

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

17 August, 2022
06
22/1177

SITE INFORMATION

RECEIVED	30 March, 2022
WARD	Queens Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	135 Salusbury Road, London, NW6 6RJ
PROPOSAL	Erection of a new commercial building to provide flexible commercial floorspace (Use Class E), together with soft and hard landscaping, cycle and car parking and associated works
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_159659</p> <p><u>When viewing this as an Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "22/1177" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

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 Plans
3. Cycle and Car Parking
4. Rear Rooflights
5. Restricted to Class E (c) and (g) use
6. Removal of PD rights
7. Plant Noise
8. Trees
9. Materials
10. Construction Logistics Plan and Method Statement
11. Drainage Plan

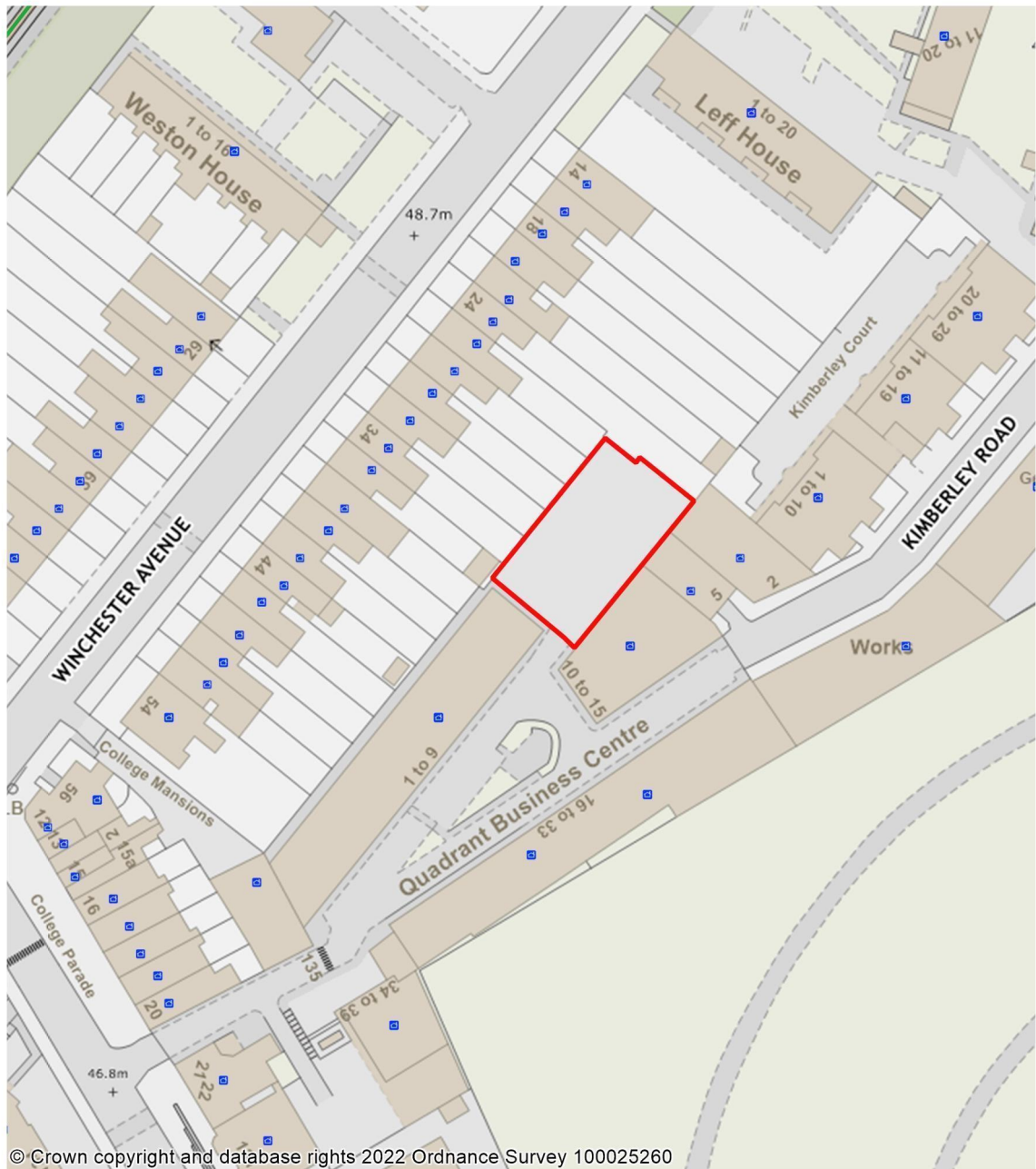
Informative

1. Party Wall Agreement
2. Building Near a Boundary
3. Fire Safety
4. CIL Liable

That the Head of Planning and Development Services 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

 Brent	Planning Committee Map
Site address: 135 Salusbury Road, London, NW6 6RJ	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



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This map is indicative only.

PROPOSAL IN DETAIL

The application proposes the erection of a new commercial building to provide flexible commercial floorspace (Use Class E), together with soft and hard landscaping, cycle and car parking and associated works.

EXISTING

The application site is located to the rear of NW Works within Quadrant Business Centre, which comprises of 58000sqm of commercial floorspace and 12 residential units. The site is currently in use as a car park. Access to the site is from the west side of Salusbury Road. The site is within a creative cluster. The application site is not situated within a Conservation Area as designated in Brent's Local Development Plan nor does it contain any listed buildings.

AMENDMENTS SINCE SUBMISSION

The following amendments were made to the plans during the application:

- Revised drawings for internal alterations to include mezzanine level and alterations to side panels of the glazing bays
- Revised Fire Statement, Design and Access, Planning Statement to reflect alterations above
- Submission of a Car Parking Plan
- Submission of a Technical Note 2: Permeable Paving
- Submission of Additional Information on Site Amenities

SUMMARY OF KEY ISSUES

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

- **Representations received:** 12 objections have been received. Officers have considered the comments and the planning merits of the proposal and consider that the proposal is acceptable.
- **Principle:** The application would create 470.58 sqm of commercial floorspace within a defined Creative Cluster within the Local Plan. The site is within a mixed use area. The site is within a mixed use area. The general principle of the development accords with planning policy and is supported in this location.
- **Design and Appearance:** The proposal is considered to represent a good standard of design within an infill site and would not result in harmful impact on the character and appearance of the local area.
- **Residential Amenity:** The proposal would not result in a significant impact on the residential amenities of neighbouring occupiers in terms of noise and disturbance, daylight and sunlight or overlooking
- **Highway Impact:** The car parking is managed privately within the NW Works. The development would retain 8 parking spaces (including 1 wide disabled bay and 4 ECVP). There are CPZs in the surrounding area ensuring staff parking is unlikely to be displaced onto surrounding streets. Servicing is proposed to occur with the site and service vehicles will use the one-way loop system with the estate, which is welcomed.
- **Urban Greening and Trees:** The proposed development would be situated on an existing hardsurfaced area and would not result in the loss of any landscaping, but also would not provide any new soft landscaping. The site constrained in order to retain parking and turning space and the roof is occupied by PV (solar) panels, limiting the potential for a green roof. There would be no net loss of biodiversity. No trees will be removed as result of the development.

RELEVANT SITE HISTORY

Reference	Proposal	Decision	Date
21/1214	Provision of 8 front rooflights to Building C office. (Units 1-5 & 7, 135 Salusbury Road, London, NW6 6RJ)	Granted	09/06/2021
21/1048	Proposed roof terrace with balustrading, change to fenestration, and installation of air-conditioning units at first floor level north elevation and proposed additional dormer window to main roof of office units. (Unit 10 – 11, 135 Salusbury Road, London, NW6 6RJ)	Granted	17/05/2021
19/0760	Erection of non-illuminated circular sign on existing gates and 1 non-illuminated freestanding sign adjacent to the site entrance	Granted	04/06/2019
10/2698	Replacement of existing gates, erection of green wall and canopy to entrance of business centre	Granted	07/12/2010

CONSULTATIONS

195 neighbouring and nearby properties were consulted along with Kilburn Neighbourhood Forum and Queens Park Residents' Association for a 21-day period commencing 20/04/2022.

12 objections and 5 neutral comments were received in this period.

Reasons for objecting	Officer's Comment
Concerns regarding increased noise levels Concerns regarding noise from plant/machinery	See paragraphs 3.7 and 3.8.
Concerns regarding access during construction Concerns regarding impact of construction work including noise, disruption, pollution and vibration	Construction and demolition works are essential for the growth and redevelopment of Brent. However the noise and disturbance associated with such works can affect those living and working in close proximity. The Control of Pollution Act 1974 gives powers to the Council which restricts working hours and allow conditions to be stipulated on the types of machinery/ plant that are used on construction sites and complaints can be made to the Council's noise team where nuisances occur. A Construction Method Statement and Logistics Plan be will secured via condition.
Concerns regarding light and noise pollution from windows in roof	See paragraphs 3.6 and 3.7.
Concerns regarding increase in traffic and congestion Concerns regarding parking on surrounding roads	See section 4. Transport and Highways.
Concerns regarding impact to neighbouring trees	See paragraphs 6.3 and 6.4
Concerns regarding lack of consultation	195 neighbouring and nearby properties were consulted.

Lack of Heritage Statement and consideration of effect on nearby listed buildings	See paragraphs 2.4 and 2.5.
Lack of landscaping and biodiversity gain	See section 6. Urban Greening and Trees
Concerns regarding safety for residents of Quantic House	See paragraph 3.9.
Impact to Residential Amenity Concerns regarding loss of light	See section 3. Impact to Neighbouring Properties.
Concerns regarding breach of lease with landlord	This is not a material planning consideration.
Concerns regarding refuse management	See paragraph 5.3.
Concerns regarding impact to privacy to commercial terrace	See paragraph 3.9.
Concerns regarding overdevelopment	The scale and massive and proposed commercial use of the site is not considered excessive in terms of impact to local amenity and character.

POLICY CONSIDERATIONS

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

The development plan is comprised of the

- London Plan 2021
- Brent Local Plan 2019-2041

Relevant policies include:

London Plan 2021

D1 London's form, character and capacity for growth
D3 Optimising site capacity through the design-led approach
D4 Delivering Good Design
D6 Housing quality and standard
D12 Fire Safety
E1 Offices
E2 Providing Suitable Business Space
G5 Urban Greening
T5 Cycling
T6 Car Parking
T6.2 Office parking

Brent Local Plan 2019-2041

DMP1 Development Management General Policy
BD1 Leading the Way in Good Urban Design
BE3 Local Employment Sites and Work-Live
BGI1 Green and Blue Infrastructure
BGI2 Trees and Woodlands
BHC1 Brent's Heritage Assets
BH3 Supporting Brent's Culture and Creative Industries
BT1 Sustainable Travel Choice
BT2 Parking & Car Free Development

Other material considerations

The following are also relevant material considerations:

- National Planning Policy Framework
- National Planning Practice Guidance
- Supplementary Planning Guidance / Documents:
 - SPD1 Brent Design Guide 2018

Local Plan 2019-2041

The Council adopted the new Brent Local Plan 2019-2041 at Full Council on 24 February 2022. The following documents have now been revoked:

- The Brent Core Strategy 2010
- Brent Site Allocations Development Plan Document 2011
- The Wembley Area Action Plan 2015
- The Development Management Policies Plan 2016.

These documents are no longer considered Development Plan Documents for the purposes of determining planning applications within the area that the Council remains the Local Planning Authority and also their associated policies map.

DETAILED CONSIDERATIONS

1. Principle

1.1 The proposal seeks to provide flexible commercial floorspace in Use Class E and would provide a net increase of 470.58 sqm of commercial floorspace across a ground and mezzanine floor. The applicant specialises in office and mixed use space for smaller and independent business.

1.2 Local Plan policy BHC3 seek to ensure that creative industries are supported through the development of improved and additional creative workspaces, cultural facilities and other mutually complementary uses. The sites is within a creative cluster and policy BHC3 goes on to state in this location creative clusters will be protected and promoted. Equally, London Plan policy E1 and E2 encourage new office and business space to meet the needs of micro, small and medium-sized enterprises. In this regard a development in Use Class E (g) is consistent with the policy context and is supported. The applicant also seeks flexible use within Use Class E (c) (financial and professional services).

1.3 Offices (Use Class E(g) (i)) are regarded as a main town centres uses , as are financial and professional services (Use Class E (c)). . Town centre uses in line with a sequential approach should first be directed to nearby Queen's Park and Kilburn Town Centres. Nevertheless, the Plan does not allocate specific sites for office use within town centres. The recent trend for the borough's local employment sites in the south of the borough has been one of contraction, with permitted development rights in particular and issues of viability reducing the extent to which the Council has been able to avoid those losses. On this basis investment in additional local employment space in this location is welcomed.

1.4 Whilst the site is considered suitable for certain uses within Class E, an application for an open permission would allow for a wide range of uses including retail, food and drink or a crèche. In addition, restaurants have opening hours which extend beyond standard businesses hours, and therefore could have differing impacts on neighbouring amenity which would require further assessment. The premises due to lack of external space and surrounding context is not considered suitable for a crèche. A condition will limit the use to Use Class E (g) and E (c), which would accord with the proposed end use as described in the supporting Design and Access Statement.

2. Design, Character and Appearance

2.1 The proposed development comprises an L-shaped, double height building set across a ground floor and mezzanine floor. The building would have a maximum height of 6.3m, to the rear the building would have a 45 degree pitch to neighbouring garden walls while the front facade would be flush containing large glazed openings. The building would employ reclaimed brick with vertical brick piers and large heritage style Crittal windows and doors.

2.2 The building would sit to the rear of the NW Works site, set within the existing high party walls to the rear of Nos 26 to 36 Winchester Avenue and to the side party wall of No.24 Winchester Avenue. At the proposed scale it would be not readily visible from Salusbury nor Kimberley Road. Views of the development would be confined to within complex itself or from the rear of the properties on Winchester Gardens. The massing and bulk is considered appropriate for the site and would not exceed the scale of surrounding commercial buildings.

2.3 The building would be contemporary in appearance however it would be influenced by the materiality of existing buildings within the NW Works complex. These design features would result in a development attractive in design which would create generous, light internal workspaces sitting comfortably within the wider complex.

2.4 Comments have been raised regarding the impact of the development on the setting of nearby heritage assets. The closest heritage assets to the south west are Queen's Park conservation Area and locally listed Imam Khoei Islamic Centre on Chevening Road. To the south east, the site is nearby Paddington Cemetery with the associated Grade II listed Chapel along with locally listed Christ Church Primary School, the public house at 91-101 Willesden Lane and 134-136 Willesden Lane.

2.5 Given the enclosed nature of the site and the proposed height, the building would be screened by neighbouring buildings within NW Works and Kimberley Court to the east along with adjoining buildings within NW Works and College Parade on Salusbury Road to the west. Therefore it is not considered that the proposed development would have an impact on the setting of the identified heritage assets.

2.6 Overall, the proposed building would have acceptable impact on the character and appearance of the locality.

3. Impact to Neighbouring Properties

3.1 The subject site borders the rear gardens of residential properties Nos. 24 to 36 Winchester Avenue. To the west and south the site is bordered by commercial buildings within NW Works and No. 2 and No.5 Kimberley Road.

3.2 SPD 1 provides guidance on how new development should be designed in order to minimise the impact on neighbouring properties. The guidance states 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 a height of two metres above floor level. Where proposed development adjoins private amenity/garden areas then the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m.

3.3 In this case the development would be located along the rear boundaries of Nos. 36 to 26 and along the side boundary of No.24 Winchester Avenue. The development would comply with the 30 degree rule as outlined in SPD1 from residential windows. There is an existing 3.5m high brick boundary wall to these residential gardens. The development has been designed at a 45 degrees above the height of the existing brick boundary treatment. This is above the 2 m height for the would slightly exceed the 45 degree rule set out within SPD1, however, in this case given the presence of the existing high wall, the development is considered an acceptable impact on the occupants of these neighbouring properties.

3.4 Additionally, the applicant has submitted a Daylight and Sunlight Report conducted by Development & Light Consultancy dated March 2022. The report summarises that any daylight and sunlight effects to surrounding properties, including any potential overshadowing to surrounding gardens, comfortably meets the typical recommendation in BRE guidelines in all cases. The report additionally tests windows of 1-10 Kimberley Court and finds no significant impact. As such, the impact of the massing of the building is considered acceptable.

3.5 In terms of overlooking/loss of privacy, the majority of the glazing has been designed so that the outlook from the building would be southeast and southwest facing towards the car parking area. There would be 20 rooflights on the pitched element to the rear of the building. The mezzanine floor is slightly set away from the rear wall of the building. Nevertheless to avoid overlooking from these rear rooflights, a condition would be placed on the application to ensure these windows were fixed and obscure glazed for any elements below 1.8m from floor level.

3.6 Concern was raised regarding by residents the potential for light pollution from the proposed rooflight to the rear roof facing gardens. The development would generally operate during daytime and early

evening. The rooflights would project upwards and would be positioned over 4m from external ground level which would reduce the impact of any light spill impacting upon residents. Light from the rooflights would be visible when the associated units are used after dusk. However, this is not considered to be unusual within an urban environment and the associated impact is not considered to be significant.

3.7 With regards to noise, the units on the wider estate NW Works are not restricted on hours of operation and operate within normal office working hours which is considered to minimise the amount of noise created during sensitive residential times. The proposed development would operate in line with the other commercial uses and would be restricted to uses falling within Class E (g), which by definition are uses which are compatible with residential uses. The rear rooflights would be restricted in opening which would reduce the impact to the rear residential gardens.

3.8 Additionally, the application proposes air conditioning units within outlets on the south-west elevation of the building and extract fans with outlets on the north-west elevation. The applicant submitted the supporting document 'Plant Noise Impact Assessment' which identified the nearest noise sensitive residents and that the noise from the plant is unlikely to cause a nuisance to local residents. To ensure residents do not suffer excessive noise nuisance from plant noise, the equipment will be conditioned to be installed and maintained in accordance to manufacturer's instructions in line with the approved impact assessment.

3.9 Objections were raised from residents within Quantic House, a block of flats towards the south west of NW Works close to the Salusbury Road entrance regarding security of NW Works and impact to residential amenity. While the residential properties are within the wider estate they are situated over 65m away from development site. As such, the impact of the building itself in terms of noise and privacy is not considered to have a detrimental affect on occupants of these dwellings. With regard to security of the private estate, it is not considered that the provision of an additional building within this existing estate is likely to result in significant issues regarding security and safety. Entrance and exit related to the construction of the building will be managed by a Construction Logistics and Management Plan which will be secured by condition to minimise disruption to neighbouring tenants. Transportation impacts will be discussed below.

3.10 Objections were also raised by occupiers of nearby commercial units in NW Works and on Kimberley Road. Commercial buildings (including any external amenity space they may have) do not generally have the same expectations of privacy as residential properties and although there would be directly facing windows between the subject site and No.5 Kimberley Road, there is a 11m separation distance and this is an established arrangement with the surrounding character of the area. Furthermore, the rear wall of No.2 Kimberley Road is blank and the development meets the 30 degree line measured from a 2m height for the rear windows of No.5 Kimberley Road and Units 10 to 15 NW Works. As such the impact is deemed acceptable.

4. Transport and Highways

4.1 The car park provides approximately 26 parking spaces for the approximately 34 office units (4,016 sqm) & 12 flats, with up to 49 other parking/loading bays across wider estate. The main access to NW works is via Salusbury Road, with internal one-way system. There are 22 cycle spaces. The public transport access to the site is moderate with a PTAL of 3.

4.2 The site lies on the boundary between Controlled Parking Zones KD and KQ, both of which operate between 8.30 am-6.30pm on weekdays. On-street parking along the Kimberley Road frontage is prohibited at all times though, due to the site's location at the end of the cul-de-sac. Kimberley Road is not noted as being heavily parked at night. NW Works is a privately maintained business estate.

4.3 Appendix 4 of the Local Plan set out that for office development south of the Dudding Hill railway Line inner London standards will apply. As such, the commercial units are expected to be car free. With no off-street parking proposed for this extended unit anyway, maximum standards are complied with.

4.4 The proposal would result in the loss of 18 existing car parking spaces for the business centre. Eight parking spaces are retained in the area with 4 of the bays having electric charging points. The centre currently accommodates up to 34 small business units in three 2-/3-storey buildings, plus 12 flats. The existing 12 flats would have a parking allowance of 0.75 spaces per unit, totalling 9 parking spaces for the flats. Even with the removal of 18 spaces to accommodate this development, the remaining parking within the wider estate would exceed the maximum allowance. As such, there are no concerns with the loss of parking for NW Work, with the CPZs in the area ensuring that staff parking is unlikely to be displaced onto surrounding streets and staff being more likely to travel by sustainable modes of transport instead.

4.5 A photographic parking survey was taken on 29 th October 2021 (not during Covid lockdown) and this showed that only 2 out of the 26 parking spaces were utilised. Paragraph 4.15 states that servicing will occur with the site and service vehicles will use the one-way loop system with the estate, which is welcomed. However, the time and date that the photos were taken is not given, which means it is not clear whether the use of the parking may have been affected by Covid working from home guidelines or restrictions.

4.6 Historical aerial photos of the site suggest that up to 12 spaces may be occupied during the week, but all show plenty of spare parking capacity. The applicant has submitted a Car Park survey that suggests 30 car parking spaces within the estate are not leased which would allow for surplus space, including the eight spaces retained within the car park. The westernmost space will require marking as a wide disabled bay which will be confirmed via condition. The development is small and therefore any increase in trip generation is expected to low, particularly in terms of vehicular trips. The surrounding CPZ would allow displaced parking onto surrounding roads to be minimised, thus helping to achieve a modal shift to more sustainable methods of travel.

4.7 Paragraph 4.4 of the Transport Statement states that there are segregated pedestrian gates into the estate from both Salusbury Road and Kimberley Road and a footpath on the southern side that continues for 30 m, after which pedestrians can cross on the northern side where the footpath continues into the site. The plans show a 1.2 m wide footway along the front of the new building to connect with the wider footway network within the estate, which is welcomed. The footway should be kept clear of obstruction to allow for pedestrian movement. Drawing number 01B shows vehicular tracking of a standard sized car, which is able to access the remaining 8 spaces.

5. Cycle Parking and Refuse

5.1 Cycle parking should comply with the London Plan, which would require three new spaces for the new floorspace. Paragraph 4.13 of the Transport Statement states that the estate already has 22 cycle spaces. Drawing number 070-ANO-XX-00-DR-AX-11000 proposes 3 new cycle parking spaces within the retained parking court, which meets requirements.

5.2 The Transport Statement also refers to a further 15 cycle spaces within existing units, as well as further 4 cycle spaces within Building A, which would then bring the estate as a whole into line with standards. The applicant has provided additional information that indicates the cycle parking within the courtyard and central cycle store closer to the entrance at Salusbury Road.

5.3 Additionally, the central refuse store is located adjacent to the cycle store. The refuse collection would operate alongside the existing operations for the entirety of the NW Works site. The applicant has advised this is currently operated through a private collection company who would collect from the proposed development.

6. Urban Greening and Trees

6.1 London Plan Policy G5 and local plan Policy BG11 set out that all development should achieve a net gain in biodiversity and avoid any detrimental impact on the geodiversity of an area. Policy BG12 requires consideration to all trees that are on, or adjoining the development site.

6.2 Externally, there is limited provision of soft landscaping within the immediate forecourt. As the existing area is entirely hard surfaced, there would be no net loss of biodiversity on site. The applicant has explored the use of planters, however these would obstruct pedestrian access and limit safe turning space available for the retained car parking spaces. As such, the site does not provide significant opportunity for landscaping. However, the applicant has noted the wider landscaping additions within the site including the central courtyard area and loose planting. However, those locations, while within the ownership of the applicant, are outside of the application site. In this case, the constraints of the site are acknowledged and taking this into account, the proposal is deemed acceptable in this regard despite the absence of a net gain in biodiversity.

6.3 The applicant has provided an Arboricultural Impact Assessment, highlighting five trees within 15m of the proposed construction. Three of the trees have been classed as category B trees and two as category C trees, all of which are located on the boundary of the surrounding properties. Facilitative pruning for overhanging elements has been outlined as being required for three of the trees (T1, T3 and T4) to give 2m clearance from the proposed building. This work is in line with BS: 3998:2010 Tree work – Recommendations.

6.4 The proposed building is close to the adjacent trees, however, due to the existing boundary wall the root morphology has been amended on the plans provided, as it is unlikely that roots would be found within the site. Therefore, it is unlikely that the root protection area of T1, T3 and T4 will be impacted. The applicant has outlined the suitable use of the existing boundary wall as protection during the construction. Overall, the trees nearby the site should not be damaged or harmed as part of the development.

7. Sustainability

7.1 Given that this is not a Major development there is no requirement for the development to be net zero-carbon. However, an Energy and Sustainability Statement has been provided in support of the application indicating how energy demand will be reduced through a well-insulated building envelope, energy efficiency measures and renewable energy will be generated through solar panels (PVs). Circular economy principles will also be applied including the use of recycled and reclaimed bricks and durable and resilient materials. This is strongly supported.

8. Sustainable Drainage

8.1 Policy BSUI4 sets out proposals for minor developments should make use of sustainable drainage measures wherever feasible and must ensure separation of surface and foul water systems. Proposals that would fail to make adequate provision for the control and reduction of surface water run-off will be refused.

8.2 The site is in close proximity to a Floodzone 3 for surface water. The existing site is entirely covered in asphalt. The proposed site will be re-surfaced. The proposal is a minor development and the applicant has provided information to state that a replacement to permeable paving would incur height amounts of material waste due to the existing stratum of the site. The impermeable area would not increase as the site is confined to an area of existing asphalt, therefore the possibility of increase to local flood risk is low. There were no objections raised by the Local Lead Flood Authority, subject to a drainage plan with drainage implementations to confirm the adequate control of surface water run-off.

9. Fire Safety

9.1 London Plan policy D12 indicates that the fire safety of developments should be considered from the outset. This includes measures to demonstrate space identified for the appropriate positioning of fire appliances, appropriate evacuation assembly points and floor layouts and cores planned around issues of fire safety for all building users.

9.2 The applicant has provided a fire statement carried out by a third party independent qualified assessor. The report outlines the use of the building supported by a simultaneous evacuation regime, a manual fire alarm system and means of escape facilitated by three final exits discharging directly to the outside. Additionally, fire fighting operations will be carried out primarily through external access into the building via perimeter doors located around the car park. Hydrants are to be provided so that they are within 90m of the building entry points.

9.3 The submission of the fire safety information pursuant to Policy D12A is intended to ensure fire safety is considered early in the development process and accordingly deals with fire safety matters that could relate to land use planning. However, it is not intended to replace the detailed information required through Part B of the Building Regulations. An informative will remind the applicant of their duties under the Building Regulations with respect to fire safety.

10. Equalities

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

11. CONCLUSION

11.1 Based on the findings above, the development is in general accordance to Local Plan and London Plan policies and the application is recommended for approval.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 22/1177

To: Mr Baines
Iceni Projects
Da Vinci House
44 Saffron Hill
London
EC1N 8FH

I refer to your application dated **30/03/2022** proposing the following:

Erection of a new commercial building to provide flexible commercial floorspace (Use Class E), together with soft and hard landscaping, cycle and car parking and associated works

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

at **135 Salusbury Road, London, NW6 6RJ**

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: 09/08/2022

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 the:-

National Planning Policy Framework 2021
The London Plan 2021
Brent Local Plan 2019-2041

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

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

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

Planning Statement prepared by Icen Projects dated August 2022
NW Workshop Design and Access Statement prepared by Anomaly
NW Workshop Additional Information prepared by Anomaly.
Technical Note 2: Permeable Paving dated 15/06/2022
89789/NIA Plant Noise Impact Assessment prepared by Noise Solutions Ltd dated 10/03/22
1835-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-Rev0 prepared by Keen Consultants dated March 2022
1835-KC-XX-YTREE-TPP01Rev0 Tree Projection Plan
1835-KC-XX-YTREE-TCP01Rev0 Tree Constraints Plan
LNSD-CDL-XX-XX-RP-SY-70200 Energy and Sustainability Statement prepared by Cundall dated 21 March 2022
Transport Statement prepared by Icen Projects dated August 2022
Detailed Fire Safety Strategy prepared by Ashton Fire dated 05 August 2022
Daylight & Sunlight Report prepared by Development & Light Consultancy dated March 2022
NWW-TFT-00-XX-DR-ME-5002 P01 Proposed Planning Elevations [Plant]
NWW-TFT-00-ZZ-DR-ME-5001 P01 Proposed Planning Layout [Plant]

070-ANO-XX-00-DR-AX-00001 Rev 02 Site Location Plan
070-ANO-XX-00-DR-AX-00002 Rev 02 Site Plan [Existing]
070-ANO-XX-00-DR-AX-01000 Rev 02 Existing Ground Floor Plan
070-ANO-XX-00-DR-AX-07000 Rev 02 Existing Elevations
070-ANO-XX-00-DR-AX-10000 Rev 02 Site Plan [Proposed]
070-ANO-XX-00-DR-AX-11000 Rev 02 Proposed Ground Floor Plan
070-ANO-XX-00-DR-AX-11001 Rev 02 Proposed First Floor Plan
070-ANO-XX-00-DR-AX-11002 Rev 02 Proposed Roof Plan
070-ANO-XX-00-DR-AX-16000 Rev 02 Proposed Section AA & BB
070-ANO-XX-00-DR-AX-17000 Rev 02 Proposed Elevations

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

- 3 The approved 3 cycle parking spaces and 8 car parking spaces including the westernmost spaces as a wide disabled bay and four EVCP spaces shall be implemented in full prior to first occupation of the development and permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

Reason: To ensure satisfactory facilities for future occupiers.

- 4 The rooflights located on the rear pitched roofslope of the building must be—

- (i) obscure-glazed, and
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;

and shall be permanently maintained in that condition thereafter unless the planning consent is obtained from the Local Planning Authority.

Reason: To ensure the development does not unduly impact the privacy of the adjoining occupier(s).

- 5 The development hereby approved shall not be used other than for purposes within Use Class E (c) and E (g) and shall not be used other than for purposes, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) unless an application for planning permission for an alternative use is firstly submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of proper planning and to ensure the use of the building is appropriate for the location and to enable other uses to be considered on their merits and impact.

- 6 No further extensions or buildings shall be constructed within the curtilage of the building subject of this application, notwithstanding the provisions of Class A of Part 7 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason(s): To prevent an over development of the site and undue loss of amenity to adjoining occupiers and to enable extensions to be considered on their merits and impact.

- 7 Measures described in the approved Plant Noise Impact Assessment prepared by Noise Solutions Ltd dated 10/03/22 shall be implemented and plant installed and maintained in accordance with the manufacturer's instructions.

Reason: To prevent noise nuisance to nearby residents.

- 8 The tree protection measured as contained within Tree Survey and Impact Assessment 1835-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-Rev0 prepared by Keen Consultants on behalf of Akoya NW Works Limited dated March 2022 shall be adhered to in full throughout for the full period of construction of the development hereby approved.

Reason: To ensure that retained trees are protected to minimise the negative impacts of the construction throughout the duration of works.

- 9 Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details. The submission should provide bay studies including indicative technical sections illustrating how specific elements of the façade may be constructed, such as typical windows, typical parapets.

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

- 10 Prior to the commencement of the development a Construction Logistics Plan and Method Statement shall be submitted to and agreed in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts as well as transportation impacts to control congestion and provide safe operation of the development. The approved measures shall be adhered to during all phases of the development and construction.

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

- 11 No development shall take place until details of drainage including measures to reduce surface water runoff through the implementation, maintenance and management of a sustainable drainage plan have been submitted to and approved by the local planning authority. The approved details shall be implemented in full prior to first occupation of the development and thereafter managed and maintained in accordance with the approved details.

Reason: To help reduce surface water run-off and the potential for flooding.

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
- 2 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 3 The submission/approval of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.
- 4 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.

Any person wishing to inspect the above papers should contact Lena Summers, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5233