

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

28 April, 2021  
05  
19/3396

## SITE INFORMATION

RECEIVED	23 September, 2019
WARD	Dudden Hill
PLANNING AREA	
LOCATION	Land next to 1 Gaytor Terrace, Mulgrave Road, London
PROPOSAL	Erection of 2x two-storey, semi-detached dwellinghouses (2x 3 bed) with converted loft space, erection of fencing, provision of cycle parking, waste storage and amenity space with associated landscaping and front boundary walls/gates.
PLAN NO'S	See Condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_&lt;systemke">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_&lt;systemke</a></p> <p><b><u>When viewing this as an Hard Copy _</u></b></p> <p>Please use the following steps</p> <ol style="list-style-type: none"><li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li><li>2. Select Planning and conduct a search tying "19/3396" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## RECOMMENDATIONS

That the Committee resolve to **grant** planning permission subject to conditions.

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. Approved Plan
3. Submission of Materials
4. Submission of internal storage arrangements and openings to side elevation of the western house
5. Tree & Landscaping Strategy
6. Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan
7. Ecology Report
8. SUDs & Drainage Strategy
9. Thames Water Foul Water
10. Thames Water Surface Water
11. Thames Water Exclusion Zone Restriction /Submission of Further Details regarding Infrastructure
12. Cycle Store Details
13. Boundary Treatments
14. Revocation of Permitted Development Rights (Classes A- E Extensions)
15. Revocation of Permitted Development Rights (Class L relating to HMO's)

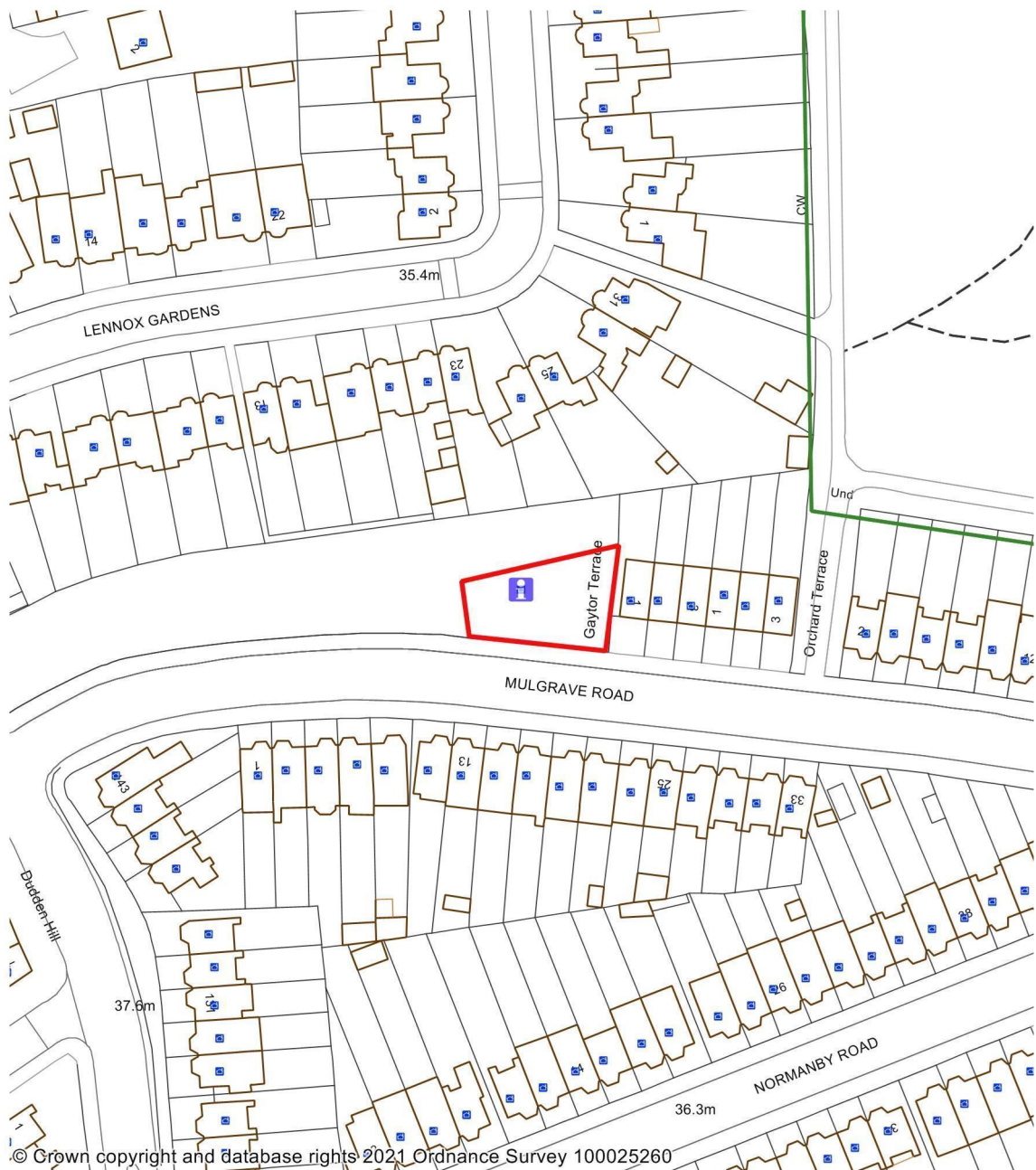
### Informatives

1. Building near boundary
2. CIL Liable Approval
3. Thames Water Informatives

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.

## SITE MAP

 <b>Brent</b>	<p><b>Planning Committee Map</b></p> <p>Site address: Land next to 1 Gaytor Terrace, Mulgrave Road, London</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is indicative only.

## PROPOSAL IN DETAIL

Erection of 2x two-storey, semi-detached dwellinghouses (2x 3 bed) with converted loft space, erection of fencing, provision of cycle parking, waste storage and amenity space with associated landscaping and front boundary walls/gates.

## EXISTING

The application site is located in the eastern corner of Gaytor Terrace, an open field situated on the northern side of Mulgrave Road. The site is located within a residential area; with residential buildings surrounding the open space. Mulgrave Road consists of predominantly Victorian terraced properties. A more modern block (Gaytor Terrace and Orchard Terrace) is located directly to the east of the application site. Gladstone Park is located to the north east.

This land was designated as open space, alongside the adoption of Brent's Development Management Plan in 2016. The site is located within flood zone 3 at high risk of surface water flooding. The site is not within a Conservation Area, nor does it effect a Listed Building.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Objections have been received regarding some of these matters. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

**Representations received:** A total of 8 material planning objections were received. Concerns raised by residents included those regarding design, living conditions for future occupants, the impact on character, parking, flooding, neighbours living conditions, consultation and the description, family housing, flooding, Thames Water pipes/infrastructure, impact to trees and ecology, the site conditions as existing including clearance and construction disruption. The consultation section provides more detail in relation to the nature of all objections.

**Principle:** The site is located on land designated by the Local Plan as open space. The site has been subject to two refused planning applications, one (16/3376) for the construction of 5 two storey terraced houses and the other a scheme (16/2937) for the construction of 4 two storey terraced houses. These two applications were subject to a linked Appeal dealing with both cases which was subsequently dismissed by the Planning Inspector.

The Inspector concluded that the alleged loss of 'designated' open space would not cause significant harm, noting the benefits of the proposal including the supply of family homes in a sustainable location. Although the site is considered to provide some visual amenity the Inspector's noted that it did not appear the site could be used for sports and recreation. The Appeal Decision noted that the site was on a relatively limited area and the majority of the wider green area would be unaffected by the proposal. The Inspector asserted that they could not see that appropriate development on a limited part of the green area would cause significant harm in terms of loss of open space for residents, visitors or wildlife, especially given the larger expanse of Gladstone Park with full public access. The Inspector did not find conflict with the relevant local and national policies.

The proposed development is for a significantly smaller development than both Appeal schemes consisting a pair of two storey dwellings with accommodation in the roof, occupying a much smaller footprint. As a result, its impact on the open space would be less significant than ruled acceptable by the inspector in the context of a larger development and should therefore be accepted.

The Appeal Decision is a material consideration which holds significant weight. The appeal decision justifies that residential development on this site is appropriate despite the designation as open space. As such it is considered that the principle of development is accepted.

**Character and Appearance:** The proposal is considered to be a good quality design that has regard to the character of its surroundings and would have an appropriate relationship with the surrounding buildings and streetscene.

**Standard of Accommodation:** The living conditions of future occupiers of the development would be acceptable and would sufficiently meet the relevant standards in terms of internal space, light and outlook. External amenity space would be provided in the form of private gardens accessed directly from living areas. The external amenity space would comply with DMP 19 standards, the quality and quantity of onsite provision is considered sufficient to meet residents needs.

**Impact on Neighbouring Amenity:** The development has been assessed against loss of light and sense of enclosure on all neighbouring properties against the guidance contained with SPD 1 and the proposed development complied with the guidance. It is not considered that the proposed development would result in adverse harm to the residential amenity of any nearby properties or their gardens.

**Parking:** No off street parking is proposed for the development, but there is sufficient parking capacity on the street to absorb parking demand from the new houses.

**Flood Risk:** The site is located within Flood Zone 3a identified as high risk from surface water flooding. A flood risk assessment and drainage strategy accompanied the application. It has been assessed and it is considered that the development is acceptable in respect of flood risk, subject to a detailed Sustainable Urban Drainage (SUDS) and Drainage Strategy which has been conditioned for submission and approval prior to the commencement of any works.

**Trees and Ecology:** A Preliminary Ecological Appraisal including a Preliminary Roost Assessment of trees on land off Mulgrave Road was undertaken. A desk study was undertaken in addition to an extended Phase 1 Habitat survey which was conducted on 14<sup>th</sup> March 2019. The report concluded that overall the site was considered to be of low ecological value at a local level. With the impacts avoidance measures outlined in this report completed, the report states that there would be negligible risk of harm to protected species or habitats.

The report makes reference to the sites trees and recommends mitigation in regard to their removal, since the time of publication a total of three on site trees which are not subject to Tree Preservation Orders have been removed. A tree planting strategy and detailed landscaping plan is recommended which should include a minimum of 4 replacement trees to be planted.

As acknowledged within the Preliminary Ecology Report because works have not commenced for more than 2 years from the date of the survey (March 2019) the ecology of the site should be re-assessed due to any changes within the intervening time. As such and notwithstanding the submitted ecology report condition is recommended requiring a revised Ecological Assessment to be submitted and agreed in writing by the Local Planning Authority prior to the commencement of any works, any mitigation recommended and agreed would have to be carried out in accordance with the agreed ecological assessment. It is considered reasonable to condition this based upon the site characteristics, circumstances and low ecological value, as well as negligible risk of harm to protected species or habitats with mitigation measures recommendations. .

## RELEVANT SITE HISTORY

### 16/3376 – Refused

Construction of 5 no. two storey 3 bedroom terraced houses with converted loft space to also, refuse and recycling stores, fencing, amenity space and associated landscaping on land adjacent to 1 Gaytor Terrace, Mulgrave Rd, London, NW10.

1. *The proposal, by reason of its location on a site which is designated as local open space, and is of local amenity value would fail to protect or enhance the green space or complement the locality contrary to London Plan policies 2.18 and 7.18, Brent Development Management Policy DMP 1, policy CP18 of Brent Core Strategy and paragraph 74 of the National Planning Policy Framework 2012.*
2. *The proposed development is reliant on the provision of private amenity space which falls outside of the application site and also relies upon land outside of the application site for the provision of an adequate level of outlook for the north facing windows. As such, the proposal fails to provide amenity space for future residents of the family size houses or an adequate level of light and outlook from the*

*ground floor north facing doors and windows. This would result in a substandard form of accommodation to the detriment of the amenities of future occupiers, contrary to policies DMP 1 and DMP 19 of the Brent Local Plan Development Management Policies 2016.*

- 3. The proposed development, by reason of the design and appearance of the proposed terrace of dwellinghouses, and in particular, the varied roof pitch of the houses which fails to represent a coherent application of the chosen design approach for the proposed dwelling, would result in a development that is detrimental to the character and appearance of the area and the streetscene. This is contrary to Brent Development Management Policy DMP 1, Brent Supplementary Planning Guidance 17 and London Plan policy 7.6.*

### **16/2936 – Appeal Dismissed**

Construction of 4 no. two storey 3 bedroom terraced houses with converted loft space, refuse and recycling stores, fencing, amenity space and associated landscaping on land next to 1 Gaytor Terrace, Mulgrave Road, London.

- 1. The proposal, by reason of its location on a site which is designated as local open space, and is of local amenity value would fail to protect or enhance the green space or complement the locality contrary to London Plan policies 2.18 and 7.18, Brent Development Management Policy DMP 1, policy CP17 of Brent Core Strategy and paragraph 74 of the National Planning Policy Framework 2012.*
- 2. The proposed development is reliant on the provision of private amenity space which falls outside of the application site. As such, the proposal fails to provide amenity space for future residents of the family size houses. Furthermore it includes the provision of housing that fails to meet the minimum residential space standards, as set out in the Technical Housing Standards (2015). This would result in a substandard quality of accommodation, contrary to Brent Development Management policies DMP 1, DMP 18 and DMP 19, SPG17 Design Guide for New Development, London Plan policy 3.5 and the London Housing SPG 2016.*
- 3. The proposed terrace of dwellinghouses, and in particular their projecting front building line, and excessively wide rear dormer windows fail to reflect the surrounding character of development and would result in harm to the uniformity of the existing streetscene and the suburban character of the area more generally. This is contrary to Brent Development Management Policy DMP 1, Supplementary Planning Guidance 5 'Altering and Extending Your Home' and London Plan policy 7.6.*
- 4. The proposal includes excessively wide vehicle crossovers, and excessive areas of hardstanding for parking and fails to take account of existing street trees, utility box, sign post and lamp column in front of the site. Furthermore it fails to make provision for any secure and covered cycle parking in accordance with adopted standards. This is contrary to Brent Development Management policies DMP 1 and DMP 11, London Plan policy 6.13 and Brent's Domestic Vehicle Crossover Policy.*

### **15/2665- Refused**

Construction of 4 no. two storey 3 bedroom terraced houses with converted loft space to also include creation of vehicular crossovers, car and cycle parking spaces, refuse and recycling stores, fencing, amenity space and associated landscaping on land adjacent to 1 Gaytor Terrace, Mulgrave Rd, London, NW10.

## **CONSULTATIONS**

A total of 32 nearby properties were consulted on the 26/09/2019. In this round of consultation a total of 8 representations were received of which 1 was a comment in support and 5 other representations were received which in line with the constitution are considered to meet the criteria for written objections.

Re-consultation letters were sent on 22/01/2021 to a total of 39 properties and this was due the following amendments:

- \* The location /footprint of the building has changed*
- \* Alterations have been made to the boundary treatments, cycle store and landscaping*
- \* Alterations have been made to the internal layout*
- \* Inconsistencies in drawings/documents have been amended*

\* The description has changed to include the addition of front garden wall/gates

In this round of consultation a further 5 representations were received, 1 was further comments from a previous objector (as such, although all matters are addressed, it only counts as one objection) and only 3 of the other objections in line with the constitution are considered to meet the criteria for written objections.

The table below addresses the concerns raised in representations received:

Objection raised	Officer comment
<p><b>Impact to Residential Amenity</b></p> <p>Noise increase.</p> <p>Impact to light and privacy.</p> <p>Site cleared, unbearable</p> <p>Closer to road, impact to light.</p> <p>Privacy lost to houses opposite.</p>	<p>The areas is residential in character and residential use is not considered to be out of character or give rise to harmful levels of noise.</p> <p>Please refer to impact to residential amenity section of report.</p> <p>No details of what is considered unbearable, yet impact to residential amenity is considered within the report.</p> <p>The relationship of house facing each other beyond a public street is an established pattern of development. The contained pattern is not considered to given rise to a harmful loss of privacy over a public street.</p>
<p><b>Impact to Character and Appearance</b></p> <p>Properties closer to Mulgrave Road will stand out and look ridiculous.</p> <p>Design not in keeping with Edwardian style.</p> <p>Architectural unity disturbed. , undermine Dollis Hill Estate and Edwardian Style.</p> <p>Closer to road.</p> <p>Spoil character of road. Affecting mental health.</p> <p>Views of park impacted.</p>	<p>Please refer to 'Impact to Character and Appearance' section of this report'.</p> <p>The loss of a view is not a material planning consideration in this instance. The views referred to are not protected and outlook is not impacted to an unacceptable degree.</p>
<p><b>Standard of Accommodation</b></p> <p>Shoe boxes to make money.</p> <p>Small outdoor space.</p> <p>Unclear if genuine family homes</p>	<p>Please refer to the 'Standard of Accommodation' section of the report. The profit made in this instance is not a material planning consideration.</p> <p>Family homes are defined as those of 3 beds or more, both proposed houses are considered family homes. A condition restricting permitted development rights would be recommended to prevent the conversion to a HMO without prior written consent (planning permission) from the Local Planning Authority.</p>

<p><b>Transport Concerns</b></p> <p>Increased parking pressure throughout construction and permanently.</p> <p>No off street parking, increase in parking pressure</p>	<p>Please refer to the 'Transport Considerations' section of this report. The construction phase itself, given the scale of development is not considered to give rise to adverse parking pressure and this would be temporary in any case.</p>
<p><b>Trees &amp; Ecology</b></p> <p>Incorrect answers on application form states that trees have been cut down, trees on adjacent site. States that protected species are likely to be affected.</p> <p>Concerns raised in ecological terms, building on green area in populated area connected to the habitat of Gladstone Park (Borough Grade II Site of Importance for Nature Conservation). An ecological survey identifies risks to bats birds, slowworm's toads and hedgehogs.</p> <p>Identifies mature tree with woodpecker hole, suggested that should be soft felled with ecologist present. No bats but taken out in March outside the peak time to survey ecological value of a site, only a single survey and unlikely to be found even if present. Bats have been seen as close as 500m away.</p> <p>Despite ecological value the site has been cleared, ecological suggestions not followed.</p> <p>Application false, risks to protected species including roosting bats and hedgehogs and pre-emptive clearing of the site.</p> <p>No mitigation measures followed.</p>	<p>Although the application form does not address the Trees and Ecology a Tree Constraints Plans and Ecology Report has been submitted and assessed.</p> <p>Please refer to the 'Impact to Trees, Landscaping &amp; Ecology' section of this report.</p> <p>Planning permission wasn't required for the previous removal of the trees and other site clearance. However, various species are protected through other legislation even when planning permission is not required and any impacts on protected species, their habitats, roosting or foraging places are dealt with by Natural England.</p>
<p><b>Construction Disruption</b></p> <p>Concern regarding disruption, mess, dirt and dust.</p> <p>Construction noise, vehicle traffic on quiet street. Construction would be long running.</p> <p>Impact of construction particularly with people working from home.</p> <p>Inconvenience of houses being built, with no benefit to affected residents.</p>	<p>The disruption caused as a result of construction is covered under Environmental Health Legislation (The Control of Pollution Act 1974).</p> <p>Some inconvenience may be caused, as with most construction projects, Excessive impacts are controlled by the above legislation and it would be unreasonable to withhold planning permission due to the construction phase or lack of individual benefit to residents.</p>
<p><b>Thames Water Pipes/Infrastructure</b></p> <p>Concerns that if Thames Water pipe is dug into that would be issue with large amount of water. States that Thames Water would not give permission to build on land.</p>	<p>Thames Water have been consulted their response and conditions are contained within the detailed considerations section of this report.</p>



<p>Land being developed next to an important drainage sewerage and or water supply for north west London and should anything go wrong, new houses may restrict access or cause damage.</p> <p>Solicitor stated the land could not be developed</p>	<p>The advice of an independent solicitor is not a material consideration and the application has been determined in regard to planning merit.</p>
<p><b>Other</b></p> <p>Security would be affected.</p> <p>States every time an application is submitted it is rejected so questions why this one has been submitted.</p> <p>Previous applications failed and hopes residents would give up and ruin area without objections being considered.</p> <p>Concern regarding surface water flooding, previous works to raise ground level and soil and landfill that was not taken away. Concern regarding the lack of action from the Council regarding this.</p> <p>Damage to fence.</p> <p>Issues with grammar and language used in the description, which suggests the proposal would result in 4 houses not two.</p> <p>Loss of open space that could be used for public benefit.</p> <p>Concern regarding appearance and condition of hoardings and fly tipping.</p> <p>Some people on list had not been consulted.</p> <p>Builder wants to make money does not care about how residents feel, taking away greenery.</p>	<p>There is no evidence to suggest that the development would result in security issues which would be directly related to the proposed development.</p> <p>Applicants are allowed to lodge planning applications and they are each considered on their own merits with regard to material planning considerations. This includes the history of the site and acceptability of this proposal which is contained within the detailed considerations section of this report.</p> <p>The application does not permit raised ground levels, the site photographs do not appear to show particularly raised levels or evidence of soil or landfill not taken away. The risk of flooding is discussed in the Flood Risk Section of this report. Our records do not show any open enforcement investigation which have been reported in reference to the application site.</p> <p>It is not clear which fence has allegedly been damaged. A condition is recommended for details of all proposed boundary treatment.</p> <p>Application description is considered to clearly outline two dwellings are proposed. The plans also show this.</p> <p>Please see 'Principle of Development' section of this report.</p> <p>Should the condition of the hoardings or the site result in a significant adverse impact to local amenity, a notice could be served by the Council's enforcement team under Section 215 of the planning act. However, the proposal, if approved and implemented, would result in new dwellings with appropriately designed frontages.</p> <p>Consultation has been carried out meets the statutory and local requirements for the application.</p> <p>Profit made in this instance is not a material planning consideration. The impact of loss of this space is discussed within the report.</p>

<p>Concern regarding inaccuracies in the Design and Access Statement.</p> <p>There are three houses with the number 1 on the road caused confusion for postal system. Further houses would result in further confusion. If planning goes ahead a proper number system should be used.</p> <p>Inconvenience of houses being built, with no benefit to affected residents.</p>	<p>There initially were some errors within the Design &amp; Access Statement as originally submitted, but this was subsequently updated to correct the errors.</p> <p>The naming and numbering of properties is not a material planning consideration. Separate approval of this is required from the Council's Building Control Service prior to the completion of any new homes or other buildings.</p> <p>The scheme will provide new homes to meet housing need in the borough in line with adopted and emerging planning policy, and a scheme cannot be refused purely on the basis of a lack of benefit to individual residents.</p>
<p><b>Support Comments</b></p> <p>One representation of support was received. Shortfall of housing in Brent, would result in two new family homes. Design similar to Gaytor Terrace. Good use of empty land</p>	<p>Noted and merits of application assessed within the Detailed Considerations section of this report.</p>

## 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 2021 London Plan. The specific policies applicable to this application include:

### Regional Level

#### The London Plan (2021)

GG2: Making the best use of land  
 GG3: Creating a healthy city  
 GG4: Delivering New Homes Londoners need  
 D2: Delivering Good Design  
 D3: Inclusive Design  
 D4: Housing Quality and Standards  
 D5: Accessible Housing  
 D6: Optimising Housing Density  
 D11: Fire Safety  
 D13: Noise  
 G1: Green Infrastructure  
 G4: Open Space  
 G6: Biodiversity and Access to Nature  
 G7: Trees and Woodlands  
 H1: Increasing Housing Supply  
 H12: Housing size mix  
 SI1: Improving Air Quality  
 SI5: Water Infrastructure  
 SI12: Flood Risk Management  
 SI13: Sustainable Drainage  
 T4: Assessing and Mitigating Transport Impacts  
 T5: Cycling  
 T6: Car Parking

## **Local Level**

### Brent's Core Strategy 2010

CP 1: Spatial Development Strategy  
CP 2: Population and housing growth  
CP 5: Placemaking  
CP 6: Design & Density in Place Making  
CP 17: Protecting and enhancing the suburban character of Brent  
CP 18: Protection and Enhancement of Open Space, Sports and Biodiversity  
CP 20: Protecting and Enhancing the Suburban Character of Brent  
CP 21: A Balanced Housing Stock

### Brent's Local Plan Development Management Policies 2016

DMP1: Development Management General Policy  
DMP8: Open Space  
DMP 9a: Managing Flood Risk  
DMP 9b: On Site Water Management and Surface Water Attenuation  
DMP12: Parking  
DMP18: Dwelling size and Residential Outbuildings  
DMP19: Residential Amenity Space

### Draft Brent Local Plan

The Council is at a significant stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. The planning Inspectors are still considering the Plan prior to undertaking a final stage of consultation on a set of proposed main modifications before the Plan can be adopted. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officer's that greater weight can now be applied to policies contained within the draft Brent Local Plan.

DMP1: Development Management General Policy  
BD1: Leading the Way in Good Urban Design  
BH1: Increasing Housing Supply in Brent  
BH13: Residential Amenity Space  
BT1: Sustainable Travel Choice  
BT2: Parking & Car Free Development  
BG12: Trees and Woodlands  
BSUI2: Air Quality  
BSU13: Managing Flood Risk  
BSU14: On Site Water Management and Surface Water Attenuation

## **The following are also material planning considerations**

### **National Level**

National Planning Policy Framework 2019  
Technical Housing Standards - nationally described space standards  
National Design Guide (2019)

### **Supplementary Planning Documents/Guidance (SPD/SPG)**

Brent SPD1: Design Guide for New Development (2018)  
Mayor's Housing SPG  
Mayor's Sustainable Design and Construction SPG  
National Planning Policy Guidance  
National Design Guide  
Brent Waste Planning Guide

### Public Sector Equality Duty

In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics.

## DETAILED CONSIDERATIONS

### Planning Context

1. The planning history forms a material consideration when determining a planning application. The planning history section provides detail of all planning applications on site.
2. An application (16/3376) was refused for the following development:

*'Construction of 5 no. two-storey 3 bedroom terraced houses with converted loft space to also, refuse and recycling stores, fencing, amenity space and associated landscaping on land adjacent to 1 Gaytor Terrace, Mulgrave Rd, London, NW10.'*

3. The Local Planning Authority refused the case for the following reasons:

*'The proposal, by reason of its location on a site which is designated as local open space, and is of local amenity value would fail to protect or enhance the green space or complement the locality contrary to London Plan policies 2.18 and 7.18, Brent Development Management Policy DMP 1, policy CP18 of Brent Core Strategy and paragraph 74 of the National Planning Policy Framework 2012.*

*The proposed development is reliant on the provision of private amenity space which falls outside of the application site and also relies upon land outside of the application site for the provision of an adequate level of outlook for the north facing windows. As such, the proposal fails to provide amenity space for future residents of the family size houses or an adequate level of light and outlook from the ground floor north facing doors and windows. This would result in a substandard form of accommodation to the detriment of the amenities of future occupiers, contrary to policies DMP 1 and DMP 19 of the Brent Local Plan Development Management Policies 2016.*

*The proposed development, by reason of the design and appearance of the proposed terrace of dwellinghouses, and in particular, the varied roof pitch of the houses which fails to represent a coherent application of the chosen design approach for the proposed dwelling, would results in a development that is detrimental to the character and appearance of the area and the streetscene. This is contrary to Brent Development Management Policy DMP 1, Brent Supplementary Planning Guidance 17 and London Plan policy 7.6.'*

4. An earlier application (16/2936) for the following development was also refused by the Local Planning Authority:

*'Construction of 4 no. two storey 3 bedroom terraced houses with converted loft space, refuse and recycling stores, fencing, amenity space and associated landscaping on land next to 1 Gaytor Terrace, Mulgrave Road, London'*

5. The Local Planning Authority refused the scheme for the following reasons:

*'The proposal, by reason of its location on a site which is designated as local open space, and is of local amenity value would fail to protect or enhance the green space or complement the locality contrary to London Plan policies 2.18 and 7.18, Brent Development Management Policy DMP 1, policy CP17 of Brent Core Strategy and paragraph 74 of the National Planning Policy Framework 2012.*

*The proposed development is reliant on the provision of private amenity space which falls outside of the application site. As such, the proposal fails to provide amenity space for future residents of the family size houses. Furthermore it includes the provision of housing that fails to meet the minimum residential space standards, as set out in the Technical Housing Standards (2015). This would result in a substandard quality of accommodation, contrary to Brent Development Management policies DMP 1, DMP 18 and DMP 19, SPG17 Design Guide for New Development, London Plan policy 3.5*

and the London Housing SPG 2016.

*The proposed terrace of dwellinghouses, and in particular their projecting front building line, and excessively wide rear dormer windows fail to reflect the surrounding character of development and would result in harm to the uniformity of the existing streetscene and the suburban character of the area more generally. This is contrary to Brent Development Management Policy DMP 1, Supplementary Planning Guidance 5 'Altering and Extending Your Home' and London Plan policy 7.6.*

*The proposal includes excessively wide vehicle crossovers, and excessive areas of hardstanding for parking and fails to take account of existing street trees, utility box, sign post and lamp column in front of the site. Furthermore it fails to make provision for any secure and covered cycle parking in accordance with adopted standards. This is contrary to Brent Development Management policies DMP 1 and DMP 11, London Plan policy 6.13 and Brent's Domestic Vehicle Crossover Policy.'*

6. The two refused applications (references: 16/3376 & 16/2936) were subject to a linked appeal and the Planning Inspectorate dismissed both applications. The application scheme differs from the previous refusals and key differences are outlined under the relevant sections of the assessment.

### **Principle of Development**

7. The site is located on land designed as open space by the Local Plan. The revised open space boundaries were consulted on and tested at examination alongside the Development Management Policies in 2016. The proposal is for residential development on open space as designated by the Development Management Policies in 2016. The NPPF and Core Strategy Policy CP 18 assert that open space of local value will be protected from inappropriate development and will be preserved for the benefit, enjoyment, health and wellbeing of Brent's residents, visitors and wildlife. Open space is protected for recreation and amenity use.
8. The site has been subject to two planning refusals, one (16/3376) for the construction of 5 two storey terraced houses and the other a scheme (16/2937) for the construction of 4 two storey terraced houses. These two applications were subject to a linked Appeal dealing with both cases which was subsequently dismissed by the Planning Inspector.
9. Previous planning decisions (references: 16/3376 & 16/2936) included the loss of open space as a reason for refusal.
10. At appeal, the inspector was of the view that, the loss of this relatively limited green area would not cause significant harm, in terms of loss of open space for residence, visitors or wildlife. It was noted that it provided some visual benefit, but was not accessible to the public. In regard to the sites designations open space, the inspector noted (from paragraph 20 on page 5 of the Appeal Decision) the following:

*'Although I recognise that my site visit only provides as snapshot, at that time the appeal site, described as 327m<sup>2</sup> in the planning application form, was boarded off. The appellant advises that the site was formerly owned by Thames Water Utilities Ltd and that they continue to own the much larger green strip of land to the north and west, through part of which their sewer pipes run. There did not appear to be public access to the appeal site or indeed the wider area of land to the west, with the access gate off Dudden Hill Lane padlocked.*

*Therefore, it would not appear that the area could currently be used for sport or recreation. There is some visual benefit for occupiers of nearby houses, particularly for residents on part of the southern side of Mulgrave Road who look out onto the green area. However, it is a relatively narrow strip of land and the view beyond from Mulgrave Road is of trees and the rear of houses along Lennox Gardens. At ground level there did not appear to be views across the area towards Gladstone Park to the north east.*

*Given that the appeal site covers a relatively limited area and the majority of the wider green area would be unaffected by the proposals, I cannot see that appropriate development on a limited part of it would cause significant harm in terms of loss of open space for residents, visitors or wildlife, especially when the much larger expanse of Gladstone Park with full public access is nearby. Consequently, on the basis of the limited evidence before me on the matter, I do not find conflict with the relevant local and national policies already referred to.'*

11. In summary, the Inspector concluded that the alleged loss of 'designated' open space would not cause

significant harm, noting the benefits of the proposal including the supply of family homes in a sustainable location. Although the site is considered to provide some visual amenity the Inspector's noted that it did not appear the site could be used for sports and recreation. The Appeal Decision noted that the site was on a relatively limited area and the majority of the wider green area would be unaffected by the proposal. The Inspector asserted that they could not see that appropriate development on a limited part of the green area would cause significant harm in terms of loss of open space for residents, visitors or wildlife, especially given the larger expanse of Gladstone Park with full public access. The Inspector did not find conflict with the relevant local and national policies.

12. The proposed development is for a significantly smaller development than both Appeal schemes consisting a pair of two storey dwellings with accommodation in the roof, occupying a much smaller footprint. As a result, its impact on the open space would be less significant than ruled acceptable by the inspector in the context of a larger development and should therefore be accepted
13. The Appeal Decision is a material consideration which holds significant weight. The appeal decision justifies that residential development on this site is appropriate despite the designation as open space. As such it is considered that the principle of development is accepted.
14. The proposals would be consistent with the aims of the London Plan and policies within the Core Strategy which seek to support development which contributes to the strategic housing needs of Greater London and the Borough. Notwithstanding the in-principle support for additional housing, it is important that all other relevant planning considerations which seek to ensure that appropriate regard is given to design, the character of the area, neighbour amenity, traffic generation and highway safety, and acceptability with regards to sustainable design and construction is properly satisfied.

### **Impact to Character and Appearance**

15. Core Strategy Policy 17 ("Protecting and Enhancing the Suburban Character of Brent") confirms that the infilling of plots with out of scale buildings which do not respect the setting of existing dwellings is not acceptable. Additional design guidance can be found in DMP1 ("Development Management General Policy") and within the Council's SPD 1 ("Design Guide for New Development").
16. Although the street is characterised by terraced housing, the proposed semi-detached houses are not expected to appear out of keeping. In terms of the proposed height would be similar to the surrounding residential buildings.
17. The building line was raised in the previous reasons for refusal and the Inspector noted the following within the Appeal Decision:

*'With regard to Appeal A, the design of the façade of each of the four terraced houses appears similar to those on Gaytor Terrace. However, because of the shape and constraints of the site, the building line of the new terrace would be diagonal from east to west, with the front elevation of each house projecting beyond the preceding one, gradually getting closer to the road. That would contrast with the straight, regular building line of Gaytor Terrace and the linear nature of the larger houses in the Edwardian terrace immediately opposite. I consider that the angled building line, progressively projecting front gables and large dormers to the rear, all visible from the road, would appear discordant in the street scene and have a detrimental effect.'*

*'With regard to Appeal B, the proposal for a terrace of five houses does present a more uniform building line to the front, which is more in keeping with the layout of the adjoining Gaytor Terrace. However, the depth of the houses increases from west to east whilst the ridge height is shown to remain the same. In consequence, the pitch of the roof differs on each house. The front elevations of the proposed dwellings, although linear, would also be in front of the building line of Gaytor Terrace. Therefore, the advanced building line, the uneven roof forms with large dormers to the rear would create a disjointed appearance adversely affecting the visual character of the area.'*

18. The building line was raised as a concern in conjunction with the staggered building line with the large dormers in reference to Appeal A (16/2937). The new proposal differs from Appeal Scheme A and has uniform front and rear building lines and therefore the proposed rear dormer windows would not have a disjointed appearance. Since the refusal, Brent's SPD 2 has been adopted and allows full width dormers, provided they are set down from the ridge by 0.3m and set up from the eaves by 0.5m. The dormers comply with this guidance and would be uniform in appearance. While SPD2 relates to extensions and alterations to homes while SPD1 relates to new development proposals, SPD2 reflects the form of residential development that is generally considered to be acceptable in suburban residential areas. It is

therefore considered appropriate to apply the design criteria for dormers as set out in SPD2 to this scheme.

19. In regard to Appeal Scheme B, the revised scheme is for 2 dwellings compared to 5 within Appeal scheme, there is a much larger degree of separation and the building line of the proposed houses would be uniform to the front and rear. The building line to the front would be set further forward compared to the Gaytor Terrace's bays, by approximately 3.1m and there is a separation distance to the adjacent terrace of over 6m which provides some visual break, furthermore it is noted that the houses on the opposite site of the road in have similar building lines with reference to depth of front gardens and set back from the highway, as such it is considered that the proposed pair would not appear unduly prominent or incongruous within the streetscene.
20. In terms of the architectural design, the building would appear similar to the adjacent development Gaytor Terrace. The proposed semi-detached houses would have a front gabled end, a common feature within the street. A condition is recommended requiring the approval of materials.
21. Cycle storage is proposed to the front/side of each dwelling, the bulk and scale is considered modest within the streetscene. Some landscaping and a small boundary wall (max. height 1.1m) is proposed, in principle the style height of the wall with gates is considered to relate well to the properties proposed and the existing streetscene. Boundary fencing would be 1.8m high, a condition requiring further details of all boundary treatments and cycle storage is recommended.
22. In respect to landscaping, a condition requiring a detailed landscaping plan is recommended and this should include landscaping to the front and side of the property, a path should be incorporated to provide practical access and use of the proposed cycle storage.

### **Standard of Accommodation**

23. London Plan Policy D6, Development Management Plan policies DMP 18 Dwelling Size and Residential Outbuildings, DMP 19 Residential Amenity Space, Housing Supplementary Planning Guidance and Brent's SPD 1 seek high quality development to ensure the creation of new residential units provide an acceptable standard of accommodation for potential occupiers.
24. With a proposed GIA of 101sqm, both proposed three bedroom, five person dwellings exceed the London Plan's space standards of 99sqm. All bedrooms meet the minimum sizes set out in London Plan Policy D6. Built-in storage is not shown, and the plans do not demonstrate that 2.5 sqm of built-in-storage would be provided (in line with Policy D6 and table 3.1). However, there is sufficient space within the scheme to provide this and a condition is accordingly recommended. Habitable rooms would benefit from at least one opening and are expected to receive good levels of natural light and outlook. However, the living/dining room of the western house only has a 2 to 3 m distance to the rear boundary, and therefore a solid rear boundary treatment could result in limited outlook to this room. As such, a condition is recommended requiring details of a side facing door and window from this room.

### **External amenity space**

25. Policy DMP19 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 20 sqm studio, one or two-bedroom home and 50 sqm for family housing (homes with 3 or more bedrooms).
26. The DMP19 requirement for external private amenity space established through DMP19 is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 or 50 sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
27. With regard to quality of the space, the supporting text to policy DMP19 specifies that private amenity should be accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight, whilst Brent SPD1 specifies that the minimum depth and width of the space should be 1.5 m.
28. London Plan policy D4 specifies that where there is no higher local standard, a minimum of 5 sqm of

private amenity space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. The minimum depth and 1.5 m is reconfirmed in the emerging policy.

29. Both proposed dwellings provide private amenity space which exceed this standard and the gardens are considered to be good quality and practical to use. Limited information has been provided in regard to the boundary treatment, which should provide privacy for residents. As such a condition requiring details of boundary treatment inclusive of elevations and materials is recommended. The amenity space provided is considered good quality in terms of size and shape.
30. The previous cases relied on amenity space which fell outside of the red line location plan and was subject to lease restrictions as covered within the Appeal Decision. This scheme now includes the amenity space fully within the red line boundary of the site. This issue has therefore been overcome.

The previous cases included the following reason for refusal:

*The proposed development is reliant on the provision of private amenity space which falls outside of the application site and also relies upon land outside of the application site for the provision of an adequate level of outlook for the north facing windows. As such, the proposal fails to provide amenity space for future residents of the family size houses or an adequate level of light and outlook from the ground floor north facing doors and windows. This would result in a substandard form of accommodation to the detriment of the amenities of future occupiers, contrary to policies DMP 1 and DMP 19 of the Brent Local Plan Development Management Policies 2016.*

31. With reference to Appeal A the Inspector noted that the LPA reported non-compliance with space standards, yet the appellant disagreed. The Inspector stated that given the lack of clarity or definitive evidence that they were unable to reach a conclusion on this matter. The proposed scheme complies with space standards so this revised scheme has overcome this concern.
32. With regard to living conditions for future occupants the Inspector concluded that both Appeal A & B would not provide acceptable living conditions for future occupiers, with particular regard to outdoor amenity space. Consequently, they would conflict with policies DMP 1 and DMP 19 of the DMP, insofar as they require development to provide external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. Again these issues have been overcome within this revised application.

### **Residential Amenity**

33. SPD 1 (2018) at Principle 5.1 states that new development should provide adequate privacy and amenity for residents. Development should ensure a good level of privacy inside buildings and within private outdoor space. Directly facing habitable room windows will normally require a minimum separation distance of 18m, except where the existing character of the area varies from this. A distance of 9m should be kept between gardens and habitable rooms or balconies. SPD 1 (2018) prescribes that the building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from height of two metres above floor level. Where proposed development adjoins private amenity / garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of two metres.
34. The proposed development would not breach the 30 or 45 degree lines in reference to any nearby properties and their gardens and complies with the 18 and 9m privacy distances prescribed in SPD 1. The proposed development is not therefore considered to result in adverse harm to the residential amenity of any nearby properties.

### **Transport Considerations**

#### **Car Parking**

35. The site is vacant land and currently does not have a vehicular crossover. However, there are marked bays along the frontage which could accommodate approximately four spaces along the frontage of the proposed site only. The parking standard for the proposed 3-bedroom dwellings is given in appendix 1 of



the Development Management Policies and 1.5 spaces are permitted for each dwelling. Therefore a total of 3 spaces are permitted for the 2 x 3-bed dwellings. This proposal provides no off street car parking, but there is spare parking capacity on the street to absorb any parking demand from the new houses.

#### Cycle Provision

36. In accordance with the London Plan, each unit should provide covered, secure bicycle storage for at least 2 bicycles per dwelling, which is easily accessible. The proposal includes the provision of 4 cycle parking spaces, however only the elevations have been submitted and it is not clear from these if they are to be located in a secure undercover lockable compound or what the length of the cycle parking is. A condition is recommended requiring the submission and approval of further details of the cycle storage.

#### Refuse

37. The proposed refuse arrangement is considered acceptable and is located for easy collection adjacent to the highway.

#### Trees, Landscaping & Ecology

38. A Preliminary Ecological Appraisal including a Preliminary Roost Assessment of trees on land off Mulgrave Road was undertaken. A desk study was undertaken in addition to an extended Phase 1 Habitat survey which was conducted on 14<sup>th</sup> March 2019.
39. Paragraph 5.1.2 outlines that if site works do not commence for more than 2 years from the date of the survey (March 2019) the ecology of the site should be re-assessed due to any changed within the intervening time. As such and notwithstanding the submitted ecology report condition is recommended requiring a revised Ecological Assessment to be submitted and agreed in writing by the Local Planning Authority prior to the commencement of any works, any mitigation recommended and agreed would have to be carried out in accordance with the agreed ecological assessment.
40. Overall the site was considered to be of low ecological value with very low numbers of occasional roosting bats, reptiles, common nesting birds, hedgehogs and common toads. The report outlined that impact avoidance measures and concluded that if such measures were completed that it was considered that the proposed development could proceed with negligible risk of harm to protected species or significant negative impact up on Section 41 Species or habitats. On this basis it is considered to be acceptable to ensure that the revised ecology report be undertaken prior to the commencement of works on the site.
41. The ecology report states that the site was characterised by an area of relatively short grassland and a patch of dense bramble, scrub and a low number of young and mature trees. The ecology report was based upon the addition of a pair of semi-detached houses with associated gardens and parking areas and that the proposal would involve the removal of scrub, some trees and most of the grassland habitat.
42. In terms of risk to bats the ecological report recommends that if the tree with very low potential for roosting bats is to be removed or worked upon then soft-felling techniques as outlined within the report should be used. An objection referred to the no bats being noted but that the survey was undertaken outside the peak time to survey ecological value of a site March outside the peak time to survey ecological value of a site. The report recommends that no further ecological surveys would be necessary provided impact avoidance measures were undertaken. As such it is considered that the time of the initial survey is acceptable to be undertaken outside of season and in daylight to investigate if the site has any signs/potential for bats.
43. The report asserts that a single tree on the eastern boundary was considered to have very low potential for roosting bats given its proximity to Gladstone Park, which is likely to provide a moderate amount of moderate quality foraging and /or commuting habitat for bats, it was considered possible that on occasion this feature could be used for very low numbers of bats. The report advises that if the tree is felled it should be soft felled as outlined within Section 5. This tree has been removed since the preparation of this report. The revised ecology report must take account of site conditions at the time of survey. The report asserts that the trees and scrub on the northern side of the site could provide very small quantity of likely low value foraging habitat for bats and trees immediately to the north of the site may provide a low quality commuting route. Given the presence of Gladstone Park nearby it was considered that the site may occasionally be used by likely very low numbers of foraging and commuting bats. It was concluded

that due to the small amount of low value habitat on site taken with the proximity to Gladstone Park, a larger more valuable habitat that the loss of habitats from the site would have a negligible impact on foraging and/or commuting bats.

44. The report concludes that overall the site was considered to be of low ecological value at a local level. With the impact avoidance measures outlined in the report completed it was considered that the proposed development would have negligible risk of harm to hedgehogs during site clearance. Overall the site was considered to be of low ecological value at a local level. With the impacts avoidance measures outlined in this report completed, the report states that there would be negligible risk of harm to protected species or habitats.
45. The report states that there was potential scope to provide additional enhancements on site to benefit local wildlife. It is acknowledged that the ecological report makes recommendations in regards to the trees which have already been removed from site. A tree planting strategy and detailed landscaping plan is recommended which should include a minimum of 4 replacement trees to be included within a detailed landscape plan. The replacement trees should be predominantly native species, examples Bird Cherry, (*Prunus padus*), Rowan, (*Sorbus aucuparia*), Common Hawthorn, (*Crataegus monogyna*).
46. The applicant has not submitted a BS5837 tree report, instead they have relied upon the tree information being provided by the ecologists. No existing or removed trees on site are/were protected.
47. Offsite trees include, T2 and the local authority owned T6 Hornbeam. Remaining trees within the site have been removed without much information except that found in the ecological survey referring to a mature Sycamore tree with a single woodpecker hole in the main trunk. The tree was flagged as having a minor bat roost potential with advice to carry out a soft removal of the tree. It is considered that the Sycamore was identified as T3 on the tree constraints plan. The category U street tree (T7) on the tree constraints plan was removed by Brent during an upgrading of the pavement. A replacement tree now stands on the frontage.
48. A pre-commencement condition is recommended for the submission of an arboricultural impact assessment, arboricultural method statement and tree protection plan based on off-site trees. The tree protection should include a wooden tree box around the stems of T6 street tree and the replacement T7. This is to stop any inadvertent damage to the above ground parts of trees during the construction process. With the conditions proposed the trees and landscaping within the site would be acceptable and soften the sites appearance within the streetscene.

## **Flood Risk**

49. The site has been identified as a risk of surface water flooding (Flood Zone 3a). Local Plan Policy DMP9a states that proposals requiring a flood risk assessment must demonstrate that the development will be resistant and resilient to all relevant sources of flooding including surface water.
50. The Lead Local Flood Authority were consulted on the development and submitted Flood Risk and Drainage Strategy. They advised no objection to the proposal subject to the submission and approval of drainage implementation plan including appropriate SuDS is conditioned prior to the commencement of works. Thames Water requested a Drainage Strategy Condition and this is discussed in the next section.

## **Thames Water**

51. With the information provided, Thames Water advised that in order to determine the waste water (foul water and surface water drainage) infrastructure needs of the development that a pre-commencement condition relating to the submission and agreement in respect to foul and surface water be recommended
52. Thames Water advised that the proposed development site is located within 5m of a strategic water main. Thames Water have advised that they do not permit the building over or construction within 5m of strategic water mains. They have not said that the application is unacceptable, but rather have requested that a condition is added to any planning permission in view of the proximity to the strategic water main and utility infrastructure. The condition would require details of how the developer would intend to divert the water main or align the development to prevent the potential for damage to surface potable water infrastructure.
53. Although a Flood Risk Assessment and Drainage Strategy Report has been submitted and this was

found to be acceptable by the Lead Local Flood Authority, Thames Water have requested that a more detailed drainage strategy is secured through a pre-commencement condition. The detailed strategy would need to include provisions to reduce the peak flow and volume of surface water discharging off the site, where greenfield rates should be aimed for and the drainage hierarchy to followed in line with London Plan policy. They also advised that points of connection, discharge method and discharge rate for surface and foul water pre and post development should be provided. For surface water the applicant is advised to provide current discharge rates and Greenfield runoff rates. As set out in the previous section a condition requiring a SUDs and Drainage Implementation Plan will be conditioned and the applicant should satisfy the points raised above by Thames Water.

## Conclusion

54. The proposed development would have an acceptable impact on the character and appearance of the locality, ensure a good standard of amenity for both future and neighbouring occupants. The proposal would also be acceptable in terms of transport, flood risk and ecology. The proposed development would provide two good quality family sized dwellings which would make a contribution to meeting Brent's housing needs. It is considered that the reasons for refusal for the previous planning applications have been addressed, having regard to the decisions on the previous appeals which form material planning considerations. The development is considered to accord with the development plan when viewed as a whole and the application is therefore recommended approval.

## CIL DETAILS

This application is liable to pay **£55,886.08** \* 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): 211.95 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
(Brent) Dwelling houses	211.95	0	211.95	£200.00	£0.00	£42,775.36	£0.00
(Mayoral) Dwelling houses	211.95	0	211.95	£0.00	£60.00	£0.00	£13,110.72

BCIS figure for year in which the charging schedule took effect (Ic)	330	323
BCIS figure for year in which the planning permission was granted (Ip)	333	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£42,775.36</b>	<b>£13,110.72</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.

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 19/3396

To: Mr Saunders  
Zedstar Building services Ltd  
340-342 high road  
willesden  
NW10 2EN

I refer to your application dated **22/09/2019** proposing the following:

Erection of 2x two-storey, semi-detached dwellinghouses (2x 3 bed) with converted loft space, erection of fencing, provision of cycle parking, waste storage and amenity space with associated landscaping and front boundary walls/gates.

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

at **Land next to 1 Gaytor Terrace, Mulgrave 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: 20/04/2021

Signature:

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

### Notes

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

DnStdG

**SUMMARY OF REASONS FOR APPROVAL**

- 1 The proposed development is in general accordance with policies contained in the:-  
National Planning Policy Framework (2019)  
The London Plan (2021)  
Brent Core Strategy (2010)  
Brent Development Management Policies (2016)  
Supplementary Planning Document 1- Brent Design Guide - (2018)
  
- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.  
  
Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.
  
- 2 The development hereby permitted shall be carried out in accordance with the following approved drawings and/or documents:  
  
Location Plan  
001 (dated 12/01/2021) – Proposed Elevations/Plans  
Flood Risk Assessment and Drainage Strategy Report prepared by WSP dated January 2021  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
  
- 3 Notwithstanding the provisions of Classes A, AA, B, C, D, E and F of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015, as amended, (or any order revoking and re-enacting that Order with or without modification) no further extensions or buildings shall be constructed within the curtilage of the dwellinghouses unless a formal planning application is submitted to and approved by the Local Planning Authority.  
  
Reason: In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority. In view of flood risk on site.
  
- 4 Notwithstanding the provisions of Class L of Part 3 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015, no change of use of the property from the approved use to Class C3 or C4 of the Use classes order shall occur, unless a formal planning application is first submitted to and approved by the Local Planning Authority.  
  
Reason: In view of the restricted nature and layout of the site for the proposed development and to prevent over development of the site and undue loss of amenity to adjoining occupiers.
  
- 5 Prior to commencement of works above ground level (excluding site clearance, demolition, hoarding and the layout of foundations) details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority.  
  
Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.
  
- 6 No part of the development shall be occupied until a detailed Tree & Landscaping Strategy has been submitted to and agreed in writing by the Local Planning Authority. The agreed Strategy

shall include at minimum of four trees to be located within the site and details of the species and size must be submitted as well as a plan illustrating the location of the replacement trees.

The details shown on Trees & Landscaping must be completed prior to the occupation of the development. Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same position, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance and setting for the development and in the interest of ecology.

- 7 Prior to the commencement of works above ground level, details of the provision of at least 2.5 sqm of built-in storage for each house and details of side facing windows and doors to the living-dining room of the western house shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory standard of residential accommodation.

- 8 Prior to the commencement of any development an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed measures contained within the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure trees are protected.

- 9 Prior to the commencement of any development an Ecological Assessment shall be submitted to and agreed in writing by the Local Planning Authority. It should assess impacts to Ecology and protected species and provide details of necessary mitigation. The development shall thereafter be carried out in full accordance with the approved details, including any mitigation measures, unless otherwise agree in writing by the Local Planning Authority.

Reason: In the interest of ecology.

- 10 No works shall be commenced until a further drainage/SUDS strategy detailing any on and/or off site drainage works has been submitted to and approved by the local planning authority in consultation with the sewerage undertaker.

Such a strategy shall include but not be limited to:

- (i) Details to demonstrate adherence to the principles of Sustainable Drainage and the drainage hierarchy set out in London Plan Policy SI 13 and
- (ii) Demonstrate all on or off site drainage works
- (iii) Demonstrate Points of connection, discharge method and discharge rate for surface and foul water pre and post development.
- (iii) For surface water the current discharge rates and Greenfield runoff rates.

No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed details of the drainage strategy and shall be retained for the lifetime of the Development.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community and to ensure the development meets the requirements of the London Plan Policy SI 13 and in the interest of mitigating flood risk.

- 11 No development shall be occupied until confirmation has been provided that either:- 1. Capacity for Foul Water drainage exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

- 12 No development shall be occupied until confirmation has been provided that either:- 1. Capacity for Surface Water Drainage exists off site to serve the development or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed

Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents.

- 13 No development shall commence unless details of how the developer intends to divert the asset (water main) or align the development so as to prevent the potential for damage to subsurface potable water infrastructure have been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Construction shall not be undertaken other than in full accordance with the terms of the approved information. Unrestricted access for Thames Water shall be available at all times for the maintenance and repair of the asset during and after the construction works.

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

- 14 Notwithstanding the approved plans, prior to occupation of any part of the development, further details of the cycle storage including materials and specification details shall be submitted to and agreed in writing by the Local Planning Authority.

The approved cycle storage facilities shall hereafter be installed and made available for use prior to first occupation of the development hereby approved and thereafter retained and maintained for the life of the development and not used other than for purposes ancillary to the occupation of the development hereby approved.

Reason: To encourage sustainable forms of transportation in the interest of highway flow and safety.

- 15 Notwithstanding the approved plans, prior to the occupation of any part of the development, further details (including materials and elevations) of all boundary treatments (inclusive of all fences and walls shown on the approved plans) shall be submitted to and agreed in writing by

the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and privacy.

## INFORMATIVES

- 1 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 2 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).

- 3 Thames Water Pre-Application: \_

The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning).

Advice on working near Assets:

Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Wo>

Should you require further information please contact Thames Water. Email:

[developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk).

Mains Water:

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).

Pressure: \_

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Easements and Wayleaves

Surrounding most of the site sits Kempton to Cricklewood Pipe track. These are Thames Water Assets. The company will seek assurances that it will not be affected by the proposed development. The applicant is advised to contact Thames Water to ensure compliance with easements and wayleaves. The applicant should contact Thames Water to discuss their proposed development in more detail. All enquiries from developers in relation to proposed developments should be made to Thames Waters Developer Services team. Their contact details are as follows:

Thames Water Developer Services  
Reading Mail Room  
Rose Kiln Court  
Rose Kiln Lane  
Reading  
RG2 0BY



Tel: 0800 009 3921

Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

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