

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

18 February, 2020  
06  
19/3056

## SITE INFORMATION

RECEIVED	27 August, 2019
WARD	Brondesbury Park
PLANNING AREA	
LOCATION	13 The Avenue, London, NW6 7NR
PROPOSAL	Demolition of existing dwellinghouse and erection of a part-3 and part-4 storey development comprising 9 residential units with roof terraces, enlargement of vehicular access on Brondesbury Park and creation of vehicular access on The Avenue, provision of car and cycle parking, refuse storage, landscaping and subdivision of garden space.
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_146744">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_146744</a></p> <p><b><u>When viewing this as a 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 "19/3056" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## RECOMMENDATIONS

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. Samples of materials
4. Implementation of bin and cycle storage
5. Revocation of C3 to C4 permitted development rights
6. Landscaping scheme
7. Adherence to tree report
8. Tree supervision schedule
9. Construction management statement
10. Sustainable urban drainage systems
11. Grampian condition to ensure highway/footpath works
12. Removal of permitted development rights for the houses

### Informatives

1. CIL Liable
2. Party Wall
3. Building Near Boundary
4. London Living Wage
5. Fire Safety
6. Thames Water Notification
7. Thames Water: Water Pressure
8. Tree inspection
9. Highways works

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.

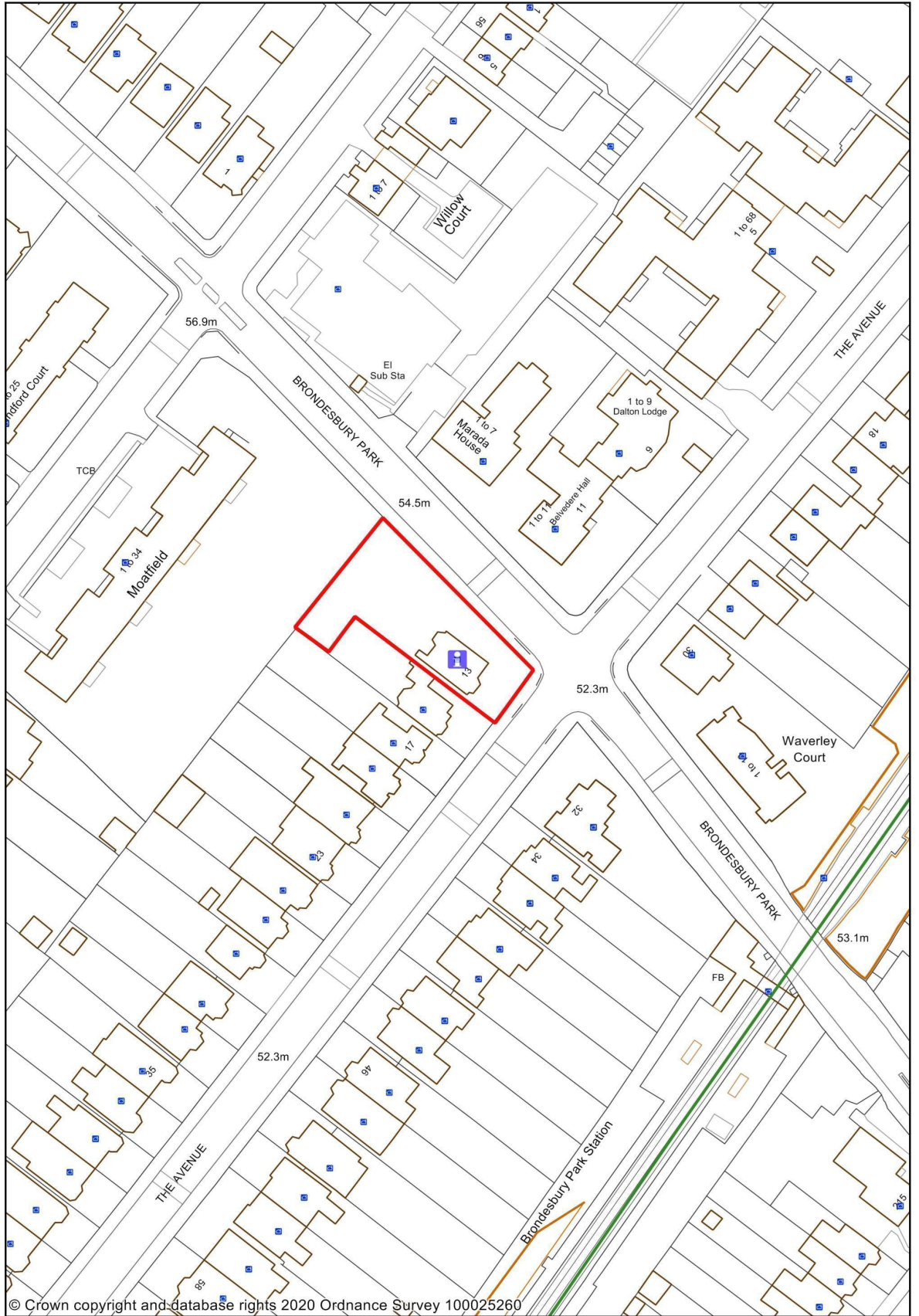
## SITE MAP



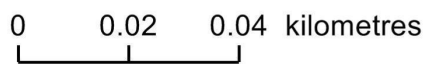
### Planning Committee Map

Site address: 13 The Avenue, London, NW6 7NR

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1:1250



This map is indicative only.



## PROPOSAL IN DETAIL

Demolition of existing dwellinghouse and erection of a part-3 and part-4 storey development comprising 9 residential units (3 x 4 bed dwellinghouses, 6 x 2 bed self-contained flats) with roof terraces, enlargement of vehicular access on Brondesbury Park and creation of vehicular access on The Avenue, provision of car and cycle parking, refuse storage, landscaping and subdivision of garden space.

## EXISTING

The subject site is located on a corner plot at the junction of Brondesbury Road and the Avenue. It is currently occupied by a single detached dwelling and occupies an L shaped plot with the land wrapping around the rear of number 15 the Avenue. Land rises to front to the rear of the site. The surrounding area is predominantly residential, comprising largedetached and semi detached dwellings on the Avenue and flatted blocks fronting Brondesbury Road. The site is not located within a conservation area and is not a listed building.

## 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:

1. **Representations received:** 55 objections and a petition have been received. Officers have assessed the comments and the planning merits of the proposal and consider that the proposal is acceptable.
2. **Provision of new homes:** Great weight is given to the delivery of 9 new units, of which three would be family sized, which would make a contribution towards borough housing targets and would help to meet the specific needs of the borough
3. **Design, layout and height:** The proposal makes effective use of the existing site. It utilises good architecture with detailing and materials in order to maximise the site's potential whilst regulating its height to respect surrounding development in the areas context.
4. **Quality of the resulting residential accommodation:** The residential accommodation proposed is of a good quality. The residential units would have good outlook and light. The amount of external private/communal space is acceptable and has been maximised through the use of different means
5. **Neighbouring amenity:** The development would have an acceptable impact on neighbouring properties and whilst would not fully comply with the guidance in SPD 1, when all neighbouring properties are considered, the resulting impact would be acceptable in this instance.
6. **Highways and transportation:** The development provides adequate on site car parking. The scheme is also to provide suitable provision for cycle parking and will encourage sustainable travel.
7. **Trees, landscaping and public realm:** One Category B tree is indicated to be affected by the proposal. . Appropriate mitigation measures to protect this tree during construction have been identified. A scheme of landscaping has been submitted and full and final details will be requested by condition.

## RELEVANT SITE HISTORY

00/1504 – Erection of 1 no 5 bedroom dwellinghouse with integral garage at rear of nos. 13 and 15 The Avenue, NW6 – Granted

09/0990 – Certificate of Lawfulness for a proposed single storey rear extensions, 1 rear dormer window, 1 side dormer with rooflights either sides facing Brondesbury Park and 2 front rooflights to dwellinghouse –

Granted

## CONSULTATIONS

168 neighbouring properties were notified. 55 objections were received following two rounds of consultation, as well as a petition. The reasons for the objections are summarised below -

Objection	Response
Development by virtue of scale, height and massing is out of keeping with the character of the area	See character and appearance section
Existing house has value as a part of the historic and cultural goods of a borough and should be preserved	The existing property is not protected and as such there is no in principle objection to the re-development
Additional units will impact considerably on an area which is already congested	See transport section
There should be a priority for planting of trees and shrubs in the borough	A landscaping scheme is requested by condition
The development will cause light, outlook privacy and noise issues for the neighbours	See neighbouring amenity section of report
A number of trees have been cut in the land with no indication of replacement	The trees are not protected and as the site is not located in a conservation area, the permission of the LPA is not required for the removal of trees
Large part of back garden, developed for car parking purposes which will damage green breathing space, wildlife and health of people in area	Whilst the footprint of the building is far larger than that which is replaced the proposal retains suitable landscaping to the frontage as well as suitably size rear gardens
No pre-application consultation	Although advisable, there is no requirement for developers to carry out pre-application consultation with residents
No post submission consultation in terms of site notice	The area of consultation exceeds the requirements of the DMPO and the Councils adopted SCI
Full height windows will be a major distraction to traffic at this busy junction	Full height windows are not considered to result in traffic safety concerns and no concerns have been raised by transport officers with regards to this
Area is turning into a permanent building site with massive builds being very disruptive and noisy	Construction noise is dealt with under separate legislation
Development appears incongruous in such a small plot without providing an acceptable standard of landscaping	See character and appearance section of main report
Placing a tall building opposite a new school with overlooking balconies and roof gardens will be a invitation for trouble	The development exceeds required separation distances in relation to the school
The location of the development is in an AQMA meaning that in this area, air quality objectives are not being met	Environmental health officers have been consulted on and consider to be acceptable in an air quality capacity
No affordable units and would provide additional expensive homes in an area where there are a large proportion of new units unsold	The application is not a major development (10+) units and therefore there is no requirement for affordable housing
New occupiers would experience low standards of privacy and lots of noise and pollution	See quality of accommodation section of report

**Revised drawings were submitted during the course of the application and these were re-consulted on. Of the 55 objections received, 9 objections were received following re-consultation and these**

largely raised the same objections as the initial scheme.

## **POLICY CONSIDERATIONS**

The following planning policy documents and guidance are considered to be of relevance to the determination of the current application with some of the key policies referenced below relevant document, although the whole document is considered:

### **National Planning Policy Framework (2019) (as amended)**

#### **The London Plan consolidated with alterations since 2011 (March 2016)**

- 3.1 Life Chances for All
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.15 Water Use and Supplies
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.14 Improving Air
- 7.15 Reducing and Managing Noise
- 7.21 Trees and Woodlands

### **Draft London Plan**

- GG1 Building Strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering New Homes Londoners need
- GG5 Growing a Good Economy
- GG6 Increasing Efficiency and Resilience

D1 London's Form and Characteristics  
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  
G7 Trees and Woodlands  
H1 Increasing Housing Supply  
H12 Housing size mix  
S11 Improving Air Quality  
S15 Water Infrastructure  
S17 Reducing Waste and Supporting the Circular Economy  
S12 Flood Risk Management  
S13 Sustainable Drainage  
T4 Assessing and Mitigating Transport Impacts  
T5 Cycling  
T6 Car Parking  
T7 Deliveries, servicing and construction

**Brent Core Strategy (2010)**

CP1: Spatial Development Strategy  
CP2: Population and Housing Growth  
CP5: Placemaking  
CP6: Design & Density in Place Shaping  
CP17: Protecting and enhancing the suburban character of Brent  
CP21: A Balanced Housing Stock

**Brent Development Management Policies (2016)**

DMP 1: Development Management General Policy  
DMP 9A: Managing Flood Risk  
DMP 9B: On Site Water Management and Surface Water Attenuation  
DMP 12: Parking  
DMP 13: Movement of Goods and Materials



DMP 15: Affordable Housing

DMP 18: Dwelling Size and Residential Outbuildings

DMP 19: Residential Amenity Space

### **Brent Draft Local Plan**

BD1: Leading the Way in Good Urban Design

BH1: Increasing Housing Supply in Brent

BH6: Housing Size Mix

BG12: Trees and Woodlands

BSUI2: Air Quality

BSUI4: On Site Water Management and Surface Water Attenuation

BT1: Sustainable Travel Choice

BT2: Parking and Car Free Development

### **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

## **DETAILED CONSIDERATIONS**

### **1. Principle**

1.1 . Brents Core Strategy CP 1 seeks to concentrate housing growth in five growth areas, however it does not preclude the development of new housing outside of these designated growth areas where appropriate. The subject site currently occupies a single residential dwelling and is located in a predominantly residential area. The development would result in the creation of 9 residential units. The units would also help to meet borough housing targets which currently stand at 1525 per year with the draft London Plan proposing a significant increase in this number to 2325 homes per year

1.2 DMP 17 seeks to ensure that development does not result in the net loss of family housing, for which there is an acute need in the borough. Whilst the existing family home would be demolished, the development would provide three good quality family sized dwellings which would help to meet the needs of local residents.

1.3 The principle of redeveloping the site for residential purposes is therefore acceptable, subject to detailed criteria considered below.

### **2. Character and appearance**

2.1 The subject site currently comprises a detached, two storey dwelling with accommodation in the roofspace. The site is located at a corner junction with both the Avenue and Brondesbury Park. This part of

the Avenue generally consists of two storey, detached, hipped roof dwellings with bay features and brick and/or rendered elevations, which gives this part of the street a generally consistent character. The adjacent side of the Avenue, to the east of Brondesbury Park, is more varied and consists of a number of new flatted blocks. Brondesbury Park runs parallel to the Avenue and is also more varied in character, with adjacent buildings being flatted blocks varying from three to five storeys. The development would be read in both the context of the two storey dwellings on the Avenue and the larger flatted blocks on Brondesbury Park, and therefore the scheme would need to be sympathetic to both these street scenes.

2.2 The proposed development ranges from two to four storeys in height. The scale of the development would be at its lowest fronting the Avenue, with a two storey dwelling located closest to the boundary with number 15, which would then increase to three storeys at the corner with Brondesbury Park. The three storey part of the proposal which would front the Avenue would not be greater in height than the nearest neighbouring property, being 15 the Avenue, and therefore the scale of the building would be appropriate to its context. The maximum height of the development would be located at the rear of the site fronting Brondesbury Park, where larger scale developments are more common. The varying scale of the development would ensure its sits comfortably within the context of both street scenes in this regard.

2.3 During the course of the application, concern was raised with regards to the proximity of the development to the public footpath on Brondesbury Park. It was noted that the adjacent properties on Brondesbury Park achieve a generous set back from the footpath, which contributes towards maintaining a sense of openness. In order to ensure the development has an acceptable impact on the character and appearance of the locality, an increased set back from the footpath with a minimum of 3.5m and maximum of 4.2m was proposed. Whilst it is acknowledged that this would not be as generous as the adjacent properties which achieve no less than a 6m set back, it is considered that the proposed development would still retain the sense of openness that characterises this part of Brondesbury Park. Sufficient soft landscaping to the frontage would also contribute towards achieving this. In terms of the relationship with the Avenue, the building would follow the established front building line and as such would retain a generous frontage which are features of this street.

2.4 The proposed development would be distinctly contemporary in its appearance and therefore would not reflect the character of the buildings on the Avenue. However, the nearest buildings on Brondesbury Park are also not traditional in appearance, with adjacent Marada House being a white rendered, flat roof art decor style building. Contemporary residential developments also exist to the adjacent side of the Avenue beyond Brondesbury Park. The proposed development would incorporate both flat roofs and mansards roofs, to distinguish between the houses and the apartments. Again the roof form of the development would contrast with that of neighbouring buildings, nevertheless, the chosen brick and zinc materials would help to integrate the development within the street scene and would not make it an overly bold design. The fenestration would also be more contemporary in appearance with large vertical openings proposed to both principle elevations. Whilst the development would be a contrast, it would nevertheless have a satisfactory appearance on the locality. In addition, being a corner plot, the site is appropriate to be considered for a different form of development as reflected in the allowances of Policy CP 17.

2.5 Whilst the proposed development would result in a notable change to the street scene, it is considered that the development is satisfactory in terms of its overall design and would be both sympathetic to the character and appearance of the Avenue and Brondesbury Park.

**3. Quality of accommodation**

*Internal*

3.1 The development would result in the creation of 9 residential dwellings. DMP 18 requires that all new dwellings meet Technical Space Standards. All of the units would meet or exceed the internal space requirements. A comparison table is given below

Unit	Type	Minimum internal floor space	Proposed internal floor space
House 1	4b7p (3 storeys)	121sq.m	132sq.m
House 2	4b5p (3 storeys)	99sq.m	104sq.m
House 3	4b7p (3 storeys)	121sq.m	132sq.m
Flat A1	2b4p (1 storey)	70sq.m	70sq.m
Flat A2	2b3p (1 storey)	61sq.m	70sq.m

Flat B2	2b4p (1 storey)	70sq.m	86sq.m
Flat B1	2b4p (1 storey)	70sq.m	86sq.m
Flat A3	2b3p (1 storey)	61sq.m	70sqm
Flat B3	2b3p (1 storey)	61sqm	99sqm

3.2 It should be noted that the above standards are not exactly the same as those provided by the applicant, as a number of rooms indicated to be doubles fall short of the requirements to be considered as such and therefore the assumed occupancy levels are reduced. Nevertheless, the above calculations show that all apart from one of the units would significantly exceed internal space requirements for units of this size and in this regard the units would be to a very high standard.

3.3 However, internal space is not the only determining factor in assessing the quality of accommodation. In this case, all habitable rooms would be served by unobstructed, clear glazed openings, which would allow for good levels of light, outlook and ventilation. All units would also be dual aspect.

3.3 In order to demonstrate the quality of internal accommodation, the applicant has submitted a daylight/sunlight assessment. The report concludes that all habitable room windows would meet or surpass BRE Average Daylight Factors. The report also includes illustrations showing the areas of habitable rooms that receive no direct sky light. Only very small areas are shown as receiving no direct light and such breaches are considered to have a negligible impact on the usability or enjoyment of these rooms.

3.4 The quality of internal accommodation is therefore considered to be of a very high standard.

#### *External*

3.5 The proposed development provides a number of gardens spaces, roof terraces and balconies in order to ensure adequate external amenity space. DMP 19 states that family size units (3+) should have access to 50sq.m of external amenity space and 1 or 2 bedroom units should have access to 20sqm of external amenity space. Furthermore, the Mayors Housing SPD requires that a minimum of 5sq.m of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. A comparison table is given below, demonstrating how the proposed development performs against relevant policies and guidance.

Unit	Type	Standard required by DMP 19	Mayor Housing SPD minimum standard	Proposed amenity space
House 1	4b7p (3 storeys)	50sq.m	10sq.m	60sq.m
House 2	4b5p (3 storeys)	50sq.m	8sq.m	65sq.m
House 3	4b7p (3 storeys)	50sq.m	10sq.m	76sq.m
Flat A1	2b4p (1 storey)	20sq.m	7sq.m	111sq.m
Flat A2	2b3p (1 storey)	20sq.m	6sq.m	5sq.m
Flat B2	2b4p (1 storey)	20sq.m	7sq.m	21sq.m
Flat B1	2b4p (1 storey)	20sq.m	7sq.m	21sq.m
Flat A3	2b3p (1 storey)	20sq.m	6sq.m	64sq.m
Flat B3	2b3p (1 storey)	20sq.m	6sq.m	81sq.m

3.6 In this case, all but one of the units would exceed the requirements under DMP 18. The unit that would fall below, would also not meet the minimum standards as specified in the Mayors SPD providing 5sqm with the minimum requirement being 6sq.m. However, when considering the quality of the internal space of this unit, that would be in excess of the minimum standards by 9sq.m, this shortfall can be accepted and it is not considered that future residents would suffer from an unacceptable standard of environment as a result of this.

3.7 Flat A1 would be served by a garden which is indicated to have an area of 111sq.m. However, the garden area would front the Avenue and whilst the boundary treatment would ensure privacy, its positioning means that not all the area should be considered useable amenity space as some of it would be required anyway to provide a suitable setting for the building. In any case, this unit would be required to have 20sq.m of amenity space and it is considered of that space indicated, the unit would have access to at least 20sq.m of good quality, private and useable amenity space.

3.8 The quality of the units externally would also be to a very high standard. The overall living conditions of the proposed properties would therefore be good.

#### **4. Impact on neighbouring properties**

4.1 A large proportion of the objections received raise concerns with the impact of the development on neighboring properties in terms of loss of light, overlooking or being overbearing as well as concerns in relation to noise and disturbance. DMP 1 states that subject to other considerations development will be acceptable subject to it providing '*high levels of internal and external amenity*'.

2.2 SPD 1 also provides detailed guidance on how developments should be designed in order to ensure it results in no adverse impacts to neighbouring residential properties.

##### *15 the Avenue*

4.3 The subject site adjoins no 15 the Avenue which is a two storey residential dwelling, the plot itself also wraps around the rear garden of this property. The constraints of the site and the scale of the development means that a large number of habitable room windows would be facing towards the rear garden of this property. SPD 1 states that in order to avoid overlooking of neighbouring properties a separation distance of 9m should be retained between habitable room windows and the boundary. The development achieves the required separation distance and as such the development would not result in unduly harmful overlooking of the neighbouring property.

4.4 In order to demonstrate that the proposal would not result in any harmful loss of light, a number of tests have been applied to the neighbouring windows, as outlined in the submitted daylight/sunlight report. The Vertical Sky Component (VSC) states that diffuse daylight may be adversely affected if after a development the VSC is less than 27% or less than 08 its former value. None of the windows would fail when these tests are applied.

4.5 To supplement this, a daylight distribution test has been carried out on. This test dictates that daylight may be adversely affected if after the development, the area of the working plane in a room which can receive direct sunlight is reduced to less than 0.8 times its former value. Again there would be no breaches of this standard. The development would therefore have a satisfactory impact on the occupants of this neighbouring property in this regard.

4.6 SPD 1 also states that in order to ensure development does not have an adverse overbearing impact, where it adjoins private amenity space, it should be set below a line of 45 degrees from the garden edge. The development would be fully compliant with this principle when considered in relation to no. 15 the Avenue.

4.7 In order to demonstrate that the development would not have any negative overshadowing impacts on the rear garden area, the applicant has submitted a daylight/sunlight report. This confirms that the sunlight availability after the development will be no less than 0.99 times the former value. This result is better than the BRE minimum requirement which permits sunlight to be reduced by up to 0.8 times.

4.8 The development would therefore have an acceptable impact on the occupants of no. 13 the Avenue. Whilst objections have been received from other properties, raising concerns with other properties on the Avenue, as the development has been designed to be fully compliant with the guidance in relation to the property immediately adjacent, it would not have a detrimental impact on the occupants of properties beyond no. 15, given the increased separation and as such it is not considered necessary to assess the impact of the development on these.

##### *Moatfield House, Christchurch Avenue*

4.9 Moatfield House is a substantial flatted block with a width of approximately 77m, the plot itself has a width of 87m. The rear elevation of the development is located some 33m from the boundary with the subject site. The development would be located directly along the boundary with this property and would extend approximately 12.3m at four storeys. Given its height and proximity to the boundary the development would breach the 45 degree rule. However, in this case, given the size of the communal area and the distance from the rear elevation, the breach can be accepted in this instance. The submitted daylight/sunlight report assesses the impact of the development on the communal space and determines that sunlight

availability after the development will be no less than 0.99 times the former value., which is better than the BRE minimum requirement which permits sunlight to be reduced by up to 0.8 times its former value. The development would therefore not have such a harmful impact on the communal area in terms of overshadowing to render the space an unattractive and unappealing area and residents would therefore continue to enjoy good standards of external amenity.

4.10 SPD 1 outlines that new development should not prejudice the potential re-development of neighbouring sites. Given the size of the communal garden serving Moatfield House, it is considered that the site does have potential to accommodate additional housing and therefore the development proposed would need to take account of this. However, whilst the 45 degree breach is noted in relation to the communal space, and therefore the development might to some extent reduce the developable area of the neighbouring site, this would have always been the case given the fact that the site borders neighbouring residential gardens. It is also noted that there are no overlooking windows to this neighbouring site. Therefore should the site come forward in the future, a suitable scheme could be accommodated. The proposed development would not prejudice the future development of this neighbouring site.

4.11 Again all windows assessed demonstrate compliance with the Vertical Sky Component and the Daylight Distribution tests and therefore the development would have a detrimental impact on the levels of daylight/sunlight received by the occupants of this neighbouring residential block.

### *32 the Avenue*

4.11 Given that the front building would be constructed on the same front building line as the existing property, existing separation distances would be respected and the development would therefore not have a detrimental impact on the privacy of the occupants of this adjacent residential property. Again the submitted daylight/sunlight report demonstrates that the proposed development would not have any noticeable impact on the levels of daylight/sunlight currently enjoyed by the occupants of this property.

### *Belvedere Hall (11 the Avenue) and Marada House*

4.13 Both these properties are flatted blocks which are located on the adjacent side of Brondesbury Park and measure up to 5 storeys in height. SPD 1 states that there should be 18m between directly facing habitable room windows, except where the existing character of the area varies from this. There would be distance of more than 18 m between the front facades of buildings and therefore there are no material concerns with regard to overlooking.

4.14 In terms of daylight/sunlight all windows assessed at 11 the Avenue would pass relevant tests. The daylight/sunlight report does indicate that there would be some marginal losses to the windows to Marada House, however all the windows affected are indicated to be secondary windows to rooms served by multiple openings. When considering the results, the daylight losses to these rooms are limited and would unlikely affect the future enjoyment of these rooms and residents would be unlikely to notice any reduced levels of daylight reaching the rooms where losses have been identified.

4.15 The overshadowing test has also been carried out to the frontage of 11 the Avenue, which also appears to be used as amenity space, and determines that there would be no harmful overshadowing.

### *Noise*

4.16 A number of objections have been raised by local residents regarding noise generated from the development. It is acknowledged that the use of the site would be intensified as a result of the development and there would be increased occupancy. Nevertheless, the surroundings uses are residential and any noise generated would be associated with residential dwellings. As above a number of surrounding buildings are higher density, and the noise generated is unlikely to be any greater than these. Whilst the single garden space would be subdivided to create 3 garden spaces, these would all be associated with single family dwellings. Furthermore, and as above, a good amount of space would be provided between the development and neighbouring properties and therefore given this and the continued residential use of the site, the development would not have a detrimental impact on the occupants of neighbouring properties in terms of noise disturbance.

## **5 *Trees and landscape***

5.1 There is a mature council owned tree on Brondesbury Park adjacent the subject site which is

considered to have significant amenity value, this a category B tree, identified in the submitted arboricultural report as a T1 Horse Chestnut. Whilst the development has been set back from the footpath, the development still has the potential to impact upon this tree. Nevertheless a comprehensive report has been submitted outlining a number of technical solutions to building in close proximity to the tree both above and below ground and the Tree Officer confirms that such solutions can be utilised in this particular situation. In this event, two conditions will be attached in order to protect the tree from the proposed development, including that the contents of the tree report are adhered to. A detailed site supervision schedule will also be conditioned that covers key operations within the RPA of T1 specifically where this involves the excavation and installation of piles.

5.2 In order to respect the suburban nature of the surrounding area, soft landscaping is proposed to the frontage. A large proportion of the site would also accommodate soft landscaping in terms of the provision of private gardens. At roof level a number of green walls are proposed. The application therefore demonstrates that a suitable amount of soft landscaping could be accommodated on site and the development will not be dominated by hard surfacing. A detailed landscaping scheme will be requested by condition to demonstrate that soft landscaping is maximised on site where possible.

## **6. Transport**

6.1 As public transport access is classed as moderate, the higher residential car parking allowances set out in Table 6 at Appendix 1 of the adopted DMP 2016 apply. The existing house would therefore be allowed up to two off street parking spaces and the existing provision of 2+ spaces exceeds this allowance. The proposed nine dwellings would be allowed up to 12 car parking spaces in total. The proposed provision of nine spaces within the site would therefore accord with maximum standards.

6.2 Policy DMP 12 also requires that any overspill parking from the site could be accommodated on street. In this case, the parking provision meets the 75% of the maximum standard, so it is likely to be sufficient to satisfy likely demand, with car ownership averaging one car/household in this area. Overspill parking is therefore considered unlikely to occur on a regular basis, but if it does, the adjoining streets have spare capacity to absorb further demand.

6.3 The proposed disabled space at the front of the site will ensure standards for disabled parking are met. Electric vehicle charging points are also shown for four spaces (two active & two passive) to meet London Plan requirements for electric vehicles.

6.4 The existing site access arrangements are retained, but with the rear access to Brondesbury Park widened to accommodate two-way flow so that vehicles are not forced to wait in or reverse out into Brondesbury Park. This will result in the removal of an on-street permit holders/pay and display bay, which is considered acceptable in this generally lightly parked area. The developer will need to cover the cost of this work.

6.5 The access to the rear passes through a 2.5m (min.) high arch beneath the building, which provides sufficient headroom for cars, whilst the layout of the car park provides suitable turning space. A roller shutter door is also proposed at the archway entrance and this is to be set 4.8m from the highway boundary to give enough space for a car to wait clear of Brondesbury Park whilst it is opened and closed.

6.6 London Plan standards require at least 18 secure bicycle parking spaces. These are shown on the site layout, with the houses and ground floor flat having their own private storage areas for two bicycles each and the upper floor flats sharing the use of the remaining 10 spaces, split into separate stores for the two blocks.

6.7 Refuse storage for the flats and houses is proposed in five locations along the two highway boundaries of the site. These would allow a refuse vehicle to pull in just north of the bus stop on Brondesbury Park or on The Avenue and be within the maximum 20m refuse carrying distance for each bin store.

6.8 Similarly, other online delivery vehicles would be able to make use of nearby on-street parking bays when delivering to the site, particularly the bays along Brondesbury Park to the north of the site when delivering to the flats.

6.9 Pedestrian access would be direct from the two adjoining highways, which is fine and allows good access for emergency services.

## 7 Flood Risk

7.1. The subject site is located in an area susceptible to surface water flooding. An Flood Risk assessment and sustainable urban drainage report has been submitted by the application to demonstrate how the development would not give rise to increase surface water flooding. The submitted Flood Report which recommends that surface water is attenuated using an attenuation tank beneath the proposed car park, or via 'blue roofs' prior to discharge at Greenfield rates into the Thames Water sewers. The applicant has confirmed that the development would be able to accommodate these measures, and this has been agreed by the Drainage Engineer. The detailed design of these elements is therefore to be subject to a pre-commencement condition, which are to be agreed in consultation with Thames Water.

## 8. Conclusion

8.1 The principle of the proposed development is acceptable. Furthermore, the development would provide 9 good quality units that would contribute towards borough housing targets and would ensure a good standard of accommodation for future residents. The development would have an acceptable impact on the occupants of neighbouring residential properties and would have an acceptable impact on the character and appearance of the locality. It would also be acceptable in a transport capacity. The application therefore complies with the development plan and the benefits of the scheme would clearly outweigh any harm.

## CIL DETAILS

This application is liable to pay **£340,263.33** \* 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): 278 sq. m.

Total amount of floorspace on completion (G): 1222.5 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	1222.5		944.5	£200.00	£0.00	£281,663.39	£0.00
(Mayoral) Dwelling houses	1222.5		944.5	£0.00	£60.00	£0.00	£58,599.94

BCIS figure for year in which the charging schedule took effect (Ic)	224	323
BCIS figure for year in which the planning permission was granted (Ip)	334	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£281,663.39</b>	<b>£58,599.94</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: 19/3056

To: Miss Walker  
Avison Young  
65 Gresham Street  
London  
EC2V 7NQ

I refer to your application dated **27/08/2019** proposing the following:

Demolition of existing dwellinghouse and erection of a part-3 and part-4 storey development comprising 9 residential units with roof terraces, enlargement of vehicular access on Brondesbury Park and creation of vehicular access on The Avenue, provision of car and cycle parking, refuse storage, landscaping and subdivision of garden space.

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

at **13 The Avenue, London, NW6 7NR**

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: 10/02/2020

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)  
London Plan (2016)  
Core Strategy (2010)  
Brent Development Management Policies (2016)  
SPD 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 drawing(s) and/or document(s):

7263/LP Rev H  
7263/BP Rev H  
7263/-01 Rev H  
7263/-02 Rev H  
7263/-03 Rev H  
7263/-04 Rev H  
7263/-05 Rev H  
7263/-06 Rev H  
7263/-07 Rev H  
7263/-08 Rev H  
7263/-09 Rev H  
7263/-10 Rev H  
7263/-11 Rev H  
7263/-12 Rev H  
7263/-13 Rev H  
7263/-14 Rev H  
7263/-15 Rev H  
7263/-16 Rev H  
7263/-17 Rev H  
7263/-18 Rev H

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

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

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

- 4 The approved cycle storage facilities and bin storage facilities shall 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.

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

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units and in view of the restricted space within the site to accommodate additional bin or cycle storage.

- 6 All measures outlined in the Arboricultural Planning Statement prepared by AD Tree Consulting dated 11 August 2019 shall be implemented and adhered to in full.

Reason: In the interests of tree preservation and the visual amenity of the area.

- 7 Prior to the occupation of the development hereby approved, the rear access to Brondesbury Park shall be widened in accordance with the submitted details and the on-street permit holders' pay and display bay, shall be removed, with the works required to facilitate this to be entirely funded by the applicant.

Reasons: In the interests of highway safety. To ensure safe access and egress from the site.

- 8 No further extensions or buildings shall be constructed within the curtilage of the three dwellinghouses forming part of this development, notwithstanding the provisions of Class(es) A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

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

- 9 All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed:-

- (a) prior to occupation of the building(s).
- (b) during the first available planting season following completion of the development hereby approved.
- (c) within 18 months of commencement of the development hereby approved.

Such scheme shall also indicate:-

(i) Walls and fences

Proposed walls and fencing, indicating materials and heights.

(ii) Screen planting on boundary

Screen planting along the [S] boundary.

(iii) Physical separation

Adequate physical separation, such as protective walls and fencing, between landscaped and paved areas.

(iv) Mounds existing contours and any alteration of the ground levels, such as earth mounding.

(v) Screening of: [£]

Provisions for the satisfactory screening of the [£].

(vi) Signboards and seating

Other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, foot ways and other paved pedestrian and vehicle parking areas.

(vii) Maintenance details

Details of the proposed arrangements for maintenance of the landscaping.

(viii) Other details to include:- [£]

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

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

- 10 Further to the demolition of the existing building but prior to the commencement of development, a detailed site supervision schedule that covers key operations within the root protection area of the tree indicated as T1 in the submitted Arboricultural Planning Statement dated 11 August 2019 (specifically where this involves excavation and installation of piles) shall be submitted to and approved in writing by the local planning authority. The approved schedule shall then be adhered to in full.

Reason: In the interest of tree preservation and visual amenity of the area.

11

Reason: Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The approved statement shall be implemented throughout the duration of construction.

The applicant must employ measures to mitigate the impacts of dust and fine particles generated by the operation. This must include:

- (a) damping down materials during demolition and construction, particularly in dry weather conditions,
- (b) minimising the drop height of materials by using chutes to discharge material and damping down the skips/ spoil tips as material is discharged,
- (c) sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
- (d) ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
- (e) utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
- (f) installing and operating a wheel washing facility to ensure dust/debris are not carried onto the road by vehicles exiting the site.
- (g) the use of demolition equipment that minimises the creation of dust.

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

- 12 Prior to the commencement of the development details of sustainable urban drainage systems shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water. The submitted details shall include information about the design storm period and intensity and the method employed to delay and control the surface water discharged from the site. Furthermore, no properties shall be occupied until confirmation has

been provided that either:- all surface water will drain via SUDS or where surface water is to be discharged to the public network any upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan

Reason: To ensure that the development does not give rise to an increase in surface water flooding

## INFORMATIVES

- 1 Delete this and enter unique informative here
- 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 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 4 The applicant 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.
- 5 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 6 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 7 Thames Water advise the applicant that if they 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).
- 8 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.
- 9 The applicant is advised that the local authority carry out unannounced site visit to ensure that tree protection measures are in place and that non adherence to approved documents will lead to enforcement action.
- 10 The applicant is advised to contact the Head of Highways and Transportation to arrange for a crossover to Brondesbury Park to be widened and the adjacent parking bays to the amended at the developer's expense.



Any person wishing to inspect the above papers should contact Paige Ireland, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 3395