (with the Kingswood Centre access). The L-shaped nature of the building results in a number of windows addressing the adjoining land. In terms of the existing context, this helps to provide natural surveillance over this access road and relates well to this space in its current form. Given the width of the adjoining space (within the curtilage of the Kingswood Centre), one could not rule out the redevelopment of that land. Given the likely form of development of that land (if it was to be developed in the future), it is not considered to be materially prejudicial to the redevelopment of the land and is likely to relate appropriately to a future development on this site.
15. The proposed development is situated around 4.5 to 5.5 m from the rear (eastern) boundary of the site. This part of the scheme adjoins the elements of the Kingswood Centre site which contain significant vegetation and the proposed building relates appropriately to this space. The set-back of the building from the street (approximately 5 m from the footway) is comparable to the buildings fronting Honeypot Lane to the south. The set back of the proposed development from Honeypot Lane is also comparable to the set back of the Alpine House blocks from Alpine Road. This road is parallel to and set back from Honeypot Lane, so the frontage of the Alpine House blocks are set further east than the frontage of the proposed building. It is considered that the set-back of the proposed building pays an appropriate regard to the local context. The layout seeks to maximise activity with the street and minimise "dead" frontages at ground floor level and the scheme achieves good levels of activity within the street frontage.
16. The volume of the proposed building has been visually articulated through the use of projecting and recessed elements, with the lower three floors of the building unified through the choice of materials (brick with metal balustrading to balconies). The top floor has been set-back and a different material (timber cladding) has been proposed to pay regard to the design and form of the adjoining Alpine House development. The windows are arranged in multiples of 900mm, either singly, doubled or triples and are organised to prioritise light into the living areas. The window pattern has been designed to have the same arrangement on alternative floors. This ensures that the building remains cohesive with a clear pattern and structure but still has character and expression throughout the mix of floors.
17. The architectural approach of the current proposal is generally supported. The scheme proposes a simple high quality approach to architectural detailing and materials that would complement the form of the building massing.
18. As such, the design, layout and appearance of the proposed development is considered to be of high quality. It is recommended that approval of the final choice of materials is secured through condition. This is commonplace within development consents to ensure that the actual materials are of sufficient quality. However, in this instance, the final choice of the cladding material for the top floor may also require further consideration as some timber cladding materials weather poorly if an appropriate detailing cannot be achieved.

### **Neighbouring amenity**

19. The construction of the proposed building will result in a different relationship with the adjoining dwellings from that of the existing building. The Council's Supplementary Planning Guidance No. 17 (SPG17) sets out a number of parameters for the consideration of potential impacts on the amenities enjoyed by neighbouring occupiers. This is due to be replaced by Supplementary Planning Document 1 (SPD1) which has been subject to public consultation but has not been adopted yet and therefore can be given some weight.
20. Objectors have raised concern that the proposed development will result in an impact on their amenity. In particular, they have raised concern about the loss of light for Acacia Court homes and the overlooking of these homes.
21. SPG 17 sets out the parameters within which impact on privacy and outlook for schemes within Brent will be considered. With regard to privacy, it sets out that a distance of at least 20 m should normally be achieved between opposing habitable room windows to ensure that an acceptable level of privacy will be maintained. The scheme achieves this distance in relation to the windows of the adjoining block to the

North (Acacia Court). The impact on privacy is accordingly in line with the levels set out within this guidance. The scheme does not directly adjoin any other residential dwellings so there separation distances are exceeded on all sides. To the south lies the open land associated with the Kingswood Centre. As discussed above, the size and siting of this land is such that it is considered unlikely that the inclusion of windows within 5 m of that boundary will unduly restrict the ability to develop that land in the future.

22. Concern has been raised by the NHS Mental Health and Learning Disabilities unit that operates the Kingwood Centre. They consider that the proposed development will overlook their site and the current inpatients unit and will be detrimental to the health and well-being of their patients and will infringe and compromise their dignity and privacy. They highlight that their patients have a number of complex needs, including autism and challenging behaviours and they consider that the building works around their site will affect their recovery pathway. As discussed above, the southern facade of the proposed building over-looks the grass area alongside the access road to the development. It is noted that the windows of the existing Rose Bates Drive properties also over-look parts of this access road. There is a small single storey building within the NHS site that is approximately 8.5 m from the boundary with the application site, with the majority of the buildings within the complex approximately 68 m from the application site. The small single storey building have few windows and the nature of the use of this NHS building is unclear. While the proposed development will over-look the NHS land, this primarily affects the area adjacent to the access road and the heavily vegetated area to the east of the application site. The complex requirements associated with the type of care provided within the Kingswood Centre are acknowledged. However, it is not clear that the level of over-looking associated with the proposed development will be unduly detrimental given the access road is already overlooked by other historical developments.
23. With regard to the light and outlook from the Acacia Court dwellings, SPG17 specifies that developments should normally be situated below a 30 degree line taken at a 2 m height above floor level within the habitable rooms of the associated dwellings. Where schemes do not accord with this but an adequate separation distance is achieved to ensure adequate outlook, a daylight and sunlight assessment is sought to support the proposal and demonstrate the level of impact. SPD1 maintains this approach for areas with a "Typical (Established) Character" but adopts a different approach for "Transitional" or "Transformational" areas. Typical Character Areas are noted as typically suburban small scale infill sites of low public transport accessibility where significant change is not envisaged. The nature and scale of the surrounding area is clearly not of this character, with the site adjoining a modern 5-storey development. As such, the site is considered to be within a "Transitional" character area. Within such areas, a 45 degree line is taken from habitable room windows (similar to the approach within SPG17 in relation to private amenity space).
24. As a 20 m distance has been achieved (as discussed above), an adequate level of outlook has been achieved as a 20 m separation distance has been proposed. The lower four storeys accord with the 30 degree guidance set out within SPG17. However, the top floor exceeds this by approximately 2 m in relation to the windows of one ground floor flat within Acacia Court. However, given that the Acacia Court building addresses Alpine Road which is parallel to and set back from Honeypot Lane, the Acacia Court building is set considerably back from the proposed building. As such, only a very small element of the top floor of the proposed building (the north eastern corner) is likely to compromise the 30 degree guidance and the outlook will remain considerably more open to the east of this. The proposed building will comply with the 45 degree guidance set out within draft SPG1.
25. A sunlight and daylight study has been submitted to support this application, examining the potential impact of the proposed development on the daylight and sunlight received by the closest neighbouring properties in line with BRE guidance. The study concluded that 100 of the 107 windows (93%) that were assessed within Acacia Court (the adjoining block to the north) achieved daylight levels in line with BRE targets. The seven windows that didn't were set within recessed balconies which limit access to daylight. The siting of these windows limits the amount of daylight that can be received. Tests were undertaken which demonstrated that these windows would accord with BRE guidance for daylight if the balconies were omitted from the model. As such, . 88% of habitable rooms will achieve good levels of daylight in excess of the BRE targets: 1% for bedrooms, 1.5% for living rooms and 2% for living/kitchen/diners. The sunlight assessment has shown that the vast majority of the south-facing living rooms will receive levels of sunlight in excess of the BRE targets.
26. With regard to the flats in the Honeypot Close block (situated opposite the site, fronting Honeypot Lane), two windows servicing small galley kitchens on the ground floor of this building will experience reductions in "vertical sky component" (VSC) beyond BRE guideline levels. However, again, levels of daylight are restricted by features of that building (in this case an external walkway) and these windows already

receive very low levels of light (VSC levels of 1% and 1.2% when the BRE guidance recommends 27 %) so the change is unlikely to be significant in reality. The proposal accords with BRE guidance in terms of sunlight to these properties.

27. The nearest residential property to the south (132 Honeypot Lane) accords with the BRE guidance for daylight and sunlight.
28. The sunlight amenity / overshadowing assessment has shown that all of the neighbouring gardens will experience no material change in direct sunlight levels with the proposed development in place.
29. Returning to the discussion of the objection to the proposal in relation to the potential impact on light and outlook, the proposed building is larger than the existing building and the siting of the building differs from the existing, so the level of impact will change and levels of light and outlook will reduce. However, these must be considered against relevant guidance (in this case, the Council's SPG17, draft SPD1 and the BRE guidance relating to daylight and sunlight). For the reasons set out above, the proposal is not considered to result in an unduly detrimental impact on the daylight or sunlight of surrounding properties or to their outlook, having regard to this guidance.

### **Quality of the resulting residential accommodation**

#### *Layout and accommodation*

30. The proposal is for a 5 storey 'L' shaped building. The adjacent residential development, Alpine House is 5 storeys tall and would be set 20m away from the proposal. A 5 storey building can therefore be supported in this location.
31. The basement will provide parking, cycle parking and plant rooms. Above this on the ground floor and floors 1 - 4 would comprise 50 flats. The building is served by two separate cores (maximum 7 units per core). Each unit would have private amenity space in the form of balconies, inset balconies or gardens.
32. The proposed building is set in close proximity to the southern, eastern and northern site boundaries and relies on those sites for the provision of light and outlook. The site to the north has been redeveloped recently and is unlikely to change significantly. The land to the east carries a Grade I Site of Importance to Nature Conservation designation and thus is unlikely to come forward for development. The applicant argues the NHS land adjacent to the application site, if a hypothetical mutual 9 metres equidistant from the shared boundary, any development upon the NHS site would still be restricted by the habitable room windows at 132 Honeypot Lane which reduces the developable area of their strip of land considerably as it is only 26.7m wide and must accommodate an access route to the NHS site. However, this scenario does not recognise the potential for a single aspect (south facing) development within the NHS site (fronting the access road to the Kingswood Centre) or development that is parallel to Honeypot Lane which includes a vehicle access through the building. Nevertheless, to improve the relationship between sites, amendments were made so that Unit 06 on the ground floor was swapped with the substations providing a dual aspect ground floor 3 bed unit and protruding balconies on the first, second and third floors have been removed and replaced with inset balconies. Whilst the development is approximately 5 m from the southern boundary (rather than 10 m as often sought), the proposal is not considered likely to prejudice the development of the adjoining site given the potential for of such development.
33. Revised plans were received changing the ground floor layout. A large proportion of the ground floor frontage is now active, with 3 flats fronting Honeypot Lane, improving natural surveillance and provide visual animation to the street frontage. The two entrances to the residential cores also front Honeypot Lane.
34. Access from the undercroft car parking area to the main circulation cores is safe and level. Level threshold access will be provided to all communal and private building entrances. Two passenger lifts are distributed in two cores and will take the residents to the accommodation on the upper floors of the two building sections.
35. The communal amenity spaces and gardens are located on the ground floor. This is discussed in more details below.
36. All dwellings have been designed to meet the space standards as stipulated in the London Plan (2016). Five of these are proposed as wheelchair accessible dwellings, equating to 10% of the units. As all of the

units are private or shared ownership units and the submission shows that the layouts have been designed to be easily adaptable for wheelchair use, conditions will ensure that the dwellings are implemented to be compliant with Building Regulations M4(3) (accessible adaptable dwellings). All units have been designed to meet the requirements of Lifetime Homes and the Mayor's London Housing Design Guide standards. Flats achieve a floor to ceiling height of 2.5 m in accordance with the Mayor's Housing SPG.

37. 36 of the flats are dual aspect while 14 are single aspect facing either south, west or east. All have living rooms with large amounts of glazing as well as private outdoor amenity areas which enhance the quality of the new homes. The submitted daylight and sunlight assessment examines levels within the proposed accommodation. This shows that 129 (88%) of the habitable rooms meet BRE guidance levels, and those that don't are restricted by the presence of over-sailing balconies. It is considered that these balconies provide significant amenity value and it is not unusual for the provision of balconies of the above units to reduce daylight in the unit below. The majority of amenity areas, including the central communal area receive levels of direct sunlight in excess of the BRE targets. There are however 3 private gardens serving ground floor units which receive levels below the targets. Access to sunlight in these areas is constrained by their location within the scheme and their northerly orientation. Whilst they have lower levels of sunlight, they are still useful outdoor spaces that can be supplemented with use of the communal amenity area that receives very good levels of sunlight.
38. The proposed ground floor would have 800 sq.m of communal landscaped garden which includes 120 sq.m of children's playspace area. This equates to an average of 16 sqm per residential unit. In addition to this, balconies or terraces are typically 5.6 to 24 sqm in size. As such, the scheme will accord with the Council's external amenity space standards which seek 20 sqm per flat, or 50 sqm per 3-bedroom ground floor flat.
39. The communal garden and playspace will be overlooked by a number of apartments further promoting safe and amenable recreational areas.

#### **Ecology and Trees**

40. The site adjoins a designated Grade I Site of Importance to Nature Conservation (SINC). A thin strip of land with this designation (3 m wide) land projects into site along the northern boundary, but the main area of designated land is situated to the east of the site. The application has been supported by an Arboricultural Assessment and an Ecological Appraisal. Objectors have raised concern regarding the loss of trees within the site.
41. The Arboricultural Assessment identifies a number of trees to be removed, and a number to be protected and retained, including the protection of trees outside of the site. The tree survey identifies 22 trees within or adjoining the application site, including 6 Grade B trees (life expectancy of 20+ years), 14 Grade C trees (life expectancy of 10+ years) and 2 grade U trees (life expectancy of less than 10 years). There are no trees which are subject to a Tree Preservation Order which would be affected by the proposal. The submission identifies the retention of 5 Grade B trees, 8 Grade C trees and 1 grade U tree (outside of the site). The removal of 8 trees is proposed. This primarily involves the removal of a number of low grade trees around the perimeter of the site (6 Grade C trees and 1 Grade U tree). The removal of 1 Grade B tree is proposed, which is necessary to allow the construction of the basement. The planting of 18 replacement trees is specified as a part of a broader landscape plan, which would result in an increase in the number of trees on site. Hedging is also proposed in various locations within the site. The loss of the existing semi-mature trees as highlighted by objects can, in the short term, make a visible difference within an area. However, all but one of the trees that are to be removed are of low quality or have a low life expectancy and their loss is considered to be acceptable given the number and nature of new trees that are proposed. However, additional planting around the perimeter of the site is recommended to respond to address the potential ecological impact of the scheme (see below discussion). A full landscaping plan is recommended to be secured through condition.
42. The Ecological Appraisal examined habitats present following the standard "Phase 1 habitat survey" auditing method and examines the potential impact on protected species. This appraisal examines the potential impacts of the proposal of the SINC. It is specified that the habitats within the application site are common and widespread through the local area. It recommends that semi-mature trees on site are retained where possible or replaced with nature species, and that the eastern boundary of the site is enhanced with native species. It finds that none of the voids within the building contain evidence of roosting bats, and that the extensions and sheds were not considered to have potential to support bats. The semi-mature trees on site were considered unsuitable for roosting bats, but the eastern tree line was specified as being likely to provide some opportunities for foraging and commuting bats. The report

recommends that this tree line is enhanced and to remain unlit. No evidence of badgers was found on site. However, an updated badger survey was recommended before works begin. The pond within the SINC was evaluated. However, this was considered to be sub-optimal for Greater Crested Newts and the habitat within the application site was not considered suitable for this species. The Ecological Appraisal recommends that clearance work is undertaken outside of the breeding bird season (March to September) or immediately after a nesting bird check (by a suitably qualified ecologist) as birds may use the trees and shrubs on site. The appraisal sets out that the site is not constrained by other protecting species (including dormice, reptiles, great crested newts, otters or water voles) due to the lack of suitable habitat.

43. The landscaping proposals include some native planting within the area of land along the northern boundary of the site which currently falls within the SINC designation and trees within the adjoining Alpine House site project over some of this land. Whilst some native planting is proposed along of this boundary, much of this 3 m wide strip is proposed to be grassed and a small element of it, adjacent to unit 1 and 8, is proposed to be hard surfaced. It is considered that additional planting should be provided along the northern boundary of the site to ensure that this area of the SINC is suitably maintained and enhanced. It is accordingly considered that a 3 m wide strip along the northern boundary of the site should be planted with suitable native species, which would include a reduction in the width of the proposed hardstanding for unit 1 adjacent to the boundary. Given the size of the space between the northern wall of flat 8 and the boundary, it is not feasible for this planted buffer to project into this space and it is recommended that the hard and soft landscaping proposals remain as currently proposed in this area. This will result in a loss of a very small (3 m x 6 m) strip of the land currently designated as part of the SINC. However, the improvements to the remainder of the SINC are considered to outweigh this very minor reduction. The Ecological Assessment recommended that additional native planting is provided along the eastern boundary of the site. However, only limited plant is shown in the current landscape drawings. As such, details of further native planting along this boundary are recommended to be secured through condition. Measures to protect the existing trees that are proposed to be retained are also recommended to be secured through condition.

#### **Highways and Transportation**

44. Honeypot Lane is a London Distributor Road and the borough boundary runs along its centre line. The site has low accessibility to public transport (PTAL 2) with 4 bus routes and Queensbury Station, within walking distance from the site. Objectors have raised concerns regarding the impact of the proposal on parking and traffic congestion, and that this will result in traffic accidents. Overspill parking associated with the adjoining Alpine House development has resulted in the recent implementation of double yellow lines along Honeypot Lane and requests from residents for the introduction of a Controlled Parking Zone to address the parking issues. Brent Highways engineers have had numerous residents' meetings with both Brent and Harrow Councillors, with parking on Honeypot Lane and the surrounding residential streets (which lie within L.B. Harrow). Objectors also highlight concern regarding the impacts of construction traffic.
45. Car parking standards are set out in appendix 1 of the adopted Development Management Policies (DMP). The proposed residential units will have a parking allowance of 1 space per 1-2 bed units and 1.5 spaces per 3 bed units, giving a total allowance of 56 spaces for this development as a whole. A total of 39 parking spaces are proposed within the basement, including 3-4 disabled spaces. This falls marginally (3 spaces) below the 75 % level that is typically considered likely to represent the likely parking demand. However, the applicant considers the proposed level of parking to be sufficient if regard is given to census data. It is specified within the Transport Statement that parking spaces will be allocated to households rather than properties, administered by a management company. This assists in ensuring that parking demand is met as opposed to the parking spaces being purchased or allocated and subsequently kept empty. Furthermore, the scheme is proposed to be supported by a Travel Plan, and the location of nearby Car Club spaces (none are proposed within this scheme, but there is a car in the adjacent Alpine House development) is proposed to be highlighted to residents. With these measures in place, it is considered that the shortfall of 3 spaces (below the 75 % level) is not considered likely to result in significant levels of over-spill parking on the surrounding streets. However, there are current proposals for a controlled parking zone in the area and therefore to mitigate against the potential impact of overspill parking, it is recommended that the development should be parking permit restricted, whereby future residents are not eligible for on-street parking permits. The CPZ is scheduled for

implementation in Spring/Summer 2018 and has sufficient funding, so will be in place prior to first occupation of the proposed development if consent is granted and the scheme goes ahead.

46. The implementation of double yellow lines within the sections of Honeypot Lane outside of the development site is also considered necessary to mitigate against the impacts of potential overspill parking on highway flow and therefore safety, which can be secured as a part of the Section 278 works for the proposed development. These measures are considered to be sufficient to mitigate against the potential impacts of overspill parking associated with the proposed development.
47. The roller shutters for basement parking area are proposed to be set back 5.6 m from the footway to allow vehicles to wait on private property whilst waiting for the roller shutters to open. The ramp down to the basement does allow two way vehicle flow. The width and location of the crossover is considered to be acceptable. However, a front boundary wall should be provided to ensure that vehicles do not drive across the footway outside of the crossover.
48. The crossover for the access to the substation is proposed to be constructed of grasscrete, which is considered to be beneficial given the infrequent future usage of this access. It is proposed to be 6 m from the refuge on the road, which is considered to be sufficient. However, it is proposed to be 3.4 m wide whereas it should not exceed 2.4 m, with no kerb radii and 50 mm margins, which is sufficient for one vehicle to access the substation. A condition is recommended regarding the width of the crossover. Again, the front boundary wall should extend to the edge of the crossover to prevent illegal crossing of the footway.
49. In terms of vehicular trips associated with the development, the submitted Transport Statement projects the estimated number of arrivals and departures having regard to other sites using the TRICS database. It specifies that the development is likely to generate 9 arrivals/departures in the morning peak hour and 6 in the evening peak hour. Whilst many of the selected sites are not considered to be directly relevant (some high a higher PTAL), the number of trips associated with the proposed development is unlikely to give rise to an increase in the amount of traffic that is of significant detriment to highway flow and safety given the scale of the development and the nature of the adjoining road.
50. It is considered important that the approval and implementation of the Travel Plan is secured to support the development, and that the approval and implementation of a Construction Method Statement (CMS) is also secured. The construction of developments does inevitably result in some impacts on local residents whether this relates to an extension to a house or a Major development. Planning cannot reasonably prevent development from taking place because of this impact. However, Major developments consents look to promote best practice in construction through the implementation of a Construction Method Statement. Whilst it is acknowledged that this does not result in zero impact on surrounding residents, it looks to minimise impacts where possible.
51. The bin store will be located on the ground floor on the southern frontage of the site. This will provide a straightforward collection from the Public Highway.
52. Cycle storage will be provided in four locations on the ground and basement levels. This will provide a total of 88 cycle spaces, which is compliant with the London Plan standards. The spaces will be in a secure and covered location.
53. The concerns regarding parking and congestion raised by local residents are recognised. It is also recognised that other recent developments (such as the Alpine House development) have resulted in significant increases in local levels of parking. It is considered that the implementation of the Controlled Parking Zone, the parking permit restriction applied to future residents of this scheme, the additional double yellow lines in Honeypot Lane and the other associated measures discussed above sufficiently mitigate the potential for over-spill parking and the associated potential impacts. The restriction on car parking spaces together with the Travel Plan are such that the levels of additional congestion are not considered likely to result in a significant impact on traffic congestion. As such, it is considered that the proposed measures are sufficient to address the potential impacts raised by objectors. Objectors are also concerned that cars may be vandalised as they have to park on the road. Over-spill parking on the

highway associated with the development is to be controlled through a parking permit restriction. Nevertheless, any on-street parking that may occur is no more likely to suffer from damage through vandalism than parking for any other homes in the area and any risk of vandalism would not be contrary to planning policy.

### ***Noise from end use and impact of existing noise on proposed units***

54. The residential nature of the scheme is such that the proposed development is not likely to result in unduly detrimental end use noise issues in itself. However, it is situated on a relatively busy road and a noise assessment has accordingly been submitted to support the proposal. This identifies that noise reduction associated with the fenestration within the scheme will need to achieve noise reduction levels of between 29 and 34 dB, which is easily achievable within the scheme. As such, it is recommended that a condition is attaching requiring the fenestration within the scheme to meet the design levels set out within the Acoustic Assessment.

### ***Construction noise and nuisance***

55. Objectors have cited concerns regarding the dust and pollution associated with construction. As with the potential impacts of the construction of the development on the highway network, best practice is also promoted in relation to the noise and other nuisance (e.g. dust and pollution) associated with construction of a development, with measures secured through the Construction Method Statement. It should be noted that in relation to these matters, there is also control through environmental health legislation and a planning cannot duplicate any controls that are available under other legislation. Nevertheless, the submission demonstrates that through good site practice and the implementation of suitable mitigation measures, the impact of dust and particulate matter may be effectively mitigated with the resultant impacts being negligible.

### ***Air quality***

56. In terms of the potential impacts of local air quality on future residents, the submitted air quality assessment demonstrates that the predicted concentrations of pollutants are below the relevant objective levels across the sites. An assessment of Air Quality Neutrality has submitted along with the application. This has shown that the Proposed Development is air quality neutral with regards to buildings emissions but not air quality neutral with regards to transportation emissions. Given the need to provide car parking for the site, it is considered impractical to achieve air quality neutral in relation to transport emissions in this instance. London Plan Policy 7.14 specifies that where on-site provision is impractical or inappropriate, that planning obligations should be used to off-set the impact. A contribution of £15,000 is recommended to be secured through Section 106 to mitigate the impacts of the development through a contribution to the implementation of the Air Quality Action Plan.

### ***Sustainability and energy***

57. The application has included an Energy and Sustainability Statement. At the time the planning application was submitted London Plan policy 5.2 requires a reduction in carbon dioxide emissions of 40% based on 2010 Building Regulations (equivalent to 35% based on the 2013 regulations). The Energy Statement indicates the scheme will include fabric efficiency measures and PV panels. The scale of the development is considered to be too small to make include CHP and there are no district wide heat network in this area. A total of 21% reduction in regulated CO<sub>2</sub> emissions is predicted. It has been determined that this is the maximum reduction in CO<sub>2</sub> emissions that can feasibly be achieved from on-site measures. The remaining 14% in CO<sub>2</sub> reductions required to achieve the 35% minimum target as required by The London Plan is to be made up through a carbon offsetting scheme that will need to be secured through the Section 106 legal agreement.

58. London Plan policy 5.15 states residential developments are to be designed to meet the target of 105 litres or less per head per day. It is highlighted this will be sought, but final calculations based on sanitary ware specifics will need to be undertaken. It is recommended that a condition is attached to ensure this standard will be achieved.

### ***Flood Risk and Drainage***

59. The site is within flood zone 1 and is therefore considered to be at a low risk from flooding.

60. The submitted Flood Risk Assessment also includes a drainage strategy which examines surface water

run-off from the site. The submitted strategy looks to achieve an urbanised Greenfield run-off rate of 2 l/s for a the design "1 in 100 year plus 40 % climate change" storm. Various sustainable drainage systems were considered, including green roofs, swales, rainwater harvesting, porous paving and an attenuation tank. It is proposed that this design level is achieved through the use of green roofs together with an attenuation tank (a 9.75 m<sup>3</sup> tank is proposed to exceed the 84 m<sup>3</sup> requirement to achieve this run-off rate). The submission therefore looks to improve the surface water run-off characteristics of the site, achieving Greenfield runoff rates for the design storm event taking into account climate change. The implementation of these measures is recommended to be secured through condition.

### ***Archaeological Impact***

61. The site is not within a designated Site of Archaeological Interest. Nevertheless, a Archaeological Desk Based Assessment has been submitted which specifies that there is low archaeological potential for all past period, and that the development proposals are very unlikely to have a significant or widespread archaeological impact.

### ***Density***

62. This site has a public transport accessibility level of 2 and the site has the characteristics of an "urban" setting. The London Plan density matrix (Table 3.2) therefore suggests a residential density of between 70 and 170 units per hectare and between 200-450 habitable rooms per hectare for this scheme. The density of the proposed development is 197 units per hectare or 580 habitable rooms per hectare. Whilst this exceeds the range set out in the London Plan density matrix, the proposed building represents a form of development that is in keeping with its context, provides a good standard of residential accommodation and provides sufficient (but not excessive) levels of parking. As such, the proposal is considered to optimise the use of the site.

### ***Other matters raised by objectors***

63. The majority of issues raised by objectors have been discussed above. Some objectors have cited concern that the proposed development will affect the value of their property. The effect on property value (whether positive or negative) cannot be considered within a planning application.

64. Objectors have also raised concern that the proposal represents the over-development of the site. Whether a proposal represents more development than a site has capacity to accommodate depends on a number of factors which cannot be mitigated. For example, it can exhibit itself as a form of development that is excessively large and out of context with the area, which is not the case for this development. Another example is where a proposal results in the provision of poor quality accommodation which does not meet the appropriate standards, which is not the case. In other instances, it can be seen through an excessive level of impact where such impact should not be apparent, which may relate to the impact on light or outlook, or on the local highway network. Again, the proposal is not considered to result in unduly detrimental impacts with regard to these matters (when considered against planning policy and guidance). The Mayor's Density Matrix does not provide a good indication of over-development as it is a basic methodology which simply looks at site size and public transport access. A scheme that is within the Mayor's density range may propose too much development for a constrained site while another proposal that is above may have appropriate levels of impact and pay an appropriate regard to the character of the area. In this instance, for the reasons set out above, the proposed development is considered to be in accordance with policy and guidance and is not considered to represent the over-development of the site.

### ***Conclusion***

65. Officers consider that the scheme meets planning policy objectives and is in general conformity with local, regional and national policy. The proposal would make a positive contribution to the area, whilst having an acceptable impact on and relationship with the existing surrounding development. Officers recommend the application for approval subject to the conditions and obligations set out in this report.

## **CIL DETAILS**

This application is liable to pay **£658,417.90\*** 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): 1417 sq. m.  
 Total amount of floorspace on completion (G): 3610 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	3610		2193	£200.00	£35.15	£559,998.21	£98,419.69

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)	286	
<b>Total chargeable amount</b>	£559,998.21	£98,419.69

\*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**

**DECISION NOTICE – APPROVAL**

Application No: 17/1829

To: Alun Evans  
CGMS  
140 London Wall  
LONDON  
EC2Y 5DN

I refer to your application dated **25/04/2017** proposing the following:

Demolition of the existing care home building and redevelopment of the site comprising the erection of a five storey building providing 50 self-contained flats (4 studios, 11 x 1bed, 23 x 2bed and 12 x 3bed) with associated basement level, car and cycle parking space, bin stores, amenity space and landscaping

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

at **The Willows, 136 Honeypot Lane, London, NW9 9QA**

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: 05/09/2017

Signature:

A handwritten signature in black ink that reads "Alice Lester".

**Alice Lester**  
Head of Planning, Transport and Licensing

**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 the:-

National Planning Policy Framework 2012  
London Plan Consolidated with amendments since 2011 (March 2016)  
Brent Core Strategy 2010  
Brent Development Management Policies 2016  
Brent Supplementary Planning Guidance 17: Design Guide for a New Dwelling

- 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):

489-2b-001\_A  
489-2b-002\_A  
489-2b-010  
489-2b-011  
489-2b-030  
489-2b-031  
489-2b-100\_B  
489-2b-101\_B  
489-2b-110\_I  
489-2b-111\_I  
489-2b-112\_G  
489-2b-113\_G  
489-2b-114\_G  
489-2b-115\_G  
489-2b-116\_E  
489-2b-200\_C  
489-2b-300\_E  
489-2b-301\_F  
489-2b-310\_B  
489-2b-320\_B  
489-2b-321\_B

Design & Access Statement April 2017  
Residential Proposed Areas - Rev. E  
16.313-P-201 Tree Species  
Sustainability Statement  
Flood Risk Assessment  
Planning Statement & Statement of Community Involvement  
Transport Statement  
Daylight & Sunlight Report 11 April 2017  
Noise Assessment Report  
Air Quality Assessment  
Energy Strategy Report  
Use Assessment April 2017

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

- 3 The car parking spaces, refuse storage, cycle storage, private and communal amenity spaces identified on the approved plans shall be laid out and made available prior to first occupation of the development hereby approved. The spaces / storage shall be retained as such for the lifetime of the Development and not used other than for purposes ancillary to the residential units within the development hereby approved.

Reason: To ensure that the impact of the development on the highways network is appropriate and that the development is fit for purpose.

- 4 No development shall be carried out until the person or organisation 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.

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

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

- 6 Site clearance shall not be undertaken other than outside of the bird breeding season (March to September inclusive) unless it takes place immediately after a nesting bird check has been undertaken by a suitably qualified ecologist.

Reason: In the interest of the ecological value of the adjoining land and the preservation of protected species, in accordance with the submitted ecological assessment.

- 7 Details of materials for all external work, including samples which shall be made available for viewing on site (or in another location as agreed), shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced excluding site clearance, demolition and basement/foundation works. The development shall be constructed in accordance with the approved details.

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

- 8 The fenstration for the development hereby approved shall meet or exceed the levels of noise reduction set out within the Noise Assessment Report Version 1.2 dated 28/3/2017.

**Reason:** To ensure a satisfactory environment is provided for future residents.

- 9 Prior to the commencement of building works (excluding demolition), 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 + A1:2013 and 'Model Procedures of for the Management of Land Contamination – Contaminated Land Report 11' (CLR 11). A report shall be submitted in writing to and approved by the Local Planning Authority prior to the commencement of building works (excluding demolition), 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.

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

- 10 Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, confirming 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.

- 11 Prior to commencement of the development (excluding demolition, site clearance and the laying of foundations), further details of how the development will be built so that 90% of the residential units achieve Building Regulations requirement M4(2) – ‘accessible and adaptable dwellings’ and that the remaining 10% of the residential units achieve Building Regulations requirement M4(3) – ‘wheelchair user dwellings’ shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved details.

Reason: To ensure that the development achieves an inclusive design in accordance with London Plan Policy 3.8.

- 12 Details of the height, type, position, angle and spread of any external lighting shall be submitted to and approved in writing by the Local planning authority prior to the erection of any external lighting. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

**Reason:** to protect the amenity of nearby residents and the ecological value of the adjoining land.

- 13 Within 6 months after the commencement of development, details of the hard and soft landscaping of the areas identified within the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- Plant species, size, density/number and location;
- Additional planting to improve ecological value adjacent to the eastern boundary of the site, and an additional 3 m wide area of ecological planting adjacent to the northern boundary of the site situated between the terrace of flat 8 and the eastern site boundary, including details showing the location of this area together with ecological planting within this area;
- Hard landscaping and any other landscape features;
- Details of childrens play areas and equipment;
- Means of enclosure / boundary treatments;

The approved landscaping proposals shall be implemented in full prior to first occupation of the development hereby approved and thereafter maintained and retained.

Any trees or shrubs planting that is part of the approved scheme or proposed to be retained that within 5 years of planting (or of the completion of the work in relation to retained plants) 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 preserve the amenities of nearby residents and to prevent privacy being

compromised.

- 14 Prior to commencement of the development (excluding demolition, site clearance and the laying of foundations), a energy implementation strategy setting out how the scheme will reduce the developments carbon emissions shall be submitted to and approved in writing by the Local Planning Authority. The report shall consider means of using less energy within the development, as required by the 'be lean' and 'be green' criterion set out in Policy 5.2 of the London Plan. The report shall demonstrate that additional measures have been considered and if applicable, identify any additional energy saving measures that are viable for implementation together with the level of carbon reduction associated with the proposed measures and any shortfall in carbon reduction below the target of 35 % set out within the London Plan.

Following approval of the details, the additional energy saving measures identified shall be implemented prior to occupation of the development and thereafter maintained and retained for the life of the development.

Reason: To ensure the development has maximised its carbon savings, in accordance with London Plan Policy 5.2.

- 15 Prior to the commencement of the development, a Construction Method Plan shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise, and other environmental impacts of the development and potential impact on the highway including any required temporary traffic management or temporary highway closures required for loading / unloading of materials/equipment. The approved plan shall be implemented throughout the duration of construction.

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

- 16 Prior to the commencement of the development (excluding demolition, site clearance and the laying of foundations), a Travel Plan 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.

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

- 17 Prior to the commencement of works, an updated badger survey shall be submitted to and approved in writing by the Local Planning Authority examining the potential for badger habitation within the application site and including any relevant mitigation measures. Any mitigation measures set out within the survey shall be implemented in full throughout the construction period and prior to first occupation of the development.

Reason: In the interest of the ecological value of the adjoining land and the preservation of protected species, in accordance with the submitted ecological assessment.

- 18 A parking management and allocation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved and the parking spaces shall be allocated to occupants of the development in accordance with the approved scheme. The approved scheme shall be implemented for the life of the development.

Reason: In the interest of highway flow and safety, having regard to the levels of parking proposed within the proposed development.

- 19 Prior to the commencement of works (excluding site clearance and demolition), details of site drainage shall be submitted to and approved in writing by the Local Planning Authority. Those details shall be in accordance with the targets set within the Flood Risk Assessment hereby approved (reference 6586 dated April 2017) shall be implemented in full prior to first occupation of the development hereby approved and thereafter maintained and retained for the life of the development.

Reason: To ensure the development does not increase flood risk elsewhere.

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall contact Mark O'Brien (Public Realm Monitoring Manager) at [Mark.O'Brien@brent.gov.uk](mailto:Mark.O'Brien@brent.gov.uk), and include photographs showing the condition of highway along the site boundaries.
- 3 Please note that the Council's Network Management Team should be contacted to discuss any traffic management / parking suspension required for this site, prior to the submission of a construction management plan as Honeypot Lane is a distributor route and traffic sensitive road.
- 4 Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.
- 5 Environmental Health advise that the quality of imported soil must be verified by means of in-situ soil sampling and analysis. They do not accept soil quality certificates from the soil supplier as proof of soil quality.
- 6 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)
- 7 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

Any person wishing to inspect the above papers should contact Mandeep Chaggar, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 020 8937 5346



## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

13 September, 2017  
04  
17/2331

## SITE INFORMATION

<b>RECEIVED</b>	<b>25 May, 2017</b>
<b>WARD</b>	<b>Kensal Green</b>
<b>PLANNING AREA</b>	<b>Harlesden Neighbourhood Forum</b>
<b>LOCATION</b>	<b>Manor Park Works, Manor Park Road, London, NW10 4JJ</b>
<b>PROPOSAL</b>	Redevelopment of industrial site to residential to form a total of 45 units comprising: conversion, top floor extension and change of use of existing building from industrial and storage (B1 and B8) to residential (C3), accommodating 24 units (2 x studios, 8 x 1bed, 10 x 2bed and 4 x 3bed maisonettes) over 6 storeys; and erection of a seven storey residential building with basement level accommodating 22 units (4 x studios, 14 x 2bed and 1 x 2bed and 1 3 x 3 bed maisonettes) with associated car and cycle parking, refuse storage, landscaping and amenity space provision, including a roof terrace at each building
<b>APPLICANT</b>	<b>Beckley Group</b>
<b>CONTACT</b>	<b>Planning Co-operative</b>
<b>PLAN NO'S</b>	2128-00DR-0002 2128-00-DR-0001 2128-00-DR-0050 2128-00-DR-0010 2128-00-DR-0011 2128-00-DR-0012 2128-00-DR-0013 2128-00-DR-0015 2128-00-DR-0016 2128-00-DR-0017 2128-00-DR-0018 2128-00-DR-0020 2128-00-DR-0051 2128-00-DR-0052 2128-00-DR-0108 2128-00-DR-0109 2128-00-DR-0110 2128-00-DR-0111 2128-00-DR-0112 2128-00-DR-0113 2128-00-DR-0114 2128-00-DR-0115 2128-00-DR-0116 2128-00-DR-0117 2128-00-DR-0401 2128-00-DR-0402 2128-00-DR-0403 2128-00-DR-0604 2128-00-DR-0602 2128-00-DR-0001

2128-00-DR-0603  
2128-00-DR-1400  
2128-00-DR-1401  
2128-00-DR-1402  
2128-00-DR-1403  
2128-00-SA-0016 p02  
2128-00DR-0601 rev D09  
212-00dr-0412-DO6  
212-00-DR-0117-D03  
2128-00-GR-00-D39

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ASSOCIATED WITH  
THIS PLANNING  
APPLICATION**

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## 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:

- Fees for monitoring and enforcing its performance
- Notification of material Start
- Affordable Housing - 15% of dwellings shall be for Affordable Rented Units
- Affordable Housing Review Mechanism - end of scheme
- Training and Employment targets
- Highway works
- Travel plan including car club incentives
- Considerate Contractors Scheme
- Energy - zero carbon

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

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

1. Standard three year
2. Approved drawings
3. Water efficiency
4. Requirement to provide refuse and recycling, cycle storage and disabled parking
5. Means of enclosure
6. Landscape works
7. Accessibility
8. Lighting
9. Materials
10. Sustainable urban drainage
11. Air quality
12. Contaminated land
13. Any other planning condition(s) considered necessary by the Head of Planning

#### Informatives

1. CIL liable
2. Repair highway if damaged
3. Fire Safety Strategy
4. Soil verification
5. Asbestos
6. Air quality
7. Vibration
8. Highways
9. Licences
10. Noise
11. Structural integrity

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 it has paid special attention to the desirability of preserving or enhancing the character and appearance of the Harlesden Conservation Area(s) as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.

That, if by 13/12/2017 the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

## SITE MAP



### Planning Committee Map

Site address: Manor Park Works, Manor Park Road, London, NW10 4JJ

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This map is indicative only.

## SELECTED SITE PLANS

### SELECTED SITE PLANS

#### PROPOSAL IN DETAIL

The application seeks permission for the redevelopment of industrial site to residential to form a total of 45 units comprising: conversion, top floor extension and change of use of existing building from industrial and storage (B1 and B8) to residential (C3), accommodating 24 units (2 x studios, 8 x 1bed, 10 x 2bed and 4 x 3bed maisonettes) over seven storeys (lower ground plus six); and erection of a eight storey (basement and lower ground plus seven) residential building with basement level accommodating 20 units (4 x studios, 14 x 2bed and 1 x 2bed and 1 3 x 3 bed maisonettes) with associated car and cycle parking, refuse storage, landscaping and amenity space provision, including a roof terrace at each building.

The proposal will retain the principal existing building however the ground level will be lowered to create an additional floor at lower ground level and the proposal will include a roof extension to add two new floors to the building. The corrugated metal staircase lift enclosure will be removed from the front of the building.

The existing single storey structures would be demolished and a new eight storey building would be erected.

#### EXISTING

The existing is known as Manor Park Works and comprises principally of a four storey warehouse building. In addition the application site also contains a single storey extension to the main building and a single storey outbuilding. The site is located to the north of the junction between Manor Park Road and Park Parade within the centre of Harlesden. Vehicular access to the site is from Manor Park Road and there is a narrow pedestrian access route from Park Parade.

The existing industrial site covers an area of 0.146ha and contains a 4 storey industrial building. The surrounding building heights in the area are up to five storeys.

The building is not listed nor is the site within or particularly close to the Harlesden Conservation Area, though the proposal's relationship with the Conservation Area has been considered, see Remarks section below. The site is designated as an Archaeological Priority Area and a Site of Archaeological Importance.

#### AMENDMENTS SINCE SUBMISSION

#### SUMMARY OF KEY ISSUES

The key material planning considerations are:

1. Principle of development - this site is a Site Specific Allocation and its efficient use is a significant merit as contributing to the supply of homes in Brent in a sustainable urban location (PTAL 6a)
2. Density of development - as above, the efficient use of land is a significant merit given the high public transport accessibility of this location, subject to matters such as standard of accommodation and impact on neighbours discussed below.
3. Affordable housing - the scheme is providing the maximum viable amount of affordable housing and the applicant agrees in principle to a pre-completion affordable housing review mechanism
4. Design and appearance - this proposal is acceptable on balance, having regard to its town centre location, the merit of retaining the existing non-designated heritage asset and limited visual impact on public areas
5. Heritage - this proposal would have an acceptable impact on designated heritage assets including Harlesden Conservation Area and the Area and Site of Archaeological Importance and would retain a non-designated heritage asset
6. Standard of accommodation - this proposal is acceptable on balance in terms of internal and external amenity, having regard to its town centre location and the merit of retaining the existing non-designated heritage asset
7. Impact on living conditions of neighbours - this proposal is acceptable on balance, having regard to its

town centre location and the character of the area.

8. Landscaping and trees - subject to conditions, the proposal would provide adequate landscaping and provision of trees
9. Highways and access - this proposal is acceptable on balance, having regard to the existing access which could be brought back into more intensive use without further planning permission

These and other planning considerations are discussed in more detail in the Remarks section, below.

## RELEVANT SITE HISTORY

16/4917 - Redevelopment of industrial site to residential to form a total of 51 units comprising: conversion, top floor extension and change of use of existing building from industrial and storage (B1 and B8) to residential (C3), accommodating 25 units (two studios, two 1-beds and 21 × 2-beds) over 6 storeys; erection of adjacent linked seven storey residential building accommodating 26 units (six studios, 12 × 1-beds, five 2-beds and three 3-beds) with associated car and cycle parking, refuse storage, landscaping and amenity space provision, including a roof terrace at each building. - **Application withdrawn**

## CONSULTATIONS

In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the application was publicised by serving notice on the adjoining owners or occupiers on 19/06/2017. In addition to this consultation letters were sent to a total of 502 addresses in the surrounding area. A press notice was advertised on 29 June 2017 and multiple site notices were displayed from 20 June 2017.

Eight objections have been received, comprising two ward councillors, the Rucklidge Avenue residents' association and five other local residents.

Cllr Hector has objected on the following grounds:

- Principle: no pressing need for new homes in light of Old Oak Park Royal Mayoral Development Corporation plans
- Design and scale: height of the building resulting in harm to character of area
- Access: width restrictions and their implications for fire safety
- Highway and pedestrian safety: No separate pedestrian path along the access route
- Density: too high in terms of traffic safety given accident record on Manor Park Road
- Standard of accommodation: in terms of lack of outdoor amenity space

Cllr Kelcher has objected and requested the case be decided by Planning Committee on the following grounds:

- Standard of accommodation: in terms of room sizes
- Access: width restrictions and their implications for fire safety

Rucklidge Avenue Residents Association objected on the following grounds:

- Design and scale: design and height of the building resulting in harm to character of area, site does not integrate with area
- Living conditions of neighbours: height of buildings would overlook and overshadow neighbouring school, loss of privacy to neighbours, overwhelming
- Access: width restrictions and their implications for fire safety
- Highway and pedestrian safety: increase in traffic crossing pavement on Manor Park Road, limited access for emergency vehicles, lack of parking
- Density: over development of the site
- Standard of accommodation: lack of amenity space, poor level of residential amenity, poor levels of daylight, sunlight
- Infrastructure: additional demand on social infrastructure that cannot be accommodated

Five other local residents objected (although to date--5 September--one has not confirmed their postal address) on the following grounds:

Representation	Response
<u>Character</u> The development too high for area and towers above Harlesden Skyline Building too high and will change skyline	See Remarks section

Building should be smaller Density too high	
<u>Highways</u> Insufficient parking spaces and residents bays already under pressure. Not enough Parking Edge of busy road where there have been accidents involving pedestrians	See Transport section
<u>Fire Safety</u> Risk of Fire i.e Grenfall due to lack access for emergency vehicles	See Remarks section
<u>Standard of accommodation</u> Crammed housing, Room sizes too small Lack of green space	See remarks section
<u>Landscaping</u> Retain trees	See Landscaping section
<u>Impact on neighbours</u> Overlooking of neighbouring school	See remarks section

In addition to the responses above the Council two responses received letters in support of the proposal.

#### STATUTORY CONSULTEES

Historic England - No objection raised

#### OTHER CONSULTEES

##### *External*

Metropolitan Police Design Advisor - Comments initially raised regarding residents having access to both blocks however the proposal has been amended which has addressed the comments and therefore there is no objection to the proposal.

##### *Internal*

Transport: No objection subject to conditions requiring: (i) designation of the development as car-free, with the right of future residents to on-street parking permits withdrawn; (ii) full implementation of the submitted Travel Plan Statement; and (iii) submission and approval of a Construction Logistics Plan, there would be no objections on transportation grounds to this proposal.

Landscape Design -No objection

Heritage Officer – No objection

Design Officer - No objection following the amendments to the application.

## POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies Document and the 2016 London Plan (Consolidated with Alterations since 2011).

The following are also relevant material considerations:

Brent Site Specific Allocations DPD 2011  
National Planning Policy Framework 2012  
Mayor's Housing Supplementary Planning Guidance  
SPG17 – Design Guide for New Development  
Emerging draft SPD1 - Brent Design Guide

## DETAILED CONSIDERATIONS

### GENERAL PRINCIPLE OF DEVELOPMENT:

1. The principle of development is accepted. This site is part of a Site Specific Allocation (SSA11) for residential development with an indicative capacity of 30 units.
2. Some objections relate to the need for homes here in light of the Old Oak Park Royal Mayoral Development Corporation located to the south of Harlesden in parts of Brent, Hammersmith and Fulham and Ealing. Whilst this will provide much needed new homes over the next 20 years the majority of the housing site is not within Brent and this site is identified as forming part of Brent's five year supply of land for new homes. Policy 17 of the National Planning Policy Framework (NPPF) sets out 'core planning principles, including that planning should "encourage the effective use of land by reusing land that has been developed previously, provided that it is not of high environmental value". These principles also include to "pro actively drive and support sustainable economic development to deliver homes ...". The NPPF goes on to state that development proposals that accord with the development plan should be approved without delay.
3. The development site is located on previously developed land, within a sustainable location and has been vacant for over a year. Therefore the redevelopment of the site for residential purposes is supported in principle as the proposal would provide new homes and would make efficient use of the land by providing these homes at a reasonably high density.
4. The principle of the proposed development complies with Council objectives and national policy as outlined in the Brent Core Strategy and the NPPF respectively. The development site is not covered by a restrictive land use designation within the adopted development plan and although the site is a local employment use, the SSA means there is a presumption in favour of residential development.

#### **AFFORDABLE HOUSING:**

5. London Plan Policies 3.11A, 3.11B and 3.12 require boroughs to maximise affordable housing provision, set an overall target in Local Plans for the amount of affordable housing provision needed over the plan period, and seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed use schemes. Brent's Core Strategy Policy CP2 identifies capacity for at least 22,000 homes over the local plan period 2007-2026 and sets a target that 50% of new homes should be affordable. Developers are required to provide development appraisals to demonstrate that each scheme maximises affordable housing output. This is supported by recently adopted policy DMP 15 of the Development Management Policies DPD (2016).
6. An initial viability assessment was undertaken by The Beckley Group to assess what level of affordable housing the scheme could viably deliver. This assessment was carried out on the basis of a 45 unit residential scheme, comprising a mix of 1, 2 and 3 bedroom units. The Viability report submitted by the applicant concludes that high building cost and existing use value would result in a deficit of £3,010,000, however the applicant is still prepared to provide 4 number 3 bedroom units for Discounted Market Rent, or 15% affordable housing by habitable room.
7. The Council commissioned BNPP to carry out an independent review of the viability report. The purpose of this was to determine if the affordable housing offer at that time represented the maximum reasonable proportion that the scheme could viably deliver.
8. Whilst BNPP has disputed a number of assumptions, they do accept that the proposed development would be currently by unable to viably deliver a greater proportion of affordable housing units. One major factor in this case is that the relatively high build costs associated with the refurbishment of the existing building and the high construction cost associated with the new building development.
9. However BNPP recommend that a post implementation viability review is included in the s106 agreement and this is supported by DMP 15 which also requires that appropriate provisions to re-appraise viability be sought on major sites where the proportion of affordable housing agreed is significantly below 50%.
10. Officers have therefore agreed in principle a post implementation s106 review mechanism with the applicant, to be secured by a planning obligation within a S106 legal agreement. This would re-appraise scheme viability 6 months prior to practical completion against an agreed residual land value of £1.9m and profit margin of 15%.
11. Therefore subject to agreement of such s106 review mechanism, Officers recommend that the scheme proposes the maximum reasonable amount of affordable housing in line with planning policy.



## **RESIDENTIAL MIX:**

12. The proposal includes a mix of 6 x Studio units (13%), 8 x 1-bed (17%), 25 x 2 bed (54%) and 7 x 3-bed (15%). All are proposed as private rented units. This mix would result in 15% of units being family accommodation (3+ bedrooms), which is not strictly in accordance with the 25% policy target for family accommodation set out in Core Strategy policy CP2 however given the characteristics of the site including the refurbishment of the existing building, the proposed level of family accommodation is considered to be acceptable.

## **DENSITY:**

13. The site is located within Harlesden town centre and for the purposes of emerging draft Brent Design Guide SPD 1, it is considered to be a 'transitional' area typology site which can accommodate higher density than existing.
14. London Plan policy 3.4 aims to optimise the housing potential of sites, especially in locations that are sustainable, with 'good' public transport accessibility. In applying the density matrix to this location with a PTAL of 6a and of a urban location, a density of between 70 and 260 units per hectare would be deemed to be appropriate. The proposed density of 310 units per hectare is above the indicative density range for this location however this is a guide only and site specific circumstances should be taken into account. In this case, the site is considered capable of accommodating this slightly higher density without compromising design or living standards of future or neighbouring residents. Officers give this efficient use of land resulting in the provision of a substantial number of new homes in a sustainable location significant weight.

## **LAYOUT:**

15. Existing building: the proposal would involve retaining and extending the existing building and its conversion into residential. This would involve removing the corrugated metal staircase and lift enclosure and the insertion of an additional floor finished in Corteen which is harmonious with the industrial heritage of the existing building
16. The new building: the proposed new building has been designed to compliment the existing works building and footprint of the new building would have an irregular hexagon shape. The proposed new building has been set back at upper floors and would be hidden from view by the Salvation Army building when viewed from the street and would only become visible from the existing works building.
17. Access: Pedestrian and vehicular access to the site is via a shared surface drive from Manor Park Road and the existing pedestrian access from Park parade would be closed for security reasons. The eight maisonettes have their own front doors and the entrances to the two circulation cores are in the centre of the two front elevations.

## **MASSING, DESIGN and MATERIALS:**

18. The character of the area is mixed and the site is located to the rear of an area of mixed commercial and residential buildings fronting Manor Park Road and Park Parade with school grounds behind. The existing building is higher than the majority of nearby buildings.
19. Objections have been received on the basis of the impact of the development on the character and appearance of the area.
20. The proposal would increase the height of the existing warehouse which is currently four storeys and alter the roof to accommodate a lower ground and upper ground floors and six storeys above the lower ground level. This would result in a roof height which would be a storey higher than the existing ridge line of the existing roof, however this additional floor comprises a combination of an open metal frame, small areas of filled in gaps and set back structures, so the appearance and impact is lessened.
21. The new building would also have a lower ground and seven storeys above and whilst this building would be taller than the surrounding buildings; the building would be mostly screened from public areas by the existing buildings on the Manor Road frontage. In addition to this the proposed top floor of the building has been amended and is now set further back from the front of the building in order to reduce the massing.

22. The applicant's Design and Access Statement indicate that views of the new building would be limited, with views from Manor Park Road to the existing building along the entrance route and also views of the top of the existing building from the junction of Park Parade and Rucklidge Avenue. Given the limited views and the mixed character of the area, the proposal is considered to be in keeping with the character and appearance of the locality, in accordance with Development Management Policy DMP1 and having regard to the emerging guidance in the draft Brent Design Guide.
23. The quality of material is critical to the success of the buildings. The overall approach to the materials is considered to be acceptable. The brick work of the existing works building would be repaired and proposed palette of materials for the new building would be complimentary to the existing building. Powder coated aluminium and steel is proposed for the balconies and window frames and Corteen type weatherboard steel would be used for the top floors to create further visual interest and is considered acceptable.

#### *Summary*

24. Whilst the buildings would be higher than their surrounding context, their location is such that their appearance from the public highway would be limited. They would be noticeable and potentially prominent from the windows and gardens of nearby homes, including those that do not immediately adjoin the site (e.g. properties on Harlesden Gardens) however this is not in itself a reason for refusal and officers have given weight to the town centre location and its 'transitional' typology. Therefore the proposed massing and building heights are considered to be appropriate and in keeping with the overall context in the surrounding area. The proposed materials palette is also considered appropriate to its context and the design is supported by officers.

#### **HERITAGE:**

25. The site is in close proximity to the Harlesden Conservation Area however given the siting of the development to the rear of the properties; the proposed development is considered to preserve the setting of the conservation area in accordance with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Development Management Policy DMP7.
26. The site is also located within an Archeological Priority Area and a Site of Archaeological Importance and as such the proposal was supported with a Desk Based Archeological Assessment. The results of the assessment indicated that the archeological potential for the site is very limited and therefore recommends that no archaeological mitigation is necessary. Historic England have raised no objection to this proposal and accept the conclusions of the desktop assessment and agree that no further conditions are required. This is considered to be acceptable and complies with policy DMP 7.
27. The existing building is itself considered to be a non-designated heritage asset and officers welcome the efforts to retain this building. Officers give weight to its retention and recognise that in order to accommodate retention of the building, some compromises have been accepted in terms of design and living conditions.
28. In terms of impact on heritage assets, the proposed is acceptable.

#### **PUBLIC REALM:**

29. The proposal would include a shared surface space which has been designed to prioritise the pedestrian and fronting the new building however these works would not run over the highway and as such is not considered to have a material impact on the public realm. In addition to the shared surface area each terrace would be separated with planting beds hosting evergreen shrubs in order to soften the appearance.
30. The existing boundaries to the site would generally be retained and extensive tree planting would be incorporated into the northern and western boundary to mitigate any views from the neighbouring gardens.

#### **LANDSCAPING and TREES:**

31. Roof gardens would provide the main opportunity for landscaped areas and planting is proposed within these courtyard spaces (including new trees) to create interest, privacy and screening. Full details of the materials, seating, boundary treatments, play equipment etc that are to be laid out within these areas

would be required by condition.

32. In addition to this on the western boundary a communal private amenity has been provided to create informal play space and would be landscaped with ornamental shrub beds and a mix of tree planting.
33. There are no concerns from a Landscape perspective and a detailed landscaping plan would in any event be required by condition; this will include measures to retain or replace boundary trees as appropriate that form a screen in pursuance of section 197 of the Town and Country Planning Act 1990.

#### **QUALITY of RESIDENTIAL ACCOMMODATION:**

##### *Internal floorspace and accessibility*

34. London Plan policy 3.5 and the Mayor's Housing SPG set out minimum space standard requirements for new housing. An objection has been received on the basis of the standard of accommodation in terms of unit size. It has been demonstrated that the minimum internal floor space and floor-to-ceiling height standards would be met, or exceeded. It has also been demonstrated that all units are designed to Lifetime Homes and 10% of the dwellings would be Wheelchair Accessible have been designed to comply with the Building Regulations Part M4(3), which is in line with National Housing Standards. Therefore subject to a condition to ensure that 10% of the dwellings would be wheelchair accessible; the proposal is considered to be in accordance with Development Management Policy DMP18.

##### *Light, outlook*

35. In accordance with Development Management policy DMP1 65% of flats have more than one aspect in the converted building and none have a sole northern aspect. The remainder of the flats with a sole aspect have a south west aspect which allows good levels of light penetration. This is acceptable having regard and weight to the merit of retaining the existing building.
36. The applicants have submitted a Daylight/Sunlight report to assess the level of direct sun-light to each unit and the results confirm that each unit would meet or exceed the level required to provide natural warmth and direct sunlight. Therefore the level of light and outlook is considered to be acceptable and in accordance with the BRE guidance .

##### *External amenity space and play space*

37. Objections have been received in terms of amenity space. The proposal incorporates landscaped communal roof gardens within both buildings. Residents at the lower ground floor would be provided with small front gardens. Units on all other floors would be afforded a private balcony, the sizes of which meet or exceed the 5sqm minimum standard set out in the Mayor's Housing SPG. The proposal also includes a informal communal space at ground floor level. This is considered to be acceptable and in accordance with the requirements set out in DMP 19. The private rear gardens to the family houses are less than 50sqm, however on balance there is sufficient communal provision, and access to a park locally to make up for any shortfall. Therefore the proposed level of amenity space is considered to be sufficient for the site and is considered to satisfy the proposed residents needs in accordance with Policy DMP 19 and having regard to the provisions of the emerging Brent Design Guide section 4.1.4 for 'transitional' areas.
38. The proposal also incorporates children's play space, which is in accordance with London Plan policy 3.6 and therefore the proposed level of amenity and play space is considered to be acceptable.

#### **NEIGHBOURING AMENITY:**

##### *Privacy/ Outlook*

39. Some objections have been received on the basis of harm to the living conditions of adjoining residents; however, no objections have been received from residents of properties directly adjoining the site. Whilst not determinative in itself, this fact is given some modest weight by officers when considering the impact of the development on the living conditions of those properties.
40. Separation distances between individual buildings within the site does vary, resulting in some relationships where a distance of less than 20m is proposed. Due to the inclusion of habitable windows within these facing elevations the relationships have been rigorously scrutinised, and mitigation proposed,

as discussed in the following paragraph. Officers note, however, that the emerging draft Brent Design Guide reduces the separation distance between habitable room windows to 18m for 'typical' area typologies and reduced distances in 'transitional' and 'transformational' areas, subject to general compliance with BRE standards on daylight and sunlight (see below).

41. On the balance it is considered the use of projecting directional windows is an appropriate design response for a dense urban scheme such as this, which is seeking to optimise housing potential and this form of mitigation would reduce potential for direct overlooking and loss of privacy.
42. At various locations the separation distances between the existing properties and the proposed buildings exceed the 20m separation distance referred to in SPG17. However there are some locations where the level of separation is less than 20m but are substantially in line with the emerging Brent Design Guide standards: e.g. the proposed new building is 18m from the rear of the two-storey outrigger of Nos.38 and 36 Manor Park Road, increasing to 24m to the rear of the main part of those properties. This is in line with the emerging Brent Design Guide for 'typical' areas and is therefore acceptable. The closest facing relationship is from the balcony to the west facing unit in the new block, which would be 16m to the rear of the two storey outrigger of No. 34 Manor Park Road; however this is considered to be broadly in keeping with the existing urban grain and street pattern locally which displays similar relationships and therefore the proposal is not considered to be harmful to the residential amenities of the properties on Manor Park Road, having regard to the approach suggested in the emerging Brent Design Guide for 'transitional' areas.
43. Due to the siting of existing building and the rear windows of Park Parade the separation between facing internal facades is over 22m and this reduces down to 16m from the flank wall of the warehouse to the rear outriggers of Park Parade. Whilst below the 20m and 18m separation distance discussed above, opportunities for direct overlooking and loss of privacy have been designed out through the use of projecting directional windows where necessary over ground, first and second floors. In the main any windows facing these properties are secondary and could be obscured glazed if necessary, via condition.
44. The separation distance to the boundary of the neighbouring school site is only 5 metres and objections have been received relating to the overlooking of the school grounds. However the existing building has not moved any closer to the boundary of the school and the increase in height by one storey is not considered to increase the impact of the building on the neighbouring school. With regards to the proposed new building; the building would be sited 5 metres from the boundary of the school grounds playing area, however the elevation facing the school would have angled windows to ensure there is no direct overlooking of the school. In addition to this it is not uncommon for residential development to overlook school grounds in built up areas of London and therefore the proposal is not considered to result in material harm to the amenities of the neighbouring school site.

#### *Overshadowing/Loss of Light*

45. A daylight/sunlight report has been submitted assessing the impact of the proposals on daylight/sunlight conditions for surrounding residential properties and amenity areas/gardens, and also assessing the potential daylight and overshadowing levels of the proposed residential accommodation (habitable rooms) and amenity spaces. The report has assessed the scheme for compliance with the BRE Guide "Site layout planning for daylight and sunlight: A guide to good practice", which is the recognised standard and considered a robust method of assessment.
46. Daylight criteria within the BRE Guide have been used as a basis to assess the potential impacts on surrounding properties: the two relevant tests are (i) Vertical Sky Component (VSC) and (ii) No-Skyline (NSL). VSC assesses the impact on daylight based on the total amount of unobstructed view that is available from a habitable room window. NSL is a measure of the distribution of daylight that a room would receive, however for this test to be accurate internal room layouts must be known, which is not strictly the case for this proposal.
47. Sunlight criteria to assess the impact on surrounding properties is referred to as a test of Annual Probable Sunlight Hours (APSH). This tests the potential effect of a development to the existing sunlight amenity of occupants of neighbouring dwellings. It involves the prediction of potential sunlight availability for the main window of each habitable room, which face within 90 degrees of due south. The overshadowing impact to surrounding amenity areas/garden spaces have also been considered.
48. With regards to daylight, 76 windows in total were analysed regarding existing and proposed daylight (VSC) levels, of these 67 were excluded as they passed the BRE negligible impact test. Of the remaining

9 windows, 3 windows (34 Manor Park and 38 Manor Park) would experience a minor adverse impact, 4 windows (2 at 34 Manor Park and 2 at 36 Manor Park) would have a moderate adverse impact and 2 windows (1 at 36 Manor Park & 1 at 38 Manor Park) would have a major adverse impact. Given that some of the latter windows falls below the 27% target; an Average Daylight Factor test have been undertaken.

49. Daylight levels (ADF) within the habitable rooms of Nos 36 and 38 Manor Park Road have been assessed and results show that all of the windows would achieve the required ADF levels for daylight.
50. On the basis of the results it is considered that the impacts of the development on daylight/sunlight conditions for surrounding properties would not unduly harm existing levels of amenity. Furthermore, the daylight/sunlight conditions that are to be experienced for residents of the proposed accommodation perform would against the BRE criteria.

#### *Noise and Disturbance*

51. The closest residential properties are the properties on Manor Park Road and Park Parade, however the existing commercial use of the site and the fact this could be brought back into use without further planning permission is a material consideration. The proposed residential use is considered to be more in keeping with the surrounding land uses and therefore the proposal is not considered to result in significant noise and disturbance to the neighbouring properties.

#### *Summary*

52. The extensions to the

#### **TRANSPORTATION:**

##### *Parking*

53. Policy DMP12 and Appendix 1 of the DMP 2016 allow up to two car parking spaces for the existing workshop, whilst Policy DMP13 and Appendix 2 require servicing by full-size delivery vehicles.
54. There is a car park/service yard for the premises available, which provides considerably more parking than allowed in the DMP. It can also accommodate servicing by vans, but the narrowness of the access and tightness of the 90° turn in the access in front of the building prevent access by delivery lorries, so full servicing requirements cannot be met.
55. With the high PTAL rating, the proposed use is permitted up to 0.75 spaces per 1-1/2-bed flat and 1.2 spaces per 3-bed unit, giving a total car parking allowance of 37.65 spaces. No standard sized parking spaces are proposed, so maximum allowances are not exceeded.
56. However, Policy DMP12 requires that development does not add to on-street parking demand where on-street provision cannot meet this demand. With the site fronting a major London distributor road, any over spill parking would harm on-street parking conditions.
57. To address this, Policy DMP12 does support 'car-free' development in areas with high PTAL values and it is therefore recommended that a 'car-free' agreement be secured for this development through a legal agreement. This would remove future residents rights to on-street parking permits in the vicinity of the site and would require proper written notification of this restriction to be provided to all prospective residents.
58. The DMP requires 10% of spaces to be widened and marked for disabled drivers. Although no standard width parking spaces are proposed, two wide disabled bays are to be provided within the site, which meet standards in terms of dimensions and turning space. Any further Blue Badge holders would be exempt from the 'car-free' agreement, so could purchase permits to park on-street in the wider area.

##### *Cycle parking*

59. The London Plan requires at least 64 long-term bicycle parking spaces and two short-term spaces. Secure storage has been indicated within the basement for 80 bicycles (assumed to be on double-height racks) with access via a lift with suitable internal dimensions for cyclist use from the ground floor courtyard. Two further bicycle stands are shown in the courtyard area for visitors and therefore bicycle

parking requirements are met. A condition would require these be provided prior to occupation.

### *Access and Servicing*

60. With regard to servicing, tracking has been provided to show that the development would be accessible by 7.5m box vans along a 4.2m wide shared surface, which would cater for the majority of ad-hoc deliveries.
61. Objections have been received on the basis of the restricted access and the effect this could have on highway safety. The tightness of the existing access means it cannot accommodate access and turning by larger delivery vehicles (e.g. refuse vehicles or fire appliances). However this is also the case for the existing workshop use, which would have more onerous servicing requirements and in this regard, the conversion of the building to residential use has a generally beneficial impact on servicing and should reduce the impact of loading from Manor Park Road. Therefore on the balance this is considered to be acceptable.
62. A Transport Statement has been submitted with the application, which has compared the proposed development to other similar developments in Inner London in order to estimate the numbers of trips likely to be generated to and from the site. This estimates that 5 arrivals/26 departures would be generated in the morning peak hour (8-9am) and 15 arrivals/9 departures in the evening peak hour (5-6pm). These totals are likely to be lower than the numbers generated by the existing employment use and with parking largely removed from the site, the impact of vehicular movements on the highway network would be negligible.
63. As the development is to be car-free, the vast majority (90%) of these trips would enter and leave the site by foot, with 5% by bicycle. Modal share information suggests that 85% of onwards trips would be by public transport, but with numerous bus and rail services passing close to the site each hour, less than one additional passenger would be generated on each service, which is not significant. Given the limited number of vehicular movements anticipated along this 4.2m wide access, it is acceptable for it to be a shared pedestrian and vehicle route.
64. The road accident history for the area has also been examined over the five year period March 2011-February 2016. This identified 36 accidents in this period between Park Parade and Tavistock Road. The high total is reflective of the main road status and the busy town centre location and there are no identified commonalities that would be likely to be exacerbated by this development.
65. To help manage travel arrangements to and from the site for new residents in the absence of any general car parking, a Travel Plan has been submitted. This sets out a number of measures (supply of transport information packs, personalised travel planning, promotion of Car Clubs including free initial membership, provision of a one month Travel card and £300 credit for public transport journeys etc.) to be implemented by a Travel Plan Co-ordinator over a five year period. The aim would be to keep car use below 7% of trips (although the car-free nature of the development should almost guarantee this), with success against this target measured by snapshot surveys every two years.
66. Detailed modal split targets have not been provided at this stage and it is not confirmed that the monitoring surveys would fully comply with full Travel Plan requirements. However, as a relatively modest development, a Travel Plan Statement would be sufficient and this meets the requirements for a Travel Plan Statement. A condition is recommended to secure implementation of the Travel Plan.
67. The Transport Statement also confirms that a Construction Traffic Management Plan would be produced for the development and the approval of a Construction Logistics Plan by the highway authority is essential, given the restrictions on access to the site. An informative is advised drawing the applicant's attention to their responsibilities in respect of the Highways Act 1980.

### *Refuse*

68. Bin storage is proposed within the basement, with a lift to bring bins up to ground floor. An area alongside the access drive close to Manor Park Drive has been identified for bins to be left by the management company on collection days, allowing easy access for refuse crews without the vehicle having to access the site. Adequate width would remain past the bins for vehicular and pedestrian access and this is considered to be acceptable.

### *Fire Safety*

69. Given the issue of access for service vehicles concerns have been raised in relation to fire safety. Whilst this is not a material planning consideration, as a response the applicant has appointed a fire consultant Hoare Lea Fire Engineering In order to assess the Fire strategy which includes a dry riser is proposed to be laid beneath the access road and a sprinkler system would be installed in the building. The Fire consultant has confirmed that the approach to the development is acceptable and the Fire strategy for the building would increase the minimum level of the required fire safety. In addition to this an informative is recommended which requires the implementation of the Fire Safety strategy.

#### **FLOOD RISK and DRAINAGE:**

70. The application has been supported by a Flood Risk Assessment (FRA), and this sets out that there are no existing watercourses near to the site and that the site is located in an area of the lowest risk (Zone 1) from fluvial or tidal flooding. The site has been assessed as being at very low risk from ground water, surface water and/or sewer flooding.

71. The application has been supported with a Flood Risk Assessment which demonstrates that the proposal would achieve reduce surface water run off through the use of SuDS achieved through the use of a green roof and cellular storage system in combination with an orifice plate control device.

72. This approach is considered to be acceptable subject to conditions which require the implementation of the SuDs.

#### **AIR QUALITY:**

73. The application is within a designated Air Quality Management Area (AQMA) along with the rest of the south part of the borough due to elevated levels of nitrogen dioxide and particulates as a result of road traffic emissions. Due to this designation the proposal is accompanied by an Air Quality Assessment which examines the potential impact of the development on air quality during construction and the impacts of existing air quality on future residential occupiers. The Assessment used dispersion modelling was to predict pollutant concentrations across the development.

74. Based on the assessment results, the site is considered suitable for the proposed end use subject to the inclusion of relevant mitigation measures and complies with the London Plan and relevant legislation. The assessment identifies the need for mitigation measures in the form of air tight windows, and mechanical ventilation for all units. Appropriate conditions are recommended to ensure the mitigation measures are implemented.

#### **SUSTAINABILITY:**

75. A Energy Statement supports the application, this seeks to demonstrate how the proposed scheme complies with London Plan policies which seek to reduce carbon emissions, in the form of an approach that accords with the Mayor's energy hierarchy to 'Be Lean' (use less energy), 'Be Clean' (supply energy efficiently) and 'Be Green' (use renewable energy), and Brent's adopted policies on climate change.

76. The scheme has been designed to achieve a level of carbon reduction that is over and above the 2013, Part L Building Regulations emissions reduction target of 35%. This reduction is to be achieved through passive energy efficiency measures and a combined Heat & Power system. This combined with a carbon offset payment mean the scheme would be able to achieve the zero carbon standard set out in the London Plan policy 5.2.

77. This is considered to be in compliance with the carbon reductions target and the delivery of the wider sustainability measures should be secured or by condition.

78. Water efficiency is to be achieved by a water leak detection system and is in line with national housing standards, and the London Plan. Compliance with this would be secured by condition.

#### **INFRASTRUCTURE**

79. Concerns have been raised in relation to the additional pressures the proposal would put on existing infrastructure such as demand for school places and doctors surgeries. However the proposal would be liable for Community Infrastructure levy contributions which is charged per square metre and therefore the proposal is not considered to warrant additional contributions to infrastructure

**SUMMARY:**

80. Officers consider that the scheme meets planning policy objectives and is in general conformity with local, regional and national policy. The proposal makes efficient use of previously developed land in a sustainable location and would make a positive contribution to the continued regeneration of area. This efficient use of the land would result in a substantial number of new homes, helping to meet housing targets, and secures the maximum reasonable proportion of affordable housing to be delivered off site. It is considered that the form of development would have an acceptable impact on and relationship with the existing surrounding development. Officers recommend the application for approval subject to the conditions and s106 obligations set out in this report.

**CIL DETAILS**

This application is liable to pay **£795,325.59\*** 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): 4151 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	4151	1502	2649	£200.00	£35.15	£676,441.07	£118,884.52

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)	286	
<b>Total chargeable amount</b>	<b>£676,441.07</b>	<b>£118,884.52</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.**





DECISION NOTICE – APPROVAL

Application No: 17/2331

To: Mr Carroll  
Planning Co-operative  
30 Altenburg Avenue  
West Ealing  
W13 9RN

I refer to your application dated **25/05/2017** proposing the following:

Redevelopment of industrial site to residential to form a total of 45 units comprising: conversion, top floor extension and change of use of existing building from industrial and storage (B1 and B8) to residential (C3), accommodating 24 units (2 x studios, 8 x 1bed, 10 x 2bed and 4 x 3bed maisonettes) over 6 storeys; and erection of a seven storey residential building with basement level accommodating 22 units (4 x studios, 14 x 2bed and 1 x 2bed and 1 3 x 3 bed maisonettes) with associated car and cycle parking, refuse storage, landscaping and amenity space provision, including a roof terrace at each building

and accompanied by plans or documents listed here:

2128-00DR-0002  
2128-00-DR-0001  
2128-00-DR-0050  
2128-00-DR-0010  
2128-00-DR-0011  
2128-00-DR-0012  
2128-00-DR-0013  
2128-00-DR-0015  
2128-00-DR-0016  
2128-00-DR-0017  
2128-00-DR-0018  
2128-00-DR-0020  
2128-00-DR-0051  
2128-00-DR-0052  
2128-00-DR-0108  
2128-00-DR-0109  
2128-00-DR-0110  
2128-00-DR-0111  
2128-00-DR-0112  
2128-00-DR-0113  
2128-00-DR-0114  
2128-00-DR-0115  
2128-00-DR-0116  
2128-00-DR-0117  
2128-00-DR-0401  
2128-00-DR-0402  
2128-00-DR-0403  
2128-00-DR-0604  
2128-00-DR-0602  
2128-00-DR-0001  
2128-00-DR-0603

2128-00-DR-1400  
2128-00-DR-1401  
2128-00-DR-1402  
2128-00-DR-1403  
2128-00-SA-0016 p02  
2128-00DR-0601 rev D09  
212-00dr-0412-DO6  
212-00-DR-0117-D03  
2128-00-GR-00-D39

at **Manor Park Works, Manor Park Road, London, NW10 4JJ**

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: 05/09/2017

Signature:



**Alice Lester**  
Head of Planning, Transport and Licensing

**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  
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 DMP 2016  
DMP1 – General Development Management Policy  
DMP7- Archeological Priority Area  
DMP12 – Parking  
DMP18 – Dwelling Size and Residential Outbuildings  
Supplementary Planning Guides  
SPG17 – Design Guide for 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):  
2128-00DR-0002  
2128-00-DR-0001  
2128-00-DR-0050  
2128-00-DR-0010  
2128-00-DR-0011  
2128-00-DR-0012  
2128-00-DR-0013  
2128-00-DR-0015  
2128-00-DR-0016  
2128-00-DR-0017  
2128-00-DR-0018  
2128-00-DR-0020  
2128-00-DR-0051  
2128-00-DR-0052  
2128-00-DR-0108  
2128-00-DR-0109  
2128-00-DR-0110  
2128-00-DR-0111  
2128-00-DR-0112  
2128-00-DR-0113  
2128-00-DR-0114  
2128-00-DR-0115  
2128-00-DR-0116  
2128-00-DR-0117

2128-00-DR-0401  
2128-00-DR-0402  
2128-00-DR-0403  
2128-00-DR-0604  
2128-00-DR-0602  
2128-00-DR-0001  
2128-00-DR-0603  
2128-00-DR-1400  
2128-00-DR-1401  
2128-00-DR-1402  
2128-00-DR-1403  
2128-00-SA-0016 p02  
2128-00DR-0601 rev D09  
212-00dr-0412-DO6  
212-00-DR-0117-D03  
2128-00-GR-00-D39

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

### 3 WATER EFFICIENCY

Prior to first 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: In order to ensure a sustainable development

### 4 REQUIREMENT TO PROVIDE REFUSE AND RECYCLING, CYCLING AND DISABLED PARKING

The refuse and recycling storage, cycle storage and disabled parking bays as shown on the approved plans shall be provided prior to the occupation of the development and shall be retained for the lifetime of the development.

Reason: to ensure adequate provision is made for these matters in the interests of amenity, sustainable transportation and disabled parking requirements.

### 5 MEANS OF ENCLOSURE - FURTHER DETAILS

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 visual amenity and character of the locality.

### 6 LANDSCAPE WORKS - FURTHER DETAILS

Notwithstanding any details of landscape works referred to on the approved plans, a detailed scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes, locations and planting densities and existing trees to be retained and/or replaced if removed) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the superstructure (not including any demolition, groundworks or formation of the basement). 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.

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.

## 7 ACCESSIBILITY

Not less than 10% of residential units shall be constructed to wheelchair accessible requirements (Building Regulations M4(3)) or meet easily accessible/adaptable standards (Building Regulations M4(2)).

Reason: To ensure suitable facilities for disabled users, in accordance with the London Plan policy 4.5.

## 8 LIGHTING - FURTHER DETAILS

Details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the superstructure (not including demolition, groundworks and formation of the basement). The approved details shall be fully implemented prior to first occupation of any of the development and retained as such thereafter.

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

## 9 MATERIALS - FURTHER DETAILS

Details of materials for all external work, including samples to be provided on site for inspection and/or manufacturer's literature, 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.

## 10 SUSTAINABLE URBAN DRAINAGE

Prior to the commencement of relevant drainage works full details of a drainage strategy detailing any on and/or off site drainage works which shall include but is not limited to a scheme of drainage measures for all areas of hard surface, showing those areas to be treated by means of hard landscape works to utilise a sustainable urban drainage system (SUDS) to reduce run-off rates, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the development and shall be retained for the lifetime of the Development.

Reason: To ensure the development meets the requirements of London Plan Policy 5.13 Sustainable Drainage.

## 11 AIR QUALITY - SUBMIT AIR QUALITY NEUTRAL ASSESSMENT

No development shall take place unless an Air Quality Neutral Assessment ("the Assessment") has been submitted to and approved in writing by the Local Planning Authority. The Assessment must be undertaken in accordance with guidance published by the Greater London Authority (GLA) and shall include appropriate mitigation proposals should it be found that the development is not air quality neutral. The development shall be carried out in accordance with the Assessment and any approved mitigation measures shall be implemented prior to the occupation of the development and shall be retained for the lifetime of the development.

Reason: to protect local air quality in accordance with London Plan policy 7.14

## 12 CONTAMINATED LAND

(a) Prior to commencement of any works on site, with the exception of works necessary to facilitate compliance with part (a) of this condition, a Site Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Site Investigation shall be carried out by competent persons in accordance with the principles of BS 10175:2011 to determine the nature and extent of any soil contamination present; include the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination; and include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors

(b) Prior to the commencement of any works, with the exception of works necessary to facilitate compliance with part (b) of this condition and UNLESS the Local Planning Authority has previously confirmed in discharging part (a) above that no remediation measures are required, a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall specify measures to contain, treat or remove any soil contamination to bring the site to a condition suitable for the intended residential use; include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures; ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The works shall be carried in accordance with the approved details in accordance with the approved timetable of works. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Any remediation measures required by part (a) above shall be carried out in full.

(c) Prior to the occupation of the Development, UNLESS the Local Planning Authority has previously confirmed in discharging part (a) above that no remediation measures are required, a Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Verification Report shall demonstrate that the remediation has been carried out in accordance with the approved Remediation Strategy; and that the Development is permitted for its approved end use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall contact Mark O'Brien (Public Realm Monitoring Manager) at [Mark.O'Brien@brent.gov.uk](mailto:Mark.O'Brien@brent.gov.uk), and include photographs showing the condition of highway along the site boundaries.
- 3 The applicant is advised to ensure that the submitted Fire Strategy is implemented in consultation with the London Fire Brigade
- 4 The quality of imported soil must be verified by means of in-situ soil sampling and analysis. We do not accept soil quality certificates from the soil supplier as proof of soil quality.

5 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.

6 **AIR QUALITY**

The applicant is advised that the Environmental Act 1995, Clean Air Act 1993, the Health and Safety at Work Act 1974 etc, the Environmental Protection Act 1990 all control air quality and that the EPA 1990 controls dust under the 'statutory nuisance' provisions. The contractor should: (i) take all necessary measures to avoid creating a dust nuisance during both demolition and construction works including excavations; (ii) not burn any materials on the site; (iii) avoid the occurrence of emissions or fumes from the site including from plant and ensure off-road vehicles (e.g. bulldozers, excavators etc) with compression ignition engines comply with emission standards set in EC Directive 97/68/EC, meeting Stage II limits where possible and run on low sulphur diesel; (iv) ensure on-road vehicle emissions are in line with the provisions of the Road Vehicles (Construction and Use) Regulations (as amended) and the Motor Vehicles (Type Approval) (Great Britain) Regulations made under the Road Traffic Act 1988 and the EURO standards.

7 **VIBRATION**

The applicant is advised to adhere to the following guidance in respect of vibration to ensure measures are taken to protect the residents and users of buildings close by and passers-by from nuisance or harm and protect buildings from physical damage: (i) human exposure: the contractor should refer to BS5228:1992 Part 4 'Code of Practice for Noise and Vibration Control Applicable to Piling Operations' for guidance; and (ii) protection of structures: the contractor should carry out demolition and construction activities in such a way that vibrations arising will not cause significant damage to adjacent structures and should refer to BS7385 'Evaluation and Measurement of Vibration in Building - Part 2 Guide to Damage Levels from Groundborne Vibration' for guidance.

8 **HIGHWAYS**

The applicant is advised that the Highways Act 1980 (particularly Part IX) sets out requirements relating to construction work on or near the highway. Key requirements of the 1980 Act include: (i) permission by formal agreement from the Highway Authority (London Borough of Brent except for the North Circular Road) is required for any works to highways; (ii) licences are required for permission to place temporary obstructions on the highway (e.g. hoardings, fenced storage areas, temporary cross-overs, scaffolding, gantries and skips); (iii) deposition of mud or other such materials on the highway is prohibited. Measures to prevent this (e.g. wheel washing) can be required by order; (iv) surface drainage from a construction site must not be allowed to run across the footway part of a public highway; (v) the contractor is responsible for any damage caused by their activities to roads, kerbs or footpaths in the vicinity of the work site; (vi) any street furniture (electrical or non-electrical) cannot be removed or relocated by the developer or any of its contractors. This may only be carried out by the Highway Authority or its appointed contractor.

The applicant is also advised of their responsibility to apply to the Council for parking bay suspension:

[www.brent.gov.uk/services-for-residents/parking/suspending-a-parking-bay-and-dispensations](http://www.brent.gov.uk/services-for-residents/parking/suspending-a-parking-bay-and-dispensations)

9 **LICENCES**

The applicant is advised that some aspects of construction are subject to licences. For example, the developer/contractor will be required to obtain licences from the Local Authority before: (i) erecting any scaffolding, hoardings, ganty, temporary crossing or fence on the highway; (ii) depositing a skip; or (iii) operating a mobile crane, aerial platform, concrete pump lorry or any such equipment. The contractor has a duty to inform local residents likely to be affected by such activities at least 14 days prior to undertaking the works, as well as applying for the appropriate permits and licences. The most suitable method of informing residents is through newsletters. Such newsletters should also update neighbours on site progress and projected activities that might cause loss of amenity, e.g. road closures for delivery or use of mobile cranes or abnormal deliveries to the site.

10 NOISE

The applicant is advised that noise and vibration is controlled by the Control of Pollution Act 1974 and statutory nuisance provisions contained within the Environmental Protection Act 1990 and the British Standard Codes of practice 5228:1997 Parts 1 to 4. Key issues relating to noise from construction sites include: (i) prior consent may be sought from the Council relating to noise from construction activities (s.61 of COPA 1974); (ii) if no prior consent is sought, the Authority may serve a notice on the site/works, setting conditions of permitted work (s.60 of COPA 1974); (iii) an action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or notice (s.82 of the EPA 1990). In particular, the normal hours of work shall be between the following hours:

Monday to Friday - 08.00 to 18.30

Saturdays – 08.00 to 13.00

Sundays and Bank Holidays – No noisy works at all

No work or ancillary operations, which are audible at the site boundary, will be permitted outside these hours unless fully justified and any such works shall be kept to an absolute minimum.

11 STRUCTURAL INTEGRITY

The applicant is advised that Building Regulations control these works and compliance is required when converting an existing basement to habitable use, excavating a new basement or extending an existing basement. Building Regulations control matters such as structure, fire safety, ventilation, drainage, waterproofing, insulation, sound proofing, heating systems and access.

For the avoidance of doubt, the granting of planning permission does not provide any warranty against damage of adjoining or nearby properties, and the responsibility and any liability for the safe development of the site rests with the developer and/or landowner.



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

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

13 September, 2017

17/2643

## SITE INFORMATION

<b>RECEIVED</b>	14 June, 2017
<b>WARD</b>	Brondesbury Park
<b>PLANNING AREA</b>	Brent Connects Kilburn
<b>LOCATION</b>	44 Hardinge Road, London, NW10 3PJ
<b>PROPOSAL</b>	The erection of a single storey ground floor rear extension, conversion of existing garage, a hip to gable roof extension, enlargement of existing dormer and associated internal alterations to accommodate for the conversion of a 4 bedroom single semi-detached dwelling house into 2 self contained flats (1x3 bed and 1x2 bed).
<b>APPLICANT</b>	Mr Parsons
<b>CONTACT</b>	Mr Plunkett
<b>PLAN NO'S</b>	See Condition 2
<b>LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION</b>	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_134822">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_134822</a></p> <p><b><u>When viewing this as an Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "17/2643" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

That the Committee resolve to GRANT planning permission 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 (3 years)
2. Approved Plans
3. Materials to Match Existing
4. Obscure Glazing
5. Permitted Development Change of Use Restriction (Use Class C3 – C4)
6. Details of Refuse/Recycling & Bicycle Storage Provision
7. Any other planning conditions considered necessary by the Head of Planning

### Informatives

1. Party Wall
2. Draw the Applicant's attention to the CIL liability
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.

## SITE MAP

	<p><b>Planning Committee Map</b></p> <p>Site address: 44 Hardinge Road, London, NW10 3PJ</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is indicative only.

## PROPOSAL IN DETAIL

### Single Storey Ground Floor Extension

The proposed single storey rear extension would have a stepped form. It would extend 3 metres up to the boundary with adjoining property no.42 and have a maximum depth of 4.5 metres. With regards to its height, it would measure 3 metres with a flat roof.

### Hipped to Gabled Roof Extension

The proposed hipped to gable roof extension would be on the eastern elevation facing property no.46. The existing side facing dormer would be demolished.

### Enlargement of Existing Rear Dormer Window

The measurements of the proposed rear dormer window are as follows;

- Width: 3.30 metres
- Height: 2.60 metres
- Depth: 2.96 metres

This compares to the measurements of the existing dormer window;

- Width 2.00 metres
- Height 2.65m (including pitched roof)
- Depth 3.00 metres

### Conversion into 2 flats

Flat A would be located on the ground floor with direct access to the rear garden. It would provide 3 double sized bedrooms and have a gross internal area (GIA) of 105 m<sup>2</sup>. Access would be via the communal front door and hallway.

Flat B would be located on the first and second floors. It would provide 2 doubled sized bedrooms and have a GIA of 86.9m<sup>2</sup>. No private outdoor amenity space would be provided.

## EXISTING

The subject property is an interwar two storey (plus attic) semi-detached dwellinghouse located on the southern side of Hardinge Road. The building contains a 4 bedroom family sized dwelling with a total habitable internal area of 143sqm. The property has seen the erection of rear and side dormer window roof extensions. A car garage is located to the side, nearest to no. 46, which has been extended to the rear. The site benefits from a good sized rear garden which has an area of approximately 105sqm. The front garden includes a driveway, which can accommodate two cars.

The site is located in a residential street characterised by similar style semi-detached properties. Although gabled roofs are the predominate design, the street has seen a number of hipped to gabled roof extensions. Rear dormer windows have also been erected within the immediate vicinity, including the adjoining property no. 42. The property is not situated within a conservation area and is not listed.

## AMENDMENTS SINCE SUBMISSION

Since the original submission of the application the following amendments have been made to the scheme:

- The proposed dormer window was reduced in scale
- Revised drawings were submitting clearly showing the natural ground floor level.
- The proposed rear patio was lowered to ground floor level.

## SUMMARY OF KEY ISSUES

Principle of Conversion: The conversion of the property into 2 flats meets the criteria of DMP 17. The property is of sufficient size and a family unit would be provided.

Character and Appearance: The proposed extensions are considered modest additions which would appear sympathetic to the property and respect the character of the streetscene.

Standard of Accommodation: Both flats would meet minimum space standards and provide a good level of natural light, outlook and privacy.

Impact upon Neighbouring Amenity: In view of the scale and design of the proposed development, the impacts on residential amenity of neighbouring occupiers is considered negligible.

Transport: The proposed development would bring the development in line with these parking standards. Cycling storage facilities would also be provided, in accordance with the London Plan. \_ \_

## RELEVANT SITE HISTORY

**92/0269 – Refused on the 01/06/1992**

**Description of Development:** Erection of single storey rear extension to dwellinghouse.

**Reason for refusal:** *The proposed development would be detrimental to the amenities of adjoining residents by reason of loss of light, overshadowing and loss of outlook.*

## CONSULTATIONS

In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the application was publicised by serving the notice on the adjoining owners or occupiers and other neighbours on 30/06/2017.

To date the following representations have been received.

- 2 Objections from Ward Councillors
- 1 Objection Petition (with 55 signatures)
- 1 Supporting Petition (with 14 signatures)
- 16 Letters of Objection
- 6 Representations of Support

### 2 Objections from WardCouncillors

A summary of the planning considerations have been outlined in the table below.

Objection	Officers Response
The proposed development would result in overdevelopment of the site.	The Impact upon the character and appearance of the area have been discussed within Chapter 3
The proposed development would result in a loss of natural light and privacy for adjacent residential occupiers.	The impact upon residential amenity has been discussed within Chapter 5.

### Objecting Petition \_

Includes 55 signatures from 27 separate addresses on Hardinge Road (note: 8 of the addresses have submitted separate objection letters). A summary of the planning considerations have been outlined below.

Objection	Officers Response
The conversion of the property into flats would contravene planning policy to protect family housing and the housing needs of the community.	This has been discussed within the Principle of Development Section (Chapter 2).
The proposed development would be	The Impact upon the character and appearance of

unsympathetic to the subject property and streetscene.	the area have been discussed within Chapter 3
The development would cause privacy concerns for adjacent residential occupiers.	The potential impact upon neighbouring amenity has been discussed within Chapter 5.
The creation of two dwellings would create additional parking pressures	Transport considerations have been discussed in Chapter 6
The creation of flats could create a succession of tenants	There is no evidence to suggest the creation of flats would create a succession of tenants or whether this would adversely impact neighbouring resident's amenity
Inaccuracies within the drawings <ul style="list-style-type: none"> <li>• 2 trees have not been shown</li> <li>• Except for a scale bar, the drawings include no measurements</li> </ul>	It is considered that the plans submitted provide a sufficient representation of the site to assess the application. No nearby trees are expected to be harmed by the proposed development. Scale bars have been included, meeting local validation requirements

#### Supporting Petition,

Includes 14 signatures, from 14 separate addresses, (none on Hardinge Road). The petition is in favour of the planning application and asks planning permission be granted. No further details have been provided.

#### 6 Representations of Support

A summary of the planning considerations have been outlined in the table below.

<b>Support</b>	<b>Officer's Response</b>
The owners have a right to develop the property.	There is a presumption in favour of development, provided it complies with relevant planning policy.
The proposal would be sympathetic with the established architecture of the street	Design considerations have been discussed within Chapter 3
No adverse impact on-street parking is expected to arise as a result of the proposed development.	Parking considerations has been addressed within Chapter 6
The rear extensions and conversion of the garage would be allowable under permitted development.	Given the proposal includes the conversion of the property into flats, it would not benefit from permitted development rights

#### 16 Letters of Objection

A summary of the planning considerations have been outlined below.

<b>Objections</b>	<b>Officer's Response</b>
The proposed development would constitute overdevelopment of the site, which would be unsympathetic to the subject property and streetscene	The impact upon the character and appearance of the area has been discussed within Chapter 3
Development of the rear garden would erode a green corridor	The site benefits from a large rear garden and over 50% of the rear garden would be retained, as shown on the submitted drawings. Biodiversity is not expected to be adversely impacted as a result of the proposal.
The conversion of the property into flats would contravene planning policy to protect family housing and the housing needs of the community.	The principle of the conversion has been discussed within Chapter 2.
The new flats would provide sub-standard accommodation for future occupiers	The standard of accommodation has been discussed within Chapter 4
The increase in the number of residential units would add to traffic congestion and increase parking pressures on the street.	Transport considerations has been discussed in Chapter 6
Additional rubbish would be created	Refuse/recycling provision would be provided to



	manage the increase in rubbish
The proposed development would cause the following amenity impacts upon adjacent residential occupiers. <ul style="list-style-type: none"> <li>• Increase in noise disturbance</li> <li>• Create an overbearing impact</li> <li>• Loss of Outlook</li> <li>• Loss of privacy</li> <li>• Loss of natural light</li> </ul>	The potential impact upon neighbouring amenity has been discussed within Chapter 5.
The creation of flats could create a succession of tenants	There is no evidence to suggest the creation of flats would create a succession of tenants or whether this would adversely impact neighbouring resident's amenity.
The development would contravene the restriction covenant set out by all Souls	Restrictive covenants is not a planning consideration, but a civil matter between the individuals involved.
The proposed ground floor extension has been measured from the raised patio, instead of natural ground floor level	Revised drawings were submitted clarifying the natural ground floor level to the rear of the building. The revised drawings show the extension would have a height of 3 metres, as measured from natural ground floor level.
<u>Inaccuracies within the drawings:</u> <ul style="list-style-type: none"> <li>• 2 trees have not been shown</li> <li>• The size of the garden has not been surveyed correctly</li> <li>• Except for a scale bar, the drawings include no measurements</li> </ul>	It is considered that the plans submitted provide an adequate representation of the site to assess the application. No nearby trees are expected to be harmed by the proposed development. Scale bars have been included, meeting local validation requirements

#### Internal consultees

Highways - no objection

#### External Consultees

None

## POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies Document and the 2016 London Plan (Consolidated with Alterations since 2011).

The following are also relevant material considerations:

- The National Planning Policy Framework (2012)
- SPG 5 – Altering and Extending Your Home
- SPG 17 – Design Guide for New Developments
- Housing SPG (2016)

## DETAILED CONSIDERATIONS

### 1. Background (Existing Extensions)

1.1. The existing garage appears to have been extended to the rear. Although no planning records can be found, it may have been permitted development under the pre-2008 general permitted development legislation. In any case, aerial photography indicates it was erected between 2006/06 and 2007. As that is more than four years ago it is an established situation immune from enforcement action.

### 2. Principle of development

2.1 Brent Council recognizes the pressing need for more homes in London. Policy 3.3 of the London Plan has set the London Borough of Brent a target to create 1525 new residential units each year. The historic housing stock of Brent forms the majority of residential homes in the borough. The conversion of suitable dwellinghouses into flats contributes to achieving this goal. As such, DMP 17 of Brent's Management Plan supports the conversion of family sized dwellings provided the following criteria are met:

- a) the existing home has a GIA of least 130sqm; and
- b) it results in at least a 3 bedroom dwelling, preferably with direct access to a garden/amenity space.

2.2 The dwellinghouse complies with this criteria. The existing house (excluding the garage) has a gross internal area (GIA) of 136m<sup>2</sup> and a family sized flat (3 bed) is proposed on the ground floor with direct access to the rear garden. The conversion of the property is therefore acceptable in principle.

2.4 To ensure the family sized unit is retained, a condition will be imposed restricting permitted development rights to convert the property to a home in multiple occupation (HMO).

### **3. Character and Appearance**

#### *3.1 Policy Context*

3.1.1 London Plan polices 7.4, 7.6, and Brent's Development Management policy DMP 1 promotes high quality design which is sympathetic to its surroundings. SPG 5 expands on these policies providing more in-depth design guidance regarding the alteration and extensions of residential properties. The alterations and extensions to residential properties should appear subordinate, respect the character of the original dwellinghouse and appear in harmony with its surroundings.

#### *3.2. Conversion of property*

3.2.1 A number of neighbours have commented that no dwellinghouses on the street have been converted into flats and the proposed conversion would be an uncharacteristic addition, adversely impacting the character of the streetscene.

3.2.2 Planning records indicate that no property has been lawfully converted on the street. However, it is not a requirement of DMP 17 to only allow the conversion of dwellinghouses within streets where flats are an established feature. The conversion of the property (excluding any associated extensions) would not significantly change the external appearance of the property and is not expected to cause a materially adverse impact upon the streets character. Only the proposed associated extensions would materially alter the external appearance of the building, potentially impacting the streetscene. The merits of the proposed extensions will be assessed in turn.

#### *3.3 Hip to gable roof extension*

3.3.1 SPG 5 states that hip to gable roof extensions will not normally be permitted as this results in a significant change to the character of the area. In this case a number of hip to gable roof extensions have been erected on the street, including one pair of semi-detached properties. The large majority of these extensions have been erected under permitted development rights. A retrospective planning application, which included a hip to gable roof extension was also approved (ref. 17/1646) at no. 66 Hardinge Road. In this case, the property has an existing large side dormer window. The bulk and design of this window is such that an extension to form a full gable end is not substantially different to the existing situation. For this reason, officers are satisfied that this extension would be acceptable despite the other property of this semi-detached pair not having a gable end.

#### *3.4 Ground Floor Rear Extension*

3.4.1 SPG 5 states ground floor rear extensions should be designed to respect the character and size of the principle building. The proposed ground floor single storey rear extension is considered to be a modest addition that would appear sympathetic to the character of the dwellinghouse. Located in a discreet location to the rear, the impact upon the wider area is expected to be minimal.

#### *3.5 Enlargement of Rear Dormer*

3.5.1 The proposed rear dormer would not dominate the roof slope and would appear subordinate. Although it would only be set in 0.35m from the roof eaves, short of the guideline of 0.5 metres advised by SPG 5, this failure is not considered significant in this case. Other larger dormer windows are present on the street including the adjoining semi-detached property (no.42) and is not expected to appear harmful to the wider area.

#### *3.6 Front Garden*

3.6.1. The front garden would remain largely unaltered, only the insertion of recycling/refuse and bicycle storage facilities are proposed. These modest additions are not expected to cause an adverse impact upon the streetscene. A condition will be imposed requiring further details of these structures be submitted to and approved by the local planning authority to ensure the detailed design appears sympathetic to the streetscene.

### *3.7 Conversion of Garage*

3.7.1 The conversion of car garages is supported by SPG 5. Only the replacement of the garage door with a brick wall and casement window would be highly noticeable from the street. SPG 5 states the installation of new windows should respect the character of the original house. Although the size of the proposed window would be smaller than the existing windows, the style is considered broadly in keeping as to not disrupt the building's fenestration. No details of the window materials has been provided.

3.7.2 The only other external alterations include an insertion of a skylight on the pitched roof and installation of obscure glazing to the existing side facing window. These are considered minor alterations located in a discreet location which are not expected to appear intrusive.

### *3.8 Cumulative Impacts*

3.8.1 Objections have been received stating that the property has already been significantly extended and the proposed works would constitute an overdevelopment of the site. An objector has also referred to government guidance by Rt. Hon. Greg Clark M.P who designated gardens as greenfield sites on June 9 2010-Part of Planning, Reform and Location. It is noted that the scale of the established rear extension behind the garage is significant. Although this structure would unlikely receive planning permission today, it is an established situation and would be immune from enforcement action. The quoted government guidance above was intended to restrict the erection of new residential development within existing residential gardens. No new residential buildings are proposed. Instead the proposal includes the subdivision of the existing property and subordinate extensions. The site benefits from a large rear garden and approximately 70% of the original rear garden would be retained. The cumulative impact of both existing and proposed extensions is not considered excessive given the size of the site.

3.8.2 The proposed extensions and alterations are considered minor and would not disrupt the established character of the street. The proposed development to the rear would not be highly noticeable and its impact upon the character and appearance of the surrounding area is considered minimal.

## **4. Standard of Accommodation**

### *4.1 Policy context*

4.1.1 London Plan Policy 3.5 DMP 16 ensures new residential accommodation provides a sufficient standard of accommodation for potential occupiers. The Mayor's Housing SPG 2016 and Brent's SPG 17 - *Design guide for new development* expands on these policies, providing more in depth guidance. Technical housing standards- *nationally described space standards*, now adopted by the latest version of the London Plan 2016 introduces minimum space requirements for residential dwellings. New dwellings should be adequately sized, have convenient and efficient room layouts which are functional and fit for purpose. The living areas should receive good levels of natural light, ventilation and provide acceptable outlook and privacy for potential occupiers.

4.1.2 DMP 19 of Brent's Development Management Plan requires all new dwellings to have sufficient private outdoor amenity space. Family housing (3 beds or more) is expected to provide 50sqm and non-family residential units 20sqm.

### *4.2 Internal Living Conditions*

4.2.1 The flats would be reasonably sized, meeting minimum space standards. All habitable rooms would be of a good size, the layout logical and a good level of storage would be provided. Both flats would be double aspect and the internal living conditions are expected to receive good levels of outlook, natural light and privacy.

### *4.3 Private Outdoor Amenity Space*

4.3.1 The family sized ground floor flat would have access to the rear garden, which would have a retained area of 87sqm, exceeding the minimum requirement. No private outdoor amenity space would be provided for the smaller two bed first floor flat. The Housing SPG states this requirement is not mandatory in exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings. The site is considered to meet this criteria. Due to the physical site constraints of the conversion of

historic housing, it is not unusual for proposals to fall short of this requirement. Greater weight is attached to the provision of outdoor space for family sized housing. The shortfall in the provision of outdoor amenity space for the proposed first floor two bed flat is considered acceptable.

## **5. Impact Upon Neighbouring Amenity**

5.1. All development must have an acceptable impact upon residential amenity subject to material planning considerations that may merit otherwise. DMP 1 states that design should provide high levels of internal and external amenity. The potential impacts of the proposed development on the amenity of neighbouring properties relate to daylight/sunlight, outlook (including bulk and dominance issues) privacy matters and noise disturbance

5.2. It is considered that only the adjoining properties no.42 and no.46 Hardinge Road could feasibly be affected in terms of residential amenity. The spatial relationship to all other properties is such that the proposed development is unlikely to impact upon their amenity.

### **5.3. 42 Hardinge Road**

5.3.1 The proposed ground floor rear extension would extend 3 metres along the shared boundary at a height of 3 metres, as measured from natural floor level, a scale in accordance with SPG 5. Although the extension would have a maximum depth of 4.4 metres, exceeding the guideline in SPG 5, it would be stepped in 2.27m from the boundary. An extension of this scale and form is not expected to cause an unacceptable overbearing impact, loss of natural light or outlook for the property's occupiers.

5.3.2 Concerns have been raised that the proposed ground floor patio doors facing no.42 would cause overlooking concerns. Two side facing openings are proposed which would face no.42. The side facing window serving a bathroom would comprise of obscure glazing and no privacy issues are expected. The other side facing window, serving the kitchen, would be set in 2.25 metres from the boundary. The proposed finished floor level of the extension would be at the same height as the natural ground floor level. The boundary fence (height 1.8m) should ensure no direct line of sight would be created onto no.42. Given the existing raised patio would be removed (discussed below), the overlooking issues are expected to improve, compared to the existing situation. This fence could, under permitted development rights, be increased to 2m in the future.

5.3.3 Concerns have been raised that the elevated patio would result in a direct line of sight over the boundary fence. Revised drawings were submitted showing the proposed rear patio area would be at ground level. Therefore no privacy concerns are expected. The Proposed Side Elevation drawings (dwg no: A1-PL-P-02E) shows the boundary fence would be at a height of 1.8 metres above natural ground level, allowable under permitted development.

### **4.4. 46 Hardinge Road**

5.4.1 The form of the established car garage and rear extension would remain unaltered. Therefore no further loss of outlook or natural light is expected. The proposed skylight on the existing pitched roof would be located a minimum of 2.7 metres above floor level and no overlooking issues are expected to arise.

### **5.5. Noise Concerns**

5.5.1 Concerns have been raised that the creation of two flats would cause unacceptable noise disturbance for neighbouring residents. The creation of an additional flat is not expected to create significant increase in noise disturbance above the existing situation. Building control regulations concerning sound insulation should ensure any noise arising from the internal living areas should be reduced to acceptable levels. The rear garden would be allocated to the family sized ground floor flat, similar to the existing situation and adjacent dwellings. No increase in noise disturbance is expected to arise from the private outdoor amenity space.

## **6. Transport**

### **6.1. Policy Context**

6.1.1 London Plan seeks to ensure that an appropriate balance is struck between promoting new development and preventing excessive car provision. Brent's DMP 12 seeks to ensure additional parking provision should not have a negative impact on existing parking, the highways network or other form of movement. Development would not be supported where it causes an unacceptable increase in on-street parking spaces.

### **6.2 Parking**

6.2.1 Concerns have been raised that the creation of an additional residential unit would increase on-street parking pressures on the street. The site has good access to public transport services and the lower residential car parking allowance set out at Appendix 1 of the adopted DMP 2016 applies. The existing 4-bed house is permitted up to 1.2 spaces. The existing floor plan indicates the site can accommodate 2 cars on the drive way and up to 3 cars within the garage, which exceeds the maximum allowance. The proposed conversion into two flats (2-bed & 3-bed) will increase the parking allowance of the site to 1.95 spaces, which is not a significant increase. One off-street space is to be retained on the reduced length driveway, broadly bringing the proposal in line with current parking standards. There is an on-street parking bay also available along the lightly parked street frontage of the site. The proposed development is not expected to materially increase on-street parking pressures or adversely impact road and pedestrian safety.

### *6.3. Traffic Congestion*

6.3.1 Concerns have been raised that the creation of an additional residential unit would increase traffic congestion. It is considered the subdivision of the property would not create a noticeable impact upon traffic congestion.

### *6.4 Sustainable Transport and Refuse/Recycling Facilities*

6.4.1 To encourage the uptake in sustainable travel and cycling, the London Plan requires at least four secure bicycle parking spaces be provided for these flats. The facilities have been shown on the floor plan.

6.4.2 Bin storage has been shown on the revised Proposed Ground Floor Plan (1-PL-P-01PB). A condition will be imposed requiring further details of refuse/recycling and cycling storage, to ensure these facilities are adequate and appear in harmony with their surroundings and to ensure they are provided prior to occupation of the flats.

## **7. Summary**

7.1. The proposed conversion of the dwellinghouse and associated extensions is considered to be in accordance with relevant policy. The existing dwellinghouse is suitable to be subdivided into two flats. A family sized unit would be retained, meeting local housing requirements and both flats would be suitably sized meeting minimum space standards. The proposed extensions and alterations are considered sympathetic to the subject property and streetscene, nor would they cause an unacceptable impact upon any nearby residential occupier. Finally the borough's transport department have no concerns regarding the potential impact to neighbouring properties. The proposal is recommended for approval.



Application No: 17/2643

To: Mr Plunkett  
35 Chamberlayne Road  
London  
NW10 3JE

I refer to your application dated **14/06/2017** proposing the following:

The erection of a single storey ground floor rear extension, conversion of existing garage, a hip to gable roof extension, enlargement of existing dormer and associated internal alterations to accommodate for the conversion of a 4 bedroom single semi-detached dwelling house into 2 self contained flats (1x3 bed and 1x2 bed).

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

at **44 Hardinge Road, London, NW10 3PJ**

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: 05/09/2017

Signature:

A handwritten signature in black ink that reads "Alice Lester".

**Alice Lester**  
Head of Planning, Transport and Licensing

**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 Development Management Plan (2016)  
Core Strategy (2010)

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

Chapter 1 General Development management Policy  
Chapter 4 Built Environment  
Chapter 6 Environmental Protection  
Chapter 7 Sustainability  
Chapter 8 Transport  
Chapter 9 Housing

- 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):  
A1-PL-E-00; A1-PL-E-01P; A1-PL-E-01E Rev:A; A1-PL-E-02E; A1-PL-E-01S; A1-PL-P-01P Rev:B; A1-PL-P-01E Rev:B; A1-PL-P-02E; A1-PL-P-01S Rev:B.  
Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

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

- 4 The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units and in view of the restricted levels of outlook and access to natural light of the bedrooms adjacent to the outrigger.

- 5 Prior to the occupation of the development further details of the refuse/recycling and bicycle storage facilities shall be submitted to and approved in writing by the local planning authority. Such details shall include:

- (i) an enclosure with sufficient space to accommodate refuse and recycling storage for both flats;
- (ii) secure and covered cycle storage for a minimum of four bicycles which may comprise one store in the front garden for both flats or one store in the front garden for the upper floor flat

and one store in the rear garden for the ground floor flat.

The works shall be carried out in accordance with the approved details prior to occupation of the development and shall be retained for the lifetime of the development.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their 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 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 James Carleton, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1004

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

13 September, 2017  
  
17/1139

## SITE INFORMATION

RECEIVED	13 March, 2017
WARD	Queens Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	Garages rear of 39 Keslake Road, Peploe Road, London
PROPOSAL	Demolition of four existing garages and erection of a 4 bedroom dwellinghouse set at ground and basement level, with associated on-street car parking, cycle parking, bin stores, landscaping and amenity space
APPLICANT	Queens Park Developments
CONTACT	Maven Plan Limited
PLAN NO'S	Please see condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_133170">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_133170</a></p> <p><b><u>When viewing this as a Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "17/1139" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

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
  2. Carry out the development in accordance with the approved plans
  3. Proposed materials to be submitted and approved by the council
  4. Condition regarding the parking on the road
  5. Junction details to be submitted and approved by the council
  6. Details of rainwater runoff and drainage details to be submitted and approved by the council
- Any other conditions considered necessary by the Head of Planning


### Informatives

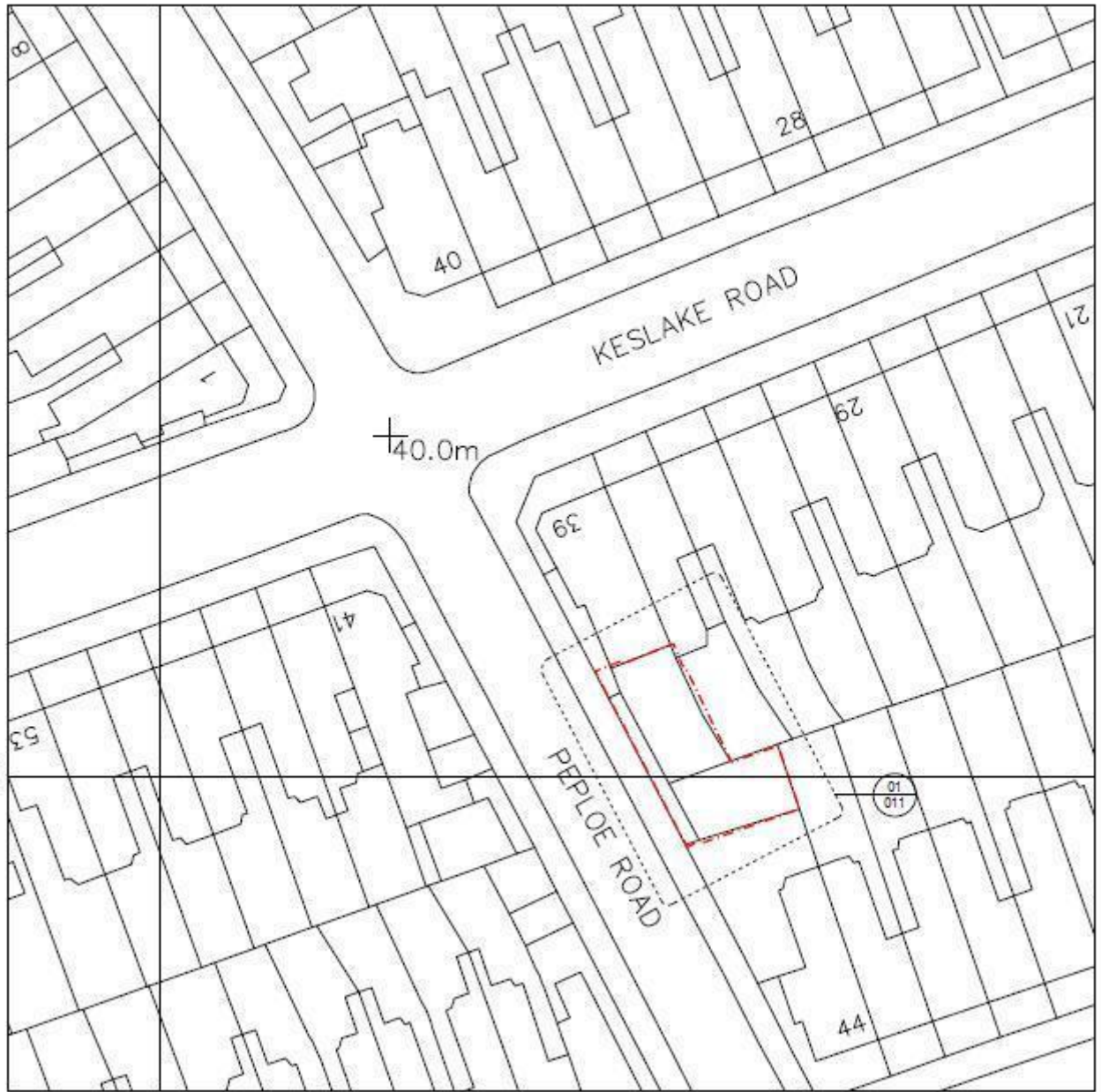
1. Party Wall
  2. Draw the Applicant's attention to the CIL liability
  3. Reference to elements that are covered through separate legislation.
  4. Reference to elements that are covered through separate legislation.
  5. Reference to elements that are covered through separate legislation.
  6. Reference to elements that are covered through separate legislation.
  7. Reference to elements that are covered through separate legislation.
  8. Reference to elements that are covered through separate legislation.
- Any other informatives considered necessary by the Head of Planning

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 it has paid special attention to the desirability of preserving or enhancing the character and appearance of the Queen's Park Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## SITE MAP

	<p><b>Planning Committee Map</b></p> <p>Site address: Garages rear of 39 Keslake Road, Peploe Road, London</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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map is indicative only.

## PROPOSAL IN DETAIL

This application seeks planning permission for the demolition of four existing garages and erection of a four bedroom dwellinghouse set at ground and basement level, with associated car and cycle parking spaces, bin stores, landscaping and amenity space

## EXISTING

The application site is four single storey garages that are located on Peploe Road to the rear of Keslake Road and Kempe Road. It does not contain a listed building however it is located within the Queens Park Conservation Area.

## SUMMARY OF KEY ISSUES

There is a recent appeal on the site (16/0440) that was determined on 28 December 2016. This sought consent to demolish the existing garages and replace it with a dwelling of a similar design as what is being proposed. It was approximately 1.1m taller than the current application and the appeal was dismissed due to the height, bulk and mass and the impact this would have upon the conservation area and living conditions of number 44 Kempe Road. Therefore the key issues for this application are the impact the proposed dwelling would have upon:

### 1. the character and appearance of the site and surrounding area:

The Inspector accepted the overall design, however found the bulk, massing and height to be harmful to the character and appearance of the site and conservation area. This has been addressed by reducing the height.

### 2. the living conditions of neighbours

The Inspector accepted the impact on all neighbours except those at 44 Kempe Road. This has been addressed by reducing the height.

## RELEVANT SITE HISTORY

16/0440 – Dismissed at appeal

Demolition of four existing garages and erection of a 4 bedroom dwellinghouse set at ground and basement level, with associated car and cycle parking spaces, bin stores, landscaping and amenity space

15/2562 – Dismissed at appeal

Demolition of four existing garages and erection of a 4 bedroom dwellinghouse set at ground and basement level, with associated car and cycle parking spaces, bin stores, landscaping and amenity space

05/1752 – GTD

Details pursuant to condition 3 (materials) of full planning permission reference 04/2906 dated 10 December 2004 for proposed extension to existing garages and boundary wall and the provision of entrance doors and accompanied by Letter dated 29 April 2005, Yellow Stock Brick and Roof Slate.

04/2906 – GTD

Proposed extension to existing garages and boundary wall and the provision of entrance doors.

97/2464 – ALW

Proposed extension to existing garages and boundary wall, provision of entrance doors

97/0503 – REF

Extension of existing garage and boundary walls and provision of entrance doors

## CONSULTATIONS

### Neighbour publicity

In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the application was publicised by serving the notice on the adjoining owners or occupiers on 12/04/2017

Overall 57 letters of representation have been received but a number were from the same person. There were 34 individual letters, 11 of which were anonymous, 2 from Ward Councillors, 1 from the Queen's Park Residents Association and 20 from neighbouring properties. Two of the above objections have not confirmed their postal addresses within the consultation section and these along with the other representations raised the following material planning considerations:

### Ward Councillors

It is larger than the neighbouring garages, that it would have a significantly negative impact and is out of place for the area.	Paragraph 3.1 onwards
The height and it being a 2 storey development.	Character and appearance is covered in paragraph 3.1 onwards. The impact upon living conditions is referenced in paragraph 4.1 onwards.
The construction works associated with a basement and the disruption this would cause	These are not material planning considerations. They are covered through separate legislation such as Building Control legislation and Environmental Health legislation. A number of informatives have been added to draw the applicant's attention to their responsibilities under other legislation.

### Resident Association

Supported the views raised by neighbouring properties	See table below:
It is contrary to the design and development principles as set out in the Queen's Park Design Guide.	Paragraph 3.1 onwards

### Other representations

Impact of the design and scale of development on the character of the conservation area	Paragraph 3.1 onwards
Principle and depth of basement setting a precedent and causing structural damage	Paragraph 2.1 onwards
Impact on highway safety and parking	Paragraph 1.5 and 6.1 onwards
Standard of accommodation for future occupants of the dwelling	Paragraph 5.1 onwards
Impact on living conditions of neighbouring occupants	Paragraph 4.1 onwards

Lack of storage for refuse and recycling	Paragraph 6.6

Concerns were also raised over works not being completed and the neighbour having not carried out their own consultation. These are not material planning considerations.

#### Other notifications

The following were notified regarding this application on 12/04/2017:

Queens Park Residents' Association - object, see above

Transportation officer - raise no objection subject to condition

Heritage officer - raise no objection subject to condition

#### Site Notice

A notice advertising the proposal was displayed outside the property from 16/05/2017 for a period of not less than 21 days.

#### Press Notice

A notice advertising the proposal was placed in the local press on 18/05/2017

## POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies Document and the 2016 London Plan (Consolidated with Alterations since 2011).

The following are also relevant material considerations:

- s72 of the Planning (Listed Building and Conservation Areas) Act 1990
- The National Planning Policy Framework (2012)
- Housing SPG 2016
- SPG17: Design guide for new developments
- Queen's Park Design Guide
- Basements SPD

The following policies of the DMP DPD are of particular relevance:

DMP1 Development Management General Policy

DMP7 Historic environment

DMP12 Parking

DMP17 Conversion of Family Sized Dwellings

DMP18 Dwelling Size and Residential Outbuildings

DMP19 Residential Amenity Space

## DETAILED CONSIDERATIONS

### 1 Introduction

1.1 The planning history of the site should be given appropriate weight when determining the current application. Like the current scheme, previous applications sought to replace the existing garages with a house and basement. These schemes were larger than this proposal and the latest application (16/0440) was refused by Brent for the following reasons:

1. *The proposal, by reason of its excessive height, bulk and mass would result in an over dominant, obtrusive and bulky addition to the streetscene to the detriment of the character of the street and conservation area. In addition to this the elevational treatment of the front of the building does not exhibit a satisfactory quality of design due to its repetitive façade, the materials used and front entrance which would fail to relate to its surroundings. As such the design fails to preserve or enhance the character of the street and Conservation Area in general, contrary to Policies BE2, BE7, BE9 and BE25 of Brent's adopted UDP 2004, the Queens Park Conservation Area Design Guide and SPG17 Design Guide for New Development and the NPPF (2012).*



2. *The proposal, by reason of its excessive height, bulk and mass would result in an unduly detrimental loss of outlook, overbearing impact and unacceptable sense of enclosure to the adjoining properties and their gardens at No. 37 and 39 Keslake Road and No. 42 and 44 Kempe Road, to the detriment of the amenities of occupiers of these properties. The proposal is therefore contrary to policy CP17 of Brent's Core Strategy 2010 and policies BE2 and BE9 of Brent's Unitary Development Plan 2004.*
  3. *The proposal will lead to an increase in demand for on-street parking in an area of existing high demand and be likely to lead to congestion on the adjacent highway, detrimental to the free-flow of traffic, vehicular and pedestrian safety contrary to policies TRN3 & TRN23 and parking standards PS14 of the Unitary Development Plan (2004).*
- 1.2 The decision was appealed and dismissed on 28 December 2016 for the following reasons:
1. *the impact it would have upon the character and appearance of the site and conservation area*
  2. *the impact it would have upon the living conditions of the adjacent occupiers.*
- 1.3 The current application differs in terms of the external design and height in comparison to the previously refused application.
- 1.4 Although the appeal was dismissed, paragraph 8 of the Inspector's report stated that the height and form of the garages were proportionate to their setting but they are of little architectural merit. This appeal decision also accepts the principle of a dwelling in this location.
- 1.5 Further, the Inspector reviewed the impact upon parking and highway safety and concluded that two additional parking spaces could be created through this re-development and that any harm could be controlled through an appropriately worded condition. Therefore, subject to a condition, the scheme would not have caused harm in terms of parking or highway safety.
- 1.6 This are significant material considerations which are given substantial weight.

## **2 Principle**

- 2.1 The redevelopment of the site for residential use is supported by the Development Plan and is acceptable in principle.
- 2.2 As the garages were previously used for commercial purposes and not associated with the nearby residential units the proposal for a residential unit is acceptable in principle. Core Strategy Objective 7 – 'Housing needs' seeks to achieve a target of housing growth to meet a need of 11,200 additional homes provided in the period from 2007/08 to 2016/17 ensuring that at least 25% of all new homes built in the borough are family sized (3 bed or more). As the proposal seeks to construct a four bed unit it would comply with Objective 7 and would fulfil a housing need.

## **3 Character and appearance**

- 3.1 The design, bulk and scale of the proposal is acceptable. In reaching this conclusion, significant weight is given to paragraph 132 of the NPPF in respect of conservation of heritage assest and the Council's duty under S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (P(LB&CA)A 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Great weight is also given to the Inspector's conclusions.
- 3.2 The design is similar to the previous scheme. The proposal has kept the clerestory windows, the decorative brick work and the vaulted roof that has been broken up into sections. The Inspector for 16/0440 accepted these elements, noting that the decorative brickwork would reflect some of the detail that is characteristic of the properties in the surrounding area, and was of the opinion that the proposed materials were of an acceptable quality. The Inspector concluded that the detailed design of the front elevation would preserve the character and appearance of the conservation area (paragraph 15 of the Inspectors report). This is due

significant weight.

- 3.3 The overall height of the dwelling has reduced by approximately 1.1m. The new roof of the proposed dwelling would be level with the height of the existing parapet, below the height of the existing railing and approximately 0.9m higher than the existing eaves. Only the new rooflight would project above the existing parapet wall. This reduction is considered significant and would allow greater views of the rear of the properties on both Keslake and Kempe Road which is an important part of the character and appearance of the conservation area.
- 3.4 The proposal would therefore not appear as bulky as what was previously proposed and it is now considered that it would preserve the character and appearance of the site and conservation area.

#### **4 Impact upon living conditions**

- 4.1 The proposal would have an acceptable impact on the living conditions of neighbouring residents.
- 4.2 The Inspector concluded the previous larger, higher proposal on the site would have an acceptable impact upon 37 and 39 Keslake Road and 42 Kempe Road but raised issue with the impact upon 44 Kempe Road. The Inspector concluded that the overall height and massing of the proposed building on the boundary of 44 Kempe Road would cause harm to the living conditions of this neighbouring property. This conclusion is given significant weight.
- 4.3 To overcome this objection, the relevant part of the proposal has been altered and would now project 0.3m above the boundary wall. For comparison, the previous scheme projected approximately 0.9m above this wall. This reduction along with the overall reduction in height has helped to limit the impact upon 44 Kempe Road and the scheme would no longer create a harmful sense of enclosure to the neighbour's garden area. The reduction in height and bulk has also helped reduce the impact upon adjacent windows/doors.
- 4.4 The current proposal has therefore overcome officer's previous concerns and would no longer cause harm in terms of outlook. The scheme therefore would not materially harm the living conditions of the adjacent occupiers.

#### **5 Standard of accommodation**

- 5.1 The standard of accommodation offered would be acceptable.
- 5.2 Policy DMP 18 require two storey houses consisting of a four bed six person house to have a minimum GIA of 106 sqm. The proposal exceeds this and would have a GIA of approximately 170 sqm. Outlook from and light to the property would be acceptable.
- 5.3 DMP 19 requires family housing to have a minimum of 50 sqm of private amenity space. The proposal would see the creation of two separate courtyards to the rear of the property which would provide 41 sqm of private space when combined together. The proposed amenity space is below the required amount which can in some cases be offset by larger internal areas and high quality design. In this case the proposed dwellinghouse is considerably above the minimum GIA required and as such the amount of amenity space is acceptable.

#### **6 Parking and servicing**

- 6.1 The parking and servicing provisions are acceptable.
- 6.2 Car parking allowances for residential use are set out in Appendix 1 of the Development Management Policies DPD (2016). As the site has good access to public transport services and is located within a Controlled Parking Zone, a reduced allowance of 1.2 spaces per 4+ bedroom property applies.
- 6.3 Four existing garages at the rear of 39 Keslake Road and 44 Kempe Road are proposed to be removed to facilitate this development. Both adjoining properties are currently subdivided into two flats, so the overall parking standard for the two sites currently totals 2.8 spaces (assuming each flat contains one or two bedrooms). The existing garages would therefore

provide parking beyond the maximum allowance for these properties. However, it is understood that they were most recently in use for parking hearses for a nearby undertaker anyway, rather than being available to residents of these properties.

- 6.4 The car parking allowance for the proposed new dwelling would be 1.2 spaces and with no off-street parking space indicated within the site, standards would be complied with. Consideration also needs to be given to the impact of this proposal on on-street parking conditions in the area though. In this regard, the removal of all vehicular access to the site would allow the existing 16m wide crossover to be removed and reinstated to footway. This would in turn allow the provision of two on-street bays, as per the proposed plans. In this way, the increased demand for on-street parking arising from the loss of the garages for the adjoining flats (who probably already park on-street as the garages have instead been used for commercial purposes) and from the new house can be satisfactorily mitigated.
- 6.5 The need for these works has been accepted by the applicant and a condition is sought requiring that the cost of the reinstatement of the crossover to footway and amendments to on-street parking bays is met by the developer prior to occupation of the development.
- 6.6 A storage room has been indicated for refuse bins and two bicycles at the front of the building, thus complying with Brent's standards. This would provide adequate shelter and security for bicycles and the doors to the store have now been amended to slide open sideways, thus addressing previous concerns regarding opening of doors over the public highway. A condition will require this be provided prior to occupation of the dwellinghouse.
- 6.7 Therefore subject to a conditions there would be no material harm on transportation grounds arising from this scheme.

## 7 Summary

- 7.1 The planning history on the site is a material planning consideration and as the Inspector's decision on 16/0440 is recent, it is afforded significant weight. This application addresses the Inspector's conclusions in terms of harm by reducing the height and bulk of the development so that its effect on the character and appearance of the conservation area and on the living conditions of the occupants of 44 Kempe Road would now be acceptable.
- 7.2 The scheme has therefore overcome the previous objections and would now be in compliance with DMP Policies such as DMP Policies DMP1, DMP7, DMP12, DMP16, DMP17 and DMP19, having regard to paragraph 132 of the NPPF and S72 of the P(LB&CA)A 1990. It is also in compliance with the criteria as set out in the London Plan as well as the Queen's Park Design Guide.

## CIL DETAILS

This application is liable to pay **£52,841.57\*** 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): 176 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	176	0	176	£200.00	£35.15	£44,942.86	£7,898.71

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)	286	
<b>Total chargeable amount</b>	<b>£44,942.86</b>	<b>£7,898.71</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.**



Application No: 17/1139

To: Mr Sutton  
Maven Plan Limited  
Unit 303A Riverbank House  
1 Putney Bridge Approach  
Fulham  
London  
SW6 3JD

I refer to your application dated **13/03/2017** proposing the following:

Demolition of four existing garages and erection of a 4 bedroom dwellinghouse set at ground and basement level, with associated on-street car parking, cycle parking, bin stores, landscaping and amenity space

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

at **Garages rear of 39 Keslake Road, Peploe 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: 05/09/2017

Signature:

A handwritten signature in black ink that reads "Alice Lester".

**Alice Lester**  
Head of Planning, Transport and Licensing

**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 the:-  
National Planning Policy Framework  
London Plan (March 2016)  
Brent LDF Core Strategy 2010  
Brent Local Plan Development Management Policies 2016  
Council's Supplementary Planning Guidance 17 - Design Guide for New Development  
Council's Supplementary Planning Document - Basements
  
- 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):  
  
065-X-001 – Existing block plan,  
065-X-011 – Existing ground floor plan,  
065-X-012 – Existing roof plan,  
065-X-101 – Existing sections AA&BB,  
065-X-102 – Existing Section CC,  
065-X-201 – Existing elevations A&B,  
065-X-202 – Existing elevations C,  
065-A-010 – Proposed lower ground floor plan,  
065-A-011 – Proposed upper ground floor plan,  
065-A-012 – Proposed roof plan,  
065-A-101 – Proposed sections AA & BB,  
065-A-102 – Proposed Section CC,  
065-A-201 – Proposed elevations A&B,  
065-A-202 – Proposed elevations C&D,  
065-A-203 – Proposed elevations courtyard 1&2,  
065-A-201 – Proposed elevation A without levels  
  
Reason: For the avoidance of doubt and in the interests of proper planning. Also for confirmation, the height of the eaves of the new building should be no higher than the adjacent property.
  
- 3 The development shall not be occupied unless the following highways works have first been carried out at the developers expense;
  - (i) the reinstatement of the existing crossover back to footway and
  - (ii) the provision of two new on street car parking bays as per drawing 065-A-011 with all associated changes to line marking and associated Traffic Regulation Order costs.  
The development shall not be occupied until all associated highway works have been completed to the satisfaction of the Local Highway Authority.  
  
An informative is recommended, advising the applicant to contact the Head of Highways & Infrastructure to arrange for the various crossover works to be undertaken.
  
- 4 The bin and cycle store shown on drawing 065-A-011 shall be implemented prior to the occupation of the development and shall be retained for the lifetime of the development.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection.

- 5 No works, with the exception of demolition works, shall be undertaken until full details of rainwater drainage/run off (i.e. down pipes, waste water pipes, branch pipes, flues) or other such installations shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details prior to the occupation of the development and shall be retained for the lifetime of the development.

Reason: To preserve the character of the building and the appearance of the conservation area.

- 6 No works, except demolition works, shall be undertaken until full details (at scale 1:10, and sections, as appropriate) of the following shall be submitted to and approved in writing by the local planning authority.

- (i) The junctions with the existing boundary walls around the site.
- (ii) The relationship between the glazed clerestory and the wall below and roof structure.

The works shall be carried out in accordance with the approved details prior to the occupation of the development and shall be retained for the lifetime of the development.

Reason: To ensure a high quality design and to protect the character of the building and the visual amenity of the area

- 7 No works shall be undertaken until full details of all facing materials (to include a specification, brickwork bonding and mortar) shall be submitted to and approved and approved on site by the local authority. The works shall be carried out in accordance with the approved details prior to the occupation of the development and shall be retained for the lifetime of the development.

Reason: To ensure a high quality design and to protect the character of the building and the visual amenity of the area.

## 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 is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 3 **STRUCTURAL INTEGRITY**  
The applicant is advised that Building Regulations control these works and compliance is required when converting an existing basement to habitable use, excavating a new basement or extending an existing basement. Building Regulations control matters such as structure, fire safety, ventilation, drainage, waterproofing, insulation, sound proofing, heating systems and access.

For the avoidance of doubt, the granting of planning permission does not provide any warranty against damage of adjoining or nearby properties, and the responsibility and any liability for the safe development of the site rests with the developer and/or landowner.

- 4 LICENCES

The applicant is advised that some aspects of construction are subject to licences. For example, the developer/contractor will be required to obtain licences from the Local Authority before: (i) erecting any scaffolding, hoardings, ganty, temporary crossing or fence on the highway; (ii) depositing a skip; or (iii) operating a mobile crane, aerial platform, concrete pump lorry or any such equipment. The contractor has a duty to inform local residents likely to be affected by such activities at least 14 days prior to undertaking the works, as well as applying for the appropriate permits and licences. The most suitable method of informing residents is through newsletters. Such newsletters should also update neighbours on site progress and projected activities that might cause loss of amenity, e.g. road closures for delivery or use of mobile cranes or abnormal deliveries to the site.

## 5 HIGHWAYS

The applicant is advised that the Highways Act 1980 (particulary Part IX) sets out requirements relating to construction work on or near the highway. Key requirements of the 1980 Act include: (i) permission by formal agreement from the Highway Authority (London Borough of Brent except for the North Circular Road) is required for any works to highways; (ii) licences are required for permission to place temporary obstructions on the highway (e.g. hoardings, fenced storage areas, temporary cross-overs, scaffolding, gantries and skips); (iii) deposition of mud or other such materials on the highway is prohibited. Measures to prevent this (e.g. wheel washing) can be required by order; (iv) surface drainage from a construction site must not be allowed to run across the footway part of a public highway; (v) the contractor is responsible for any damage caused by their activities to roads, kerbs or footpaths in the vicinity of the work site; (vi) any street furniture (electrical or non-electrical) cannot be removed or relocated by the developer or any of its contractors. This may only be carried out by the Highway Authority or its appointed contractor.

The applicant is also advised of their responsibility to apply to the Council for parking bay suspension:  
[www.brent.gov.uk/services-for-residents/parking/suspending-a-parking-bay-and-dispensations](http://www.brent.gov.uk/services-for-residents/parking/suspending-a-parking-bay-and-dispensations)

## 6 NOISE

The applicant is advised that noise and vibration is controlled by the Control of Pollution Act 1974 and statutory nuisance provisions contained within the Environmental Protection Act 1990 and the British Standard Codes of practice 5228:1997 Parts 1 to 4. Key issues relating to noise from construction sites include: (i) prior consent may be sought from the Council relating to noise from construction activities (s.61 of COPA 1974); (ii) if no prior consent is sought, the Authority may serve a notice on the site/works, setting conditions of permitted work (s.60 of COPA 1974); (iii) an action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or notice (s.82 of the EPA 1990). In particular, the normal hours of work shall be between the following hours:

Monday to Friday - 08.00 to 18.30  
Saturdays – 08.00 to 13.00  
Sundays and Bank Holidays – No noisy works at all

No work or ancillary operations, which are audible at the site boundary, will be permitted outside these hours unless fully justified and any such works shall be kept to an absolute minimum.

## 7 VIBRATION

The applicant is advised to adhere to the following guidance in respect of vibration to ensure measures are taken to protect the residents and users of buildings close by and passers-by from nuisance or harm and protect buildings from physical damage: (i) human exposure: the contractor should refer to BS5228:1992 Part 4 'Code of Practice for Noise and Vibration Control Applicable to Piling Operations' for guidance; and (ii) protection of structures: the contractor should carry out demolition and construction activities in such a way that vibrations arising will not cause significant damage to adjacent structures and should refer to BS7385 'Evaluation and Measurement of Vibration in Building - Part 2 Guide to Damage Levels from Groundborne Vibration' for guidance.

## 8 AIR QUALITY

The applicant is advised that the Environmental Act 1995, Clean Air Act 1993, the Health and



Safety at Work Act 1974 etc, the Environmental Protection Act 1990 all control air quality and that the EPA 1990 controls dust under the 'statutory nuisance' provisions. The contractor should: (i) take all necessary measures to avoid creating a dust nuisance during both demolition and construction works including excavations; (ii) not burn any materials on the site; (iii) avoid the occurrence of emissions or fumes from the site including from plant and ensure off-road vehicles (e.g. bulldozers, excavators etc) with compression ignition engines comply with emission standards set in EC Directive 97/68/EC, meeting Stage II limits where possible and run on low sulphur diesel; (iv) ensure on-road vehicle emissions are in line with the provisions of the Road Vehicles (Construction and Use) Regulations (as amended) and the Motor Vehicles (Type Approval) (Great Britain) Regulations made under the Road Traffic Act 1988 and the EURO standard

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