



Planning Committee

Tuesday 14 June 2022 at 6.00 pm

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

Please note that this meeting will be held as an in person physical meeting with all members of the Committee required to attend in person.

The meeting will be open for the press and public to attend or alternatively can be followed via the live webcast. The link to follow proceedings via the live webcast is available [here](#)

Membership:

Members

Councillors:

Kelcher (Chair)
S Butt (Vice-Chair)
Akram
Begum
Dixon
Mahmood
Maurice
Seelan

Substitute Members

Councillors:

Ahmed, Chappell, Chohan, Collymore, Dar,
Ethapemi and Kabir

Councillors
Kansagra and Patel

For further information contact: Natalie Connor, Governance Officer
natalie.connor@brent.gov.uk; 07824 412 361

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

democracy.brent.gov.uk

Members' virtual briefing will take place at 12.00 noon.

Notes for Members - Declarations of Interest:

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

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

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

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

****Personal Interests:**

The business relates to or affects:

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

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

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

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Apologies for Absence and Clarification of Alternative Members		
2. Declarations of interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.		
3. Minutes of the previous meeting To approve the minutes of the previous meeting held on Wednesday 20 April 2022 as a correct record.		1 - 16
APPLICATIONS FOR DECISION		
4. 21/3754 - 66 Cavendish Road, London, NW6 7XP	Brondesbury Park	21 - 50
5. 21/3443 - 30 Brondesbury Park, Kilburn, London, NW6 7DN	Brondesbury Park	51 - 76
6. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or her representative before the meeting in accordance with Standing Order 60.		

Date of the next meeting: Wednesday 13 July 2022

Please remember to set your mobile phone to silent during the meeting. The meeting room is accessible by lift and limited seats will be available for members of the public. Alternatively it will be possible to follow proceedings via the live webcast [here](#)

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Wednesday 20 April 2022
at 6.00 pm

PRESENT: Councillor Kelcher (Chair), Councillor Johnson (Vice Chair) and Councillors S Butt, Chappell, Dixon, Donnelly - Jackson, Kennelly, and Maurice.

Also Present: Councillor Kansagra (in person as local ward councillor) for Agenda Item 5

1. **Apologies for absence and clarification of alternative members**

None.

2. **Declarations of interests**

There were no declarations of interest made at the meeting.

3. **Minutes of the previous meeting**

RESOLVED that the minutes of the previous meeting held on Wednesday 23rd March 2022 be approved as an accurate record of the meeting.

4. **Order of Business**

At this stage in proceedings the Chair advised that he had agreed to vary the order of business on the agenda. This was to enable the consideration of Agenda Item 5 (Application 21/3248 – Lidding Road Garages, Lidding Road, Harrow) followed by Agenda Item 7 (Application 21/3713 – Land Opposite, 33-47 Brookfield Court, Gooseacre Lane, Harrow) as the applications were in close proximity and had the same public speaker registered to address the committee on both applications. Items 4 and 6 would then follow. The minutes reflect the order in which the items were therefore considered at the meeting.

5. **21/3248 – Lidding Road Garages, Lidding Road, Harrow**

PROPOSAL

The demolition of the existing garages and redevelopment to provide 3 self-contained flats and 5 dwelling houses; with associated car parking, cycle storage, refuse storage, amenity space and landscaping.

RECOMMENDATION~:

- (1) That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose the conditions and informatives as set out within the report and supplementary agenda.

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- (2) 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.
- (3) That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

Liam McFadden, Planning Officer, North Team, introduced the report and set out the key issues. In introducing the report members were advised that the council led scheme had initially come to the Planning Committee on 15 December 2021 where the committee had agreed to defer a decision on the application in order to:

- (1) seek further details and assurances from Thames Water in relation to the impact of the proposed development on drainage and the maintenance of the sewerage infrastructure and how these would be mitigated;
- (2) seek further details on the location of the flooding incidents identified within the Floor Risk Assessment; and
- (3) seek further details on the proposals to alleviate concerns regarding the access of construction traffic to the site via Gooseacre Lane as part of the Construction Method Statement and Logistics Plan to be secured via condition.

Committee members were informed that since initial consideration of the application the Council had adopted a new Local Plan, however this did not alter any assessment or recommendations made for the proposed scheme. In addressing the points of clarification, officers shared tracking diagrams to illustrate how construction vehicles would be able to access the site safely and with minimum disruption for existing local residents via Gooseacre Lane or Hillview Avenue and without the need for parking suspensions. The committee was also advised a full Construction Logistic Plan would be required by condition.

Officers advised that the concerns regarding the sewerage infrastructure and flood risk had been further explored by officers who had met with Thames Water to discuss the concerns raised in relation to the impact of the development. As a result, Thames Water had confirmed they considered there to be sufficient capacity in terms of drainage and infrastructure with the flow from the development expected to be small. They had also advised they had no concerns over the risk of foul water flooding as part of the development which they advised would not result in an increase in pollution of Wealdstone Brook. Whilst acknowledging the current issues in relation to the performance of the foul sewers in the area Thames Water advised that the capacity of the sewage system was sufficient to serve the proposed development with the main pollution issues having been caused by blockages created by inappropriate materials such as fats, oils and grease being put into the system. With regard to surface water flooding Thames Water had felt the increased flow rates identified in the drainage strategy would reduce the

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overall flood risk. Confirmation was also provided that in terms of access to the sewers a build over agreement had been proposed with further details having also been provided relating to an ongoing programme seeking to address the issues with water quality in the Wealdstone Brook working in conjunction with Harrow Council. In light of the comments received from Thames Water and the clarity provided from officers with regard to construction traffic, the officer's recommendation remained that the planning permission be granted.

Members noted the details of the additional objection received as detailed within the supplementary agenda and as no questions were raised, the Chair then invited Mr John Poole (as an objector) to address the Committee (in person) in relation to the application.

Mr Poole began by drawing Committee member's attention to the map of misconnecting pipework that had been produced by Thames Water and circulated to members ahead of the meeting. The map showed the misconnections in pipework that Mr Poole believed had significantly contributed to the foul surface water and sewage issues in the local area. Mr Poole then drew members attention to the map produced by the Environment Agency that illustrated that Brent Council were believed to be the riparian owners of large sections of the Wealdstone Brook, he then went on to share the following concerns with regard to the application:

- The Wealdstone Brook was highly polluted and posed a health risk to the local community, human excrement had been seen in the brook and in recent weeks the foul odour that emanated from the brook had been particularly strong and affected the quality of life of local residents. Mr Poole went on to note that he had been a resident for 50 years and had never seen the quality of the brook as poor as it had been recently.
- Referencing Brent Council's Climate Emergency Strategy Mr Poole drew members attention to the Bio Diversity and Climate Emergency Documents produced by Brent Council, adding that local residents were keen to support the council in meeting the targets specified to achieve carbon neutrality, however he believed that if planning permission was granted for the proposed scheme in Lidding Road it would be in conflict with these objectives.
- In summarising his concerns Mr Poole urged the Committee to defer the application until a report had been received from Brent Council's Sustainability Officer, the report of the London Flood Review had been published and Thames Water had rectified the faulty sewer connections and infrastructure.

The Chair thanked Mr Poole for his contribution and reminded Committee members that it had been established there were issues with sewage pollution in the area and that the Committee would therefore need to consider the impact of the proposed development in terms of the potential to exacerbate the ongoing issues and whether enough had been done to mitigate the concerns.

In response to questions from members in relation to his comments, Mr Poole responded with the following points:

- Mr Poole shared that he was not confident Thames Water would be forthcoming in completing the work necessary to rectify the issues of the misconnecting pipework given they had been aware of the problems for a

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long time and were yet to action repairs. Concerns were also expressed regarding ongoing drainage issues and the localised impact in terms of flooding in the local area

- In response to a question regarding Thames Water's position that the sewerage issues being experienced were due to blockages caused by use of inappropriate materials being flushed in to the system, Mr Poole responded that he believed the predominant factor affecting the sewer infrastructure remained the misconnecting pipework.

As members had no further questions the Chair invited Kerry Csuka as the applicant's agent to address the Committee (in person). Kerry Csuka introduced the application, drawing the Committee's attention to the following key points:

- Since the scheme had been deferred at the Planning Committee in December 2021 the project team had explored the issues raised and responded to them accordingly.
- The team had consulted with Thames Water, who considered that the existing sewer had sufficient capacity to accommodate the proposed flows from the new scheme.
- Thames Water had issued a letter stating that drainage problems in the area had not been caused by the capacity of the sewers but by sewer blockages due to misuse.
- In terms of sewer access, a build-over agreement was proposed to ensure that access would be maintained with the development in place, this approach had been accepted by Thames Water.
- Thames Water had responded to the Sewer Flooding History request made in the proposed site area with confirmation that no flooding events had been recorded in this area as a result of discharging public sewers.
- With regards to surface water flooding there would be an overall reduction in flood risk due to the reduced surface water flow rates identified in the Drainage Strategy.
- In response to the concerns previously raised regarding construction traffic, tracking diagrams had been provided that demonstrated that illustrated how construction vehicles were able to access the site from Gooseacre Lane, without the need for parking suspensions. This was also the case for Hillview Avenue. A planning condition was also proposed which required a full Construction Logistics Plan to be provided.
- The existing drainage and sewer situation would not be worsened by the proposed development, as a result of improved landscaping and modern material the development would actually see a reduced surface water discharge rate compared to the current situation.
- There would be many benefits to the scheme including 8 new homes provided at London Affordable Rent, 63% would be 3-bedroom family-sized homes, this significantly exceeded Brent's 25% target.
- The Site of Importance for Nature Conservation (SINC) would be enhanced and opportunities for biodiversity were maximised, with 33 new trees being planted.
- The scheme provided both parking spaces for the new homes in line with policy plus additional spaces for existing residents.
- The proposed high-quality design had been commended by Brent's Urban Design Officer who considered the scheme an exemplar infill scheme.

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Committee members raised queries regarding the increased pressure on the sewage system, flooding and construction traffic. In response to the questions from members Kerry Csuka supported by the applicant's additional representatives, Rhys Williams, Flood Risk Consultant and Marcus Nelson, Architect (attending online) clarified the following points:

- In response to concerns regarding the increased demand on the already compromised sewage system on Lidding Road, Rhys Williams, Flood Risk Consultant acknowledged the ongoing issues with misconnections in the pipework and advised that the proposed scheme would be built to best practice in line with building regulations ensuring that surface water and foul water pipes would be correctly connected to the sewer and drainage system, therefore the risk of cross contamination would be minimised.
- The Committee were advised that in order to mitigate flood risks the ground floor level would be built above the required calculated height to accommodate for any flood level (including an additional factor to reflect any climate change impact). An element of flood storage compensation had also been included in the design to ensure that residents who lived further up or down stream would not be adversely affected by flood waters.
- Surface water issues would see an improved discharge rate through the use of sustainable drainage systems (rather than the existing hardstanding materials) including the use of rain gardens and permeable surfaces that would act as a sponge to collect rainfall and slowly discharge the water at a steady rate. The incorporation of the sustainable drainage system design would also see an improvement in the bio diversity of the site.
- Kerry Csuka confirmed that as illustrated in the tracking diagrams, construction traffic would be able to access the site via Gooseacre Lane and Hillview Avenue with no identified need to apply parking restrictions at present.

As no further questions were raised, Councillor Kansagra, in his capacity as local ward councillor, was then invited to address the Committee (in person). In addressing the Committee Councillor Kansagra highlighted the following key points for consideration:

- The historical issues regarding the sewage pipes remained problematic despite Thames Water being aware of the concerns.
- The impact on residents of the misconnecting pipes was far reaching and in his opinion would only be exacerbated by building additional properties on the site.
- If the proposed scheme were approved, it would create an access issue if Thames Water needed to remedy the misconnecting pipework.
- In summarising his concern Councillor Kansagra suggested that the application should be deferred or rejected until the sewage problems had been remedied.

As a follow up question by the committee, Councillor Kansagra was asked whether he would have supported the application had it not been for the issues identified in relation to the sewer infrastructure, foul water pollution of the Wealdstone Brook and flooding.

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Councillor Kansagra confirmed that if the issues highlighted were rectified he would be prepared to reconsider the merits of the application on planning grounds.

As members had no further questions for Councillor Kansagra, the Chair invited members to ask officers any questions or points of clarification they may have in relation to the application. In response to questions raised by the Committee the following responses were provided:

- Officers confirmed that access to the site for construction vehicles had been fully assessed and were considered to be acceptable with no need identified to introduce parking suspensions.
- Responding to further comments regarding access by construction traffic, clarification was provided that a full Construction Logistics Plan (CLP) would also be required by condition which would include access and egress arrangements.
- Clarification was provided that should any damage be caused to pavements as a result of construction activity it would be possible to reclaim the cost of any works required to rectify from the contractor based on a condition survey completed prior to works commencing.
- In response to a query regarding planting and the replacement of trees, officers confirmed that a number of low quality trees would be lost as part of the development but would be replaced (as conditioned) with species considered to be more acceptable by the Council's Tree Officer which would also be of a type able to offer a higher level of water absorption to support natural drainage in the area. The committee was advised that further consideration would be given to the most effective types of water absorbing tree species that could be replanted to replace the trees lost through the new development.
- In relation to the concerns highlighted in terms of flooding and impact on the sewer infrastructure officers again highlighted the outcome of discussions with Thames Water regarding the ongoing programme they were developing seeking to address the water quality issues within Wealdstone Brook, working in conjunction with Harrow Council, although it was noted the specific schedule of works and timescales were still to be confirmed.
- In terms of assurance relating to the Flood Risk Assessment, the committee were advised of the mitigations provided through the Flood Resistant Measures proposed. These included flood resistant damp proofing and an assessment of the surface water flood routing into Wealdstone Brook which ensured that flood risk was not increased across the site or outside of the site boundary.
- In clarifying the position regarding the proposed use of "hit and miss brick work" in the voids under the houses, officers advised that this included the provision of void space under the development to allow surface water to flow off with a drainage maintenance plan to be included
- Overall officers considered that the development would result in an improvement in terms of surface water drainage when compared to the existing circumstances and that the scheme was acceptable in terms of flood risk and potential impact on the local sewage system.
- Responding to concerns that no written assurances had been obtained from Thames Water regarding the schedule or timescale for their proposed programme of works the committee were reminded that whilst not possible to secure this by way of legal agreement as part of the application process

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(given Thames Water were not the applicant) Thames Water retained a legal obligation in relation to maintenance of the sewer infrastructure system.

- Officers clarified that the main sewer manhole covers would remain accessible on the site, therefore access would still be possible in the event of work needing to be completed on the system.
- In response to a question regarding the potential use of Community Infrastructure Levy (CIL) funding as a further potential measure to support mitigating actions relating to flooding and water quality in the Wealdstone Brook members were advised this would not be possible as the committee had no remit over the allocation of these funds.

Gerry Ansell, as Head of Planning & Development Services, concluded the discussions by advising the Committee that, as detailed within the report, the Council's Drainage Engineer had also assessed the capacity of the network and confirmed that capacity was sufficient to cope with the proposed development both in terms of surface water and foul water. Whilst recognising the concerns raised in relation to the sewer network and pollution in Wealdstone Brook the committee were advised these reflected wider issues with the development having been assessed as resulting in an improvement in terms of surface water drainage when compared to existing circumstances and being acceptable in terms of flood risk and potential impact on the local sewerage system. It would therefore be for the committee to reach a decision based on these assessments and the wider planning related considerations relating to the application.

As there were no further issues were raised and having established that all members had followed the discussions the Chair asked members to vote on the recommendations.

DECISION: Granted planning permission subject to the conditions and informatives as set out within the report and updates within the supplementary agenda.

(Voting on the recommendation was as follows: For 4, Against 1 and Abstain 3.)

In concluding consideration of the application the Chair advised that whilst recognising the concerns highlighted in relation to Thames Water and wider drainage, water pollution and sewerage infrastructure maintenance works, the committee had needed to consider the application, in fulfilling their strategic planning role, on the basis of the relevant planning considerations outlined.

6. **21/3713 – Land Opposite, 33-47 Brookfield Court, Gooseacre Lane, Harrow**

PROPOSAL

The proposal seeks planning permission to re-develop the site by introducing four x four bedroom terraced dwelling houses. The new dwellings would be two storeys in height with the roof levels also supporting habitable space. Dormer additions would be included to both the front and rear roof elevations of each dwelling. The southern parts of the site would be sub divided to provide rear gardens to each dwelling. Each unit would have one car parking space, cycle storage and refuse storage. New tree planting was proposed along the southern boundary onto Gooseacre Lane/Hillview Avenue and access to the new development would be from the existing road supporting Brookfield Court which would be widened to

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5.5m with a 1.35m wide footpath as part of the proposed scheme.

RECOMMENDATION~:

- (1) That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose the conditions and informatives as set out within the report.
- (2) 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.
- (3) That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

Denis Toomey, Principle Planning Officer, North Team, introduced the report and set out the key issues. In introducing the report members were advised that a previous application for the site had been refused due to the character of the proposed dwellings, inappropriate levels of hardstanding and insufficient provision replacement planting, which the committee felt failed to mitigate the impact associated with the loss of the existing green cover to the south of the application site. The revised application sought to overcome the previous reasons for refusal by responding to the concerns raised and as a result the proposal had now been re-orientated with the main front elevation directed to the north with the rear elevation and associated garden spaces positioned towards the south of the site. Additional replacement planting had also been included next to the southern boundary. Members also noted the update provided within the supplementary agenda relating to provision for refuse collection and subsequent amendment proposed to Condition 16 in relation to cover the temporary holding area for bins on collection day.

As no questions were raised by members, the Chair then invited Mr John Poole (as an objector) to address the Committee (in person) in relation to the application. Mr Poole shared his concerns as follows:

- The development would result in loss of green space and have an adverse impact on available local amenity space for children and families in Brookfield Court.
- Mr Poole believed it was unreasonable to suggest that local children and families affected by the loss of green space could access Woodcock Park as an alternative as the reason that many children used the current green space was because they were easily seen by their parents from Brookfield Court, this would not be possible if they were travelling to Woodcock Park.
- Due to the extremely close proximity to the previous application considered (Lidding Road) the same concern regarding drainage issues existed for the Brookfield Court application, particularly as Hillview Road regularly flooded when it rained.

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- In light of the concerns raised Mr Poole urged the Planning Committee to reject the application.

As Committee members had no questions for Mr Poole the Chair invited the next speaker Mr John Cutler (agent) to address the Committee (in person) who highlighted the following points:

- The proposed scheme was an infill development on residential land, which was supported by Local Plan Policy BH4, and London Plan Policy D3.
- The Brent Local Plan recognised that 54% of the new homes needed in the borough were 3 bed plus properties, yet policy BH6 required only 25% of new homes to be 3 bed or more. In the context provided, the proposed four new homes would all be 4 bedroom properties.
- The site currently provided limited value as vacant grassland, it was felt that the loss of the green space to support the development was mitigated by the fact that there were other private and public areas of amenity space within close proximity to Brookfield Court, namely Woodcock Park which was positioned only 200m to the west of the site and could be used by the local community as an alternative to the green space in Brookfield Court.
- The revised design, with the housing facing to the north would provide a positive contribution to Brookfield Court whilst protecting neighbouring amenity.
- Established building lines had been respected, and the height mirrored that of the built form directly north and north west. The architectural approach had been to provide a modern interpretation of traditional design features.
- The scheme included significant tree planting, particularly along the southern and western boundaries, plus provision of wildflower planting. Bird and bat boxes were also included. It was pointed out the Council's Tree Officer had not raised any objections.
- The scheme would achieve a 0.47 Urban Greening Factor score, against a target of 0.40.
- The proposal would also enhance the usability of Brookfield Court, widening the access road carriageway to 5.5 metres. A new footpath would enhance safety.
- Existing parking arrangements within Brookfield Court would not be adversely affected with the Council's Highway Officer also not having raised any objections.
- All units were accessible and adaptable.
- The scheme would reach the Passivhaus standard, reducing carbon emissions by up to 90%.
- The Council had already indicated the proposal was acceptable in principle. It would provide four new family homes, for which there was a significant need in the borough.

Committee members raised queries regarding the scheme's Urban Greening Factor and carbon emissions. In response to the questions Mr Cutler supported by the applicants other representatives (online) provided the following responses:

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- As further clarification on the schemes Urban Greening Factor (UGF) score John Cutler advised that the UGF was a London Plan test which sought to ensure that new developments maximised bio diversity and green landscaping measures. Members were advised that the UGF could be increased by the addition of permeable paving, additional tree planting and green space with the score for the proposed application exceeding the required target.
- It was confirmed that the 90% reduction in carbon emissions was with regard to the current building regulations.

As there were no further questions for the agent, the Chair invited members to ask officers any questions they may have regarding the scheme. In response to the questions raised by the Committee the following responses were provided:

- Officers advised that flood risk concerns had been assessed with the Flood Risk Assessment having been reviewed by the Council's Principal Flood and Drainage Engineer who had been satisfied with the contents of the report.
- The proposal would result in management of surface water by incorporating suitable mitigation measures which included the provision of rainwater harvesting butts, soft landscaping to the north of the site to support the management of surface water run-off. The mitigations would ensure a betterment to the current position regarding surface water in the area.
- Officers acknowledged the importance of retaining green space in line with policy DMP1 and recognised that the development would see a loss of green space, however balanced against the provision of offering 4 family sized homes it was felt that the loss of green space was outweighed by the benefits of the scheme as a whole.
- In response to concerns highlighted in relation to flooding and Thames Waters record of these being logged, officers advised that during their consultation with Thames Water no concerns regarding flooding or foul water discharge had been identified given the scale of the development which officers had been required to use as the basis for their assessment of the application and recommendations.
- It was confirmed that the applicant owned the proposed application site and although the site was on a private road the applicant had right of the way to access the site, deeds had been provided and confirmed by the Council's Legal Services Team.
- Officers advised that current local residents would not be disadvantaged in terms of parking during the construction of the development or once completed. Residents were able to park on the pathway to the north of the site with the widening of the road also likely to improve parking provision. The tracking diagrams provided in the report identified how residents could access the site.
- Officers confirmed that a condition had been included to ensure appropriate external street lighting was installed.
- Officers confirmed that due to the status of the proposed area of land being identified as contaminated, conditions were included that recommended an investigation of land contamination to be carried out prior to the commencement of any building works together with details of remediation and verification of the works carried out.
- Officers advised that in considering the ecological impact of the scheme the design team had maintained open space on the southern portion of the site.

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Whilst 16 trees would be removed the proposal included the planting of 25 new trees and higher levels of soft landscaping. Officers confirmed that as part of the landscaping conditions the tree planting schedule would specify the species and maturity of the trees, that would be included as part of the planting scheme.

- In line with Policy G5 of the London Plan and Policy BGI1 of the Draft Local Plan developments were required to contribute to Urban Greening with the Urban Greening Factor score for the proposed development exceeding the required target.
- Whilst recognising the concerns raised in relation to the loss of existing green space as a play area officers advised it was not possible to designate an area as part of this application for this specific purpose given the boundary of the application site.

As there were no further questions from members and having established that all members had followed the discussions the Chair asked members to vote on the recommendations.

DECISION: Granted planning permission subject to the conditions and informatives as set out within the report and updates detailed within the supplementary agenda.

(Voting on the recommendation was as follows: For 6, Against 1, Abstain 1)

7. **21/4155 – St Johns Road, Wembley**

PROPOSAL

The proposal seeks the demolition of the existing building and the proposed erection of a part 5 and part 18 storey mixed use building containing commercial floor space (Use Class E) on the ground floor and comprising 79 residential units on the upper floors.

RECOMMENDATION

- (1) That the Committee resolve to GRANT planning permission subject to
 - (a) Any direction by the London Mayor pursuant to the Mayor of London Order
 - (b) Any direction by the Secretary of State pursuant to the Consultation Direction
 - (c) The prior completion of a legal agreement to secure the planning obligations as set out in the report
- (2) That the Head of Planning is delegated authority to issue the planning permission and impose the conditions and informatives as set out within the report.
- (3) That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision)

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prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

- (4) That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

Toby Huntingford, Principle Planning Officer, North Team, introduced the report, set out key issues and answered member questions. In introducing the report members were advised that the application related to the demolition of the existing job centre building and the proposal to construct a new building that would be part 5 and part 18 storeys in height, accommodating a flexible commercial unit at ground floor level and 79 homes and communal rooftop amenity spaces across its upper floors. The scheme would provide 100% affordable housing with 31 units for social rent and 48 for shared ownership. Of these a quarter of the homes would be family sized. The residential led re-development would benefit from high public transport accessibility with the site designated within the Wembley Growth Area, Housing Zone, Town Centre and Tall Building Zone. Committee members were shown CGI images to illustrate the context of the development within the wider local area. Member's attention was then drawn to the supplementary report that set out the strategy to reduce carbon emissions.

As no questions were raised by members at this stage, the Chair then invited Tim Gaskell as the applicant's agent to address the committee (in person) in relation to the application:

- Mr Gaskell began by highlighting the benefits of the scheme that included the development being 100% affordable for tenants, within an area identified by Brent Council as suitable for tall buildings with excellent access to public transport networks.
- All homes would be built to a high standard with nearly all units being dual aspect.
- The slender design of the building would complement the area, it was acknowledged that the proposed building would be tall at 18 storeys, however members were advised that it would not be as tall as other buildings in the area.

Members raised queries regarding the consideration given to the height of the building, accessibility and resident parking.

- Tim Gaskell confirmed that following suggestions from the pre application stage the design team had looked at the possibility of lowering the height of the building, however upon further exploration it would have resulted in a less attractive building with decreased natural daylight and more overshadowing for residents.
- Confirmation was provided that 10% of the units would be fully accessible with 2 designated disabled parking bays to be provided.

As no further questions were raised for the agent, the Chair invited Committee members to ask officers any outstanding questions they may have. The responses

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provided were as follows:

- In response to concerns regarding the disabled parking provision officers confirmed that the provision would be based on the conversion of existing parking bays along Elm Road with future dedicated spaces to be provided on request. Existing blue badge holding residents would also still be eligible to use the on-street parking provision already available.
- Responding to further concerns raised by members regarding the removal of general car parking bays, officers advised that some parking spaces would be retained at the Elm Road junction on St Johns road however some would need to be removed to allow room for refuse vehicles to turn in the road. On balance it was felt this was acceptable as there was good parking and public transport capacity in area with the scheme designated as “car free” in order to encourage sustainable travel patterns.
- Officers confirmed that there would be a loading bay for delivery vehicles.
- In addressing concerns raised regarding overlooking and loss of light, officers confirmed that in line with policy SPD1 standards the development would not breach privacy guidance in terms of overlooking. Two flats would see a minimal enclosure breach, however this would only affect their rear windows. In addition to this the assessments for daylight/sunlight impact demonstrated only a minor adverse impact.
- Officers confirmed that all units would be compliant with London Plan Standards for amenity space, members were informed that all flats would have balconies that exceeded the amenity space policy, tenants would also have access to rooftop gardens.
- In response to member questions regarding the height of the building additional CGI and aerial views of the proposed development were displayed in order to provide further context of the development within the surrounding area. Members were advised that the building had a positive urban design, with a slender profile and vertical emphasis. Whilst at 18 storeys it would be designated a tall building in its immediate context the massing would enable it to be defined as a landmark building within the wider context of other existing and emerging tall buildings in the surrounding area, whilst being a subservient building in the context of its wider tall buildings cluster. Officers confirmed the height was in accordance with Policy BD2 and consistent with the Tall Building Zone designation of the site and aspirations of a local site allocation that anticipated re-development of considerable density to the north of the town centre. Whilst recognising concerns identified it was felt that on balance the benefits of the scheme outweighed any potential impact in terms of height.

At this point in the meeting the Committee agreed (under Standing Order 62) to extend the time of the meeting by an additional 30 minutes in order to complete consideration of the current and remaining item on the agenda.

The discussion then resumed as follows:

- In addressing a member query regarding refuse storage, officers recognised that the information in the report required clarification with regard to the number of bins needed for the scheme and as such a condition would be added to secure the necessary refuse storage capacity within the development.

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- In response to potential issues highlighted regarding interference of TV signals for surrounding properties as a result of the development officers advised that the developer would be required to undertake a test of surrounding properties prior to and following construction of the building. Should any issues be identified, which it was recognised may be the case to the north west of the site, the developer would be required to rectify any issues which would be secured via the accompanying legal agreement.

As there were no further issues raised and having established that all members had followed the discussions the Chair asked members to vote on the recommendations.

DECISION: Granted planning permission subject to:

- (1) The Section 106 obligations, conditions and informatives set out in the report and supplementary agenda;
- (2) Referral of the application for Stage 2 review by the Mayor of London; and
- (3) The inclusion of an additional condition to secure the necessary refuse storage capacity within the development.

(Voting on the recommendation was as follows: For 4 and 4 Against.)

The decision was **CARRIED** as a result of the Chair exercising his casting vote, having initially voted in favour of granting planning permission.

8. 21/1634 – Wembley Hotel, 40 London Road, Wembley, HA9 7EX

PROPOSAL

The proposal seeks the demolition of the existing hotel and the erection of a new building comprising of the hotel at basement level and residential apartments, ground floor café, provisions for cycle parking spaces, bin stores and associated landscaping.

RECOMMENDATION

- (1) That the Committee resolve to GRANT planning permission subject to conditions and the completion of a satisfactory Section 106 or other legal agreement as detailed within the report.
- (2) That the Head of Planning is delegated authority to negotiate the legal agreement and issue the planning permission and impose the conditions and informatives as set out within the report.
- (3) That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee

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

- (4) That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

Liam McFadden, Planning Officer, North Team, introduced the report and set out the key issues. In introducing the report members were advised that the application sought the demolition of the existing hotel building and the erection of a new building to include hotel amenities and residential units. Members were advised that the application had come to the Committee due to the volume of floor space in the proposed development. The site was a two storey detached building with accommodation in the roof space in use as a hotel. It was located on the west side of London Road and located in both the Wembley Growth Area and Opportunity Area and Tall Building Zone and also lay within an Air Quality Management Area. The site plan showing the existing and proposed floor plans and a CGI of the development were then shared with the Committee.

As Committee members had no questions for officers, the Chair invited Stephen O'Connell (in person) as the applicant to address the Committee in relation to the application:

- Stephen O'Connell advised the Committee that the applicants were a privately owned family business who had been operating a variety of businesses in London Road, Wembley for a number of years.
- In line with the growth and regeneration currently being undertaken in the Wembley area, the business sought to expand to meet the rise in consumer demand by constructing a 53 room hotel and 9 residential units.
- The scheme would be constructed to a high quality, offering the community first class facilities.

In answering the sole Committee question, Stephen O'Connell confirmed that the increased capacity that would be provided through the hotel should the application be granted would also enhance employment opportunities available to the local community.

As there were no additional member questions the Chair clarified to the Committee that the application had come to the Planning Committee because of the volume of floor space of the development, he then invited members to ask officers any questions or points of clarification they required.

Members had no specific questions, however commented that the character and design of the proposed building appeared to be in keeping and a good match for the surrounding area.

As no further question or comments were raised and having established that all members had followed the discussions the Chair asked members to vote on the recommendations.

DECISION: Granted planning permission subject to the completion of a satisfactory Section 106 or other legal agreement, conditions and informatives set out in the report.

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(Voting on the recommendation was as follows: For 8; 0 Against and 0 Abstain)

8. Any Other Urgent Business

As this was the final meeting of the Planning Committee in advance of the local borough elections in May 2022, the Chair thanked all members and officers for their hard work, commitment and support in operation of the committee with members keen to see the re-introduction of site visits moving forward as part of the arrangements for the new committee post election.

The meeting closed at 21:04pm.

COUNCILLOR KELCHER
Chair

APPLICATIONS FOR DECISION

Introduction

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

Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations. The development plan policies and material planning considerations that are relevant to the application are discussed within the report for the specific application
5. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
6. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
7. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
8. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
9. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

10. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
- **Building Regulations** deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
 - Works within the highway are controlled by **Highways Legislation**.
 - **Environmental Health** covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
 - Works on or close to the boundary are covered by the **Party Wall Act**.
 - **Covenants and private rights** over land are enforced separately from planning and should not be taken into account.

Provision of infrastructure

11. The Community Infrastructure Levy (CIL) is a charge levied on floor space arising from development in order to fund infrastructure that is needed to support development in an area. Brent CIL was formally introduced from 1 July 2013.
12. The Council has an ambitious programme of capital expenditure, and CIL will be used to fund, in part or full, some of these items, which are linked to the Infrastructure Delivery Plan (IDP).
13. Currently the types of infrastructure/specific infrastructure projects which CIL funds can be found in the Regulation 123 List.
14. The Regulation 123 list sets out that the London Borough of Brent intends to fund either in whole or in part the provision, improvement, replacement, operation or maintenance of new and existing:
- public realm infrastructure, including town centre improvement projects and street trees;
 - roads and other transport facilities;
 - schools and other educational facilities;
 - parks, open space, and sporting and recreational facilities;
 - community & cultural infrastructure;
 - medical facilities;
 - renewable energy and sustainability infrastructure; and
 - flood defences,
- except unless the need for specific infrastructure contributions is identified in the S106 Planning Obligations Supplementary Planning Document or where section 106 arrangements will continue to apply if the infrastructure is required to make the development acceptable in planning terms.
15. We are also a collecting authority for the Mayor of London's CIL 'Mayoral CIL' which was introduced from 1 April 2012 to help finance Crossrail, the major

new rail link that will connect central London to Reading and Heathrow in the West and Shenfield and Abbey Wood in the East.

16. In February 2019 the Mayor adopted a new charging schedule (MCIL2). MCIL2 came into effect on 1 April 2019 and superseded MCIL1. MCIL2 will be used to fund Crossrail 1 (the Elizabeth Line) and Crossrail 2.
17. For more information:
Brent CIL: <https://www.brent.gov.uk/services-for-residents/planning-and-building-control/planning-policy/community-infrastructure-levy-cil/>
Mayoral CIL: <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy>
18. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section 106 agreement. Where these are necessary, it will be explained and specified in the agenda reports

Further information

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

Public speaking

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

Recommendation

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

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

14 June, 2022
04
21/3754

SITE INFORMATION

RECEIVED	5 October, 2021
WARD	Brondesbury Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	66 Cavendish Road, London, NW6 7XP
PROPOSAL	Demolition of the existing residential building and the construction of a new part five, part six storey residential building, together with associated landscaping, cycle parking and refuse and recycling facilities.
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_157273</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.uk 2. Select Planning and conduct a search tying "21/3754" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

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

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
2. Notification of material start 28 days prior to commencement
3. Financial contribution of £150,000 towards affordable housing provision in Brent.
4. Late stage viability review (drafted in line with standard GLA review clause wording) to be submitted at or after 75% occupation of the private residential development. An offsite affordable housing payment to be made where an uplift in profit above a break-even position is identified. Viability review to be based on an agreed Benchmark Land Value of £3.368m and developer profit of 17.5%. Not more than 90% of the private dwellings to be occupied until viability review approved in writing by the LPA.
5. Sustainability and energy
 - a. Detailed design stage energy assessment. Initial carbon offset payment if zero-carbon target not achieved on site.
 - b. Post-construction energy assessment. Final carbon offset payment if zero-carbon target not achieved on site.
 - c. 'Be seen' energy monitoring requirements

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

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

Conditions:

Compliance

1. Three year rule
2. Approved documents
3. Withdraw permitted development rights for small HMOs
4. Non-Road Mobile Machinery
5. Provision of bin and cycle storage
6. Internal noise levels
7. Internal vibration levels
8. Car free development
9. Compliance with overheating assessment
10. Compliance with acoustic report
11. Highways works
12. Ecology and protected species

Pre-commencement

13. Construction method statement
14. Arboricultural method statement
15. Site investigation for contaminated land

During construction

16. Materials samples
17. Landscaping scheme

Pre-occupation

18. Remediation and verification of contaminated land
19. External lighting
20. Details of PV panels and heat pumps

Informatives:

1. CIL Liability
2. Thames Water
3. Network Rail
4. Bats and other protected species
5. Construction hours
6. Soil quality

C. 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

D. That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

SITE MAP

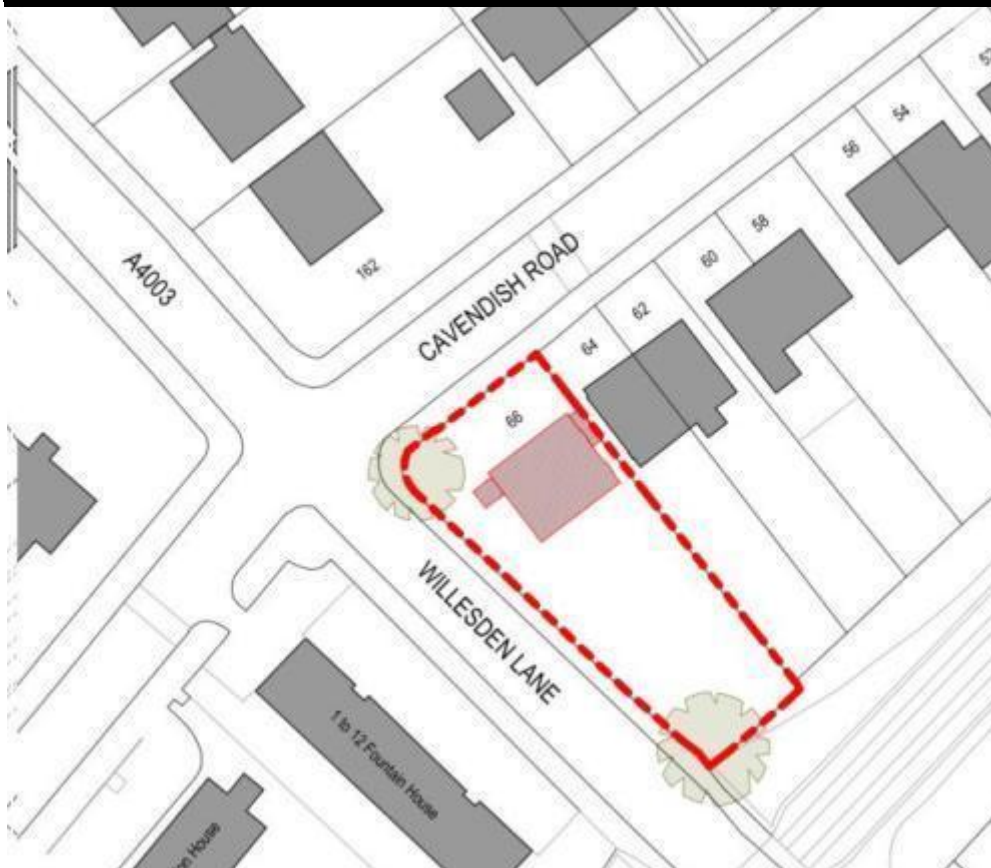


Brent

Planning Committee Map

Site address: 66 Cavendish Road, London, NW6 7XP

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This map is indicative only.

PROPOSAL IN DETAIL

Demolition of the existing residential building comprising 13 studio flats and the construction of a new part five, part six storey residential building comprising 21 flats (4 x 1-bedroom, 12 x 2-bedroom and 5 x 3-bedroom), together with associated landscaping, cycle parking and refuse and recycling facilities.

EXISTING

The subject site is a three-storey detached building occupying the corner plot at the south-eastern junction of Willesden Lane and Cavendish Road. The building is in residential use as 13 self-contained studio flats. The site is within an Intensification Corridor designated within the Brent Local Plan.

The site is not located in a conservation area and the building is not listed. Although the site is within an area proposed as part of a conservation area in Brent's Local Plan, this designation would be subject to a further legal process and so is not currently in effect.

AMENDMENTS SINCE SUBMISSION

Amended and additional plans and supporting documents were received during the course of the application:

- floorplans amended to show internal storage and internal dimensions;
- floorplans amended to show side-facing ground floor windows offset from boundary at 45 degree angle and window louvres removed;
- illustrative technical sections provided;
- Information on wheelchair accessible units provided;
- Daylight and Sunlight Assessment amended to update internal daylight results;
- Energy and Sustainability Statement Addendum provided;
- Streetscape Design Study provided;
- fourth floor roof terrace configuration amended.

These did not materially change the nature of the proposal, and did not require further consultation.

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: Objections were received from two ward councillors and from residents of 18 neighbouring properties. The objections relate to a range of issues, including the loss of the existing building, loss of existing low-cost housing, design aspects of the proposal including the height and bulk, loss of light and outlook to neighbouring properties, loss of trees and green space, impact of increased traffic and on-street parking pressures, and the cumulative disruption that would be caused by this development being constructed at the same time as a recently consented development at 166 Willesden Lane. In addition there were six representations in support of the proposal.

Principle of development: The proposal involves the redevelopment of a residential site to deliver new housing, to provide a net increase of eight new homes. The existing housing consists of poor quality studio flats, and there is no objection in principle to their loss. The proposal would make efficient use of a previously developed site in a residential area to contribute to Brent's housing targets, and is acceptable in principle.

Affordable housing and housing mix: The scheme includes 21 homes of which 5 would be family sized.

No on-site Affordable housing is proposed. The applicant's viability report has been robustly reviewed on behalf of the Council by BNP Paribas, and has been shown to demonstrate that the development is not commercially viable and not able to support any on-site affordable housing or contributions in lieu.

Notwithstanding that the development is returning a deficit, the applicants have offered a financial contribution of £150,000 towards provision of affordable housing elsewhere in Brent, in recognition of this high priority need within the borough. The contribution, together with a review mechanism to secure a further contribution if viability improves sufficiently, would be secured through a s106 legal agreement. Five x 3-bed homes are proposed within the housing mix (23.8% of the total) to contribute towards the need for family-sized housing. This meets the policy requirement of 1 in 4 homes within developments to have 3 or more bedrooms.

Design, scale and appearance: The site is within an Intensification Corridor designated within the Local Plan, within which locations policy BD2 suggests height of up to 15 m above ground level may be acceptable while policy BH4 sets out that the character of the existing area will be subject to change over the plan period.

The surrounding area is characterised by large detached three-storey Victorian and Edwardian properties, with some three- to five-storey buildings of more modest construction including a five-storey building opposite the site at 166 Willesden Lane, currently under construction. The proposed building would range in height from three to five storeys, with additional accommodation at lower ground floor level. Much of the building is less than 15 m in height. However, ground level changes within the site and elements of the 4th floor project marginally above this (by approximately 0.5 m). The lift overrun and enclosure for the roof terrace project above this in locations as well. This is considered acceptable in the context of the existing and emerging street scene in the area, with the corner location providing scope for a five-storey element to act as a marker block and respond to the development coming forward on the opposite site. The combination of elements of different heights and forms would respond effectively to the context and provide sufficient articulation to break up the bulk and mass of the building and maintain visual interest. The proposal has been assessed as having no material impact on heritage assets nearby. Adequate information has been provided to ensure the highest standards of fire safety. High quality design detailing and landscaping are proposed, and would be secured through conditions.

Quality of residential accommodation: The proposal is for 21 new homes meeting or exceeding minimum internal floorspace standards and having good levels of light and outlook. Private and communal external amenity space would be provided, including roof and ground level communal spaces in addition to private balconies / terraces. There would be a total shortfall of 198 sqm against Brent's policy targets. However, on balance this is considered to be acceptable given the proximity to Queens Park (approx. 630 m) and the Aylestone Avenue Open Space (approx. 650 m).

Impact on neighbouring properties: The proposed building would have a noticeable although minor impact in terms of daylight availability on two lower ground floor side-facing windows at No 64 Cavendish Road. However the daylight available to these windows is already severely compromised by their position and proximity to the existing building, whilst all other windows and amenity spaces tested would continue to meet BRE targets for daylight and sunlight.

Energy and sustainability: The proposal would utilise air source heat pumps and solar PV panels to achieve a 55.5% reduction in carbon emissions on site, which exceeds the 35% policy requirement. Overheating risk has been assessed, and measures recommended to avoid this, and predicted water usage is calculated as being below 105l per person per day. Updated energy statements and a financial contribution to Brent's carbon offsetting fund would be secured through the s106 legal agreement.

Environmental health considerations: The potential for air quality and noise pollution and land contamination has been assessed, and further measures would be secured by conditions, together with a construction management plan to minimise nuisance from the construction process.

Flood risk and drainage: The applicant's flood risk assessment and drainage strategy have been reviewed by the local lead flood authority, and are considered to significantly reduce discharge rates and represent a significant betterment from a flood risk perspective.

Trees and biodiversity: The rear of the site borders a railway embankment which is part of a Site of Interest for Nature Conservation (SINC) (Grade 1) and protected wildlife corridor. The ecological appraisal finds that the development would be unlikely to affect the ecological value of the area, and further measures would be secured to prevent any harm to roosting bats. Of the eight existing trees on or near the site, four would be retained (including three of moderate quality) whilst four of low quality would be removed, with seven new trees planted in compensation. The proposal achieves an urban greening factor of 0.39, which is only marginally short of the target of 0.4 for residential developments.

Transport considerations: The development would be car-free, with no parking provided on site and parking permit restrictions to prevent residents other than Blue Badge holders from parking on the street. This is acceptable given the good accessibility to public transport in the area. Cycle parking and bin storage would be provided to comply with standards, and the existing vehicle crossover would be removed and returned to footway at the developer's expense. The development is expected to generate minimal extra traffic and no additional car journeys compared to the existing use.

RELEVANT SITE HISTORY

N/A

CONSULTATIONS

173 neighbouring properties were notified by letter of this proposal. A site notice was displayed outside the site on 10 November 2021 and a notice placed in the local newspaper on 18 November 2021. As a result of the consultation 27 comments were received, including six comments from neighbouring properties in support of the proposal, and objections from Cllrs Ethapemi and Gbajumo and 18 neighbouring properties. The objections are summarised below

Objection	Officer response
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Pressure on resources in the area	The development would be liable for the Community Infrastructure Levy, which provides funding for new and improved infrastructure and services to support new communities.
Loss of green space and garden grabbing	The site is in residential use and is not a designated green space or public open space.
Lack of affordable housing	This issue is discussed under 'Affordable housing and housing mix'
Not affordable to local residents and existing residents will be forced to leave	See Affordable Housing section of report for discussion on affordable housing. The planning system is unable to control property prices in the private sector.
Loss of Victorian / Edwardian house and loss of character	This issue is discussed under 'Design, scale and appearance'
Building height, scale and design out of keeping with the character of the area	This issue is discussed under 'Design, scale and appearance'
Over development of the site	This issue is discussed under 'Design, scale and appearance'
Out of keeping with scale of surrounding buildings	This issue is discussed under 'Design, scale and appearance'
Development will block out light to neighbouring properties	This issue is discussed under 'Relationship with neighbouring properties'
Overlooking and loss of privacy to neighbouring properties	This issue is discussed under 'Relationship with neighbouring properties'
Would worsen air pollution	This issue is discussed under 'Environmental health considerations'
Loss of green space increases the risk of flooding for those on lower floors	This issue is discussed under 'Flood risk and drainage'
Lack of parking and increased parking pressure	This issue is discussed under 'Transportation considerations'
Increased traffic impacting on already dangerous road junction	This issue is discussed under 'Transportation considerations'
Traffic disruption during construction	A Construction Method Statement would be required to minimise these impacts
Disruption and pollution affecting neighbouring residents during construction	A Construction Method Statement would be required to minimise these impacts
Development is for financial gain	Developer profit is not a material planning consideration.

External and statutory consultees

Local lead flood authority: no objection. Comments discussed in main body of report.

Sustainability officer: no objection

Environmental health and noise control team: no objection subject to conditions. Comments discussed in main body of report.

Network Rail: No objection subject to compliance with Network Rail requirements. An informative would be added to this effect.

Thames Water: No objection in relation to surface water or foul water sewerage infrastructure capacity.

POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2021 London Plan and the Brent Local Plan 2019-2041.

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
D5 Inclusive Design
D6 Housing quality and standards
D7 Accessible housing
D10 Basement development
D12 Fire safety
D14 Noise
G5 Urban greening
G6 Biodiversity and access to nature
G7 Trees and woodlands
H1 Increasing housing supply
H2 Small sites
H4 Delivering affordable housing
H5 Threshold approach to applications
H6 Affordable housing tenure
H12 Housing size mix
S4 Play and informal recreation
HC1 Heritage conservation and growth
SI1 Improving air quality
SI2 Minimising greenhouse gas emissions
SI4 Managing heat risk
SI5 Water Infrastructure
SI13 Sustainable drainage
T4 Assessing and mitigating transport impacts
T5 Cycling
T6 Car Parking
T6.1 Residential parking

Brent Local Plan 2019-2041

DMP1: Development management general policy
BD1: Leading the way in good urban design
BD2: Tall buildings
BD3: Basement development
BH1: Increasing housing supply in Brent
BH2: Priority areas for additional housing in Brent
BH4: Small sites and small housing developments in Brent
BH5: Affordable housing
BH6: Housing size mix
BH13: Residential amenity space
BHC1: Brent's heritage assets
BGI1: Blue and green infrastructure in Brent
BGI2: Trees and woodlands
BSUI2: Air quality
BSUI4: On site water management and surface water attenuation
BT2: Parking and car free development

The following are also material planning considerations

National Planning Policy Framework (2021)

Planning Policy Guidance

Supplementary Planning Documents/Guidance (SPD/SPG)

Mayor of London's Affordable Housing and Viability SPG 2017

Mayor of London's Housing SPG 2016

Mayor of London's Sustainable Design and Construction SPG 2014

Brent SPD1: Design Guide for New Development (2018)

Brent Waste Planning Guide (2015)

DETAILED CONSIDERATIONS

Principle of development

1. The NPPF expects the planning system to boost significantly the supply of housing, including by identifying key sites in the delivery of their housing strategy. London Plan Policy H1 sets out housing targets across London, with the target for Brent being 23,250 new homes over the ten-year plan period, and Brent's Local Plan Policy BH1 responds to this by proposing plan-led growth concentrated in Growth Areas and site allocations, whilst Policy BH2 identifies town centres, edge of town centre sites and intensification corridors as other priority areas for new housing.
2. The site is within an intensification corridor and is therefore a priority location for the provision of additional homes. London Plan Policy H2 also supports the redevelopment of small residential sites such as this (under 0.25ha) to contribute towards increasing housing supply. Brent's Local Plan Policy BH4 reinforces this, particularly in priority locations such as intensification corridors and sites with PTAL ratings of 3 to 6, where the character of the existing area will be subject to change over the plan period.
3. The site is in existing residential use but would result in an uplift in the amount of housing, including family-sized housing. The existing 13 flats are all studio units and all but one are below minimum floorspace standards, some significantly so. The quality of some is further compromised by their location in the basement or roofspace. The site has a PTAL rating of 4 and its redevelopment to provide 21 units (a net increase of eight units) would therefore contribute to the delivery of Brent's housing targets in line with London Plan Policy H1 and Brent Local Plan Policy BH1 and BH2. The redevelopment of the site for residential intensification is acceptable in principle.

Affordable housing and housing mix

Policy background

4. London Plan Policies H4, H5 and H6 set out the Mayor's commitment to delivering 'genuinely affordable' housing. The strategic target remains at 50% affordable housing, and a fast track route is provided whereby applications proposing at least 35% affordable housing (50% on public sector or industrial land) with a policy-compliant tenure split. Applications not meeting the criteria for the fast track route are subject to viability testing, to determine the maximum reasonable amount of affordable housing that the scheme can support.
5. Policy H6 requires affordable housing provision to include a minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent); a minimum of 30% intermediate products; and 40% to be determined by the borough based on identified need.
6. Brent's Local Plan Policy BH5 supports this approach and sets a target of 70% of affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split marries up with London Plan Policy H6 by design, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category.
7. Local Plan Policy BH6 sets out a strategic target of 25% of new homes in the borough to be family-sized (3 or more bedrooms) and within development proposals, requires one in every four new homes to be family-sized. However, the policy allows for exceptions to be made where the location or characteristics of the development are such that it would not provide a high quality environment for families, or its inclusion would fundamentally undermine the development's delivery of other Local Plan policies.

Assessment of proposal

8. The proposal would result in the loss of 13 studio flats and the provision of 21 flats, comprising 4 x 1-bedroom flats, 12 x 2-bedroom flats and 5 x 3-bedroom flats. No Affordable Housing is proposed. However, the proposal would be subject to a £150,000 contribution towards off-site Affordable housing.
9. The application is supported by a Viability Report, which sets out that the scheme cannot viably support any affordable housing provision, due in a large part to the high benchmark land value of the site. This is primarily due to the Benchmark Land Value (BLV) of £3.45m being relatively high, reflecting the market value of the existing flats. Without factoring in profit, the scheme could deliver a small surplus of £315,879, equating to a residual profit of 2.56% on cost, which is significantly below reasonable profit targets for new development and does not represent a viable development.
10. The Assessment has been reviewed on behalf of the Council by BNP Paribas. They have challenged a number of factors including the assumed sales values for the proposed flats, the residual profit levels and the BLV. Further information has been provided by the applicant to demonstrate that the market value of the existing flats is not reliant upon any extensive refurbishments, and agreement has been reached on a BLV of £3.368m, resulting in a small deficit of £447,741. This review process has demonstrated to officers' satisfaction that the scheme is in deficit and cannot viably support any affordable housing provision.
11. Notwithstanding this, the applicant has offered to make a contribution to affordable housing as an additional public benefit of the scheme. The scope for providing one affordable housing unit on site has been considered, however this would be problematic in terms of the need for Registered Providers to have separate servicing and management arrangements and would also increase the overall deficit. Instead, it is proposed to offer a financial contribution to affordable housing provision in Brent of £150,000, which is likely to enable the provision of 1.5 new homes at London Affordable Rent levels.
12. Officers consider this offer to be reasonable, given that the development has been demonstrated as not able to viably support any affordable housing. The financial contribution would be secured through a s106 agreement, together with a late stage review mechanism to secure a further contribution against any uplift in GDV, based on agreed key inputs including developer profit of 17.5%. Subject to these provisions, the proposal is considered to be acceptable in terms of affordable housing provision and to comply with the relevant policy requirements.
13. In terms of the housing mix, the proposed scheme provides five of the 21 flats as 3-bedroom family sized homes (in addition to four x 1bed and twelve x 2bed homes), equating to a percentage provision of 23.8%. While Brent Policy BH6 sets a strategic target of 25 %, this policy requires 1 in 4 homes within development proposals to be family sized. The proposal would meet the 1 in 4 target and would accord with the Council's policy.

Design, scale and appearance

Policy background

14. The NPPF seeks developments of high quality design that will function well and add to the overall quality of the area, responding to local character and history, reflecting the identity of local surroundings while not discouraging appropriate innovation, establishing or maintaining a strong sense of place, and optimising the potential of the site to accommodate an appropriate amount and mix of development.
15. London Plan Policy D3 sets out a design-led approach to new development that responds positively to local context and optimises the site's capacity for growth by seeking development of the most appropriate form and land use, while Policy D5 seeks inclusive design without disabling barriers. Brent's Local Plan Policy DMP1 and the Brent Design Guide SPD1 provide further guidance on principles of good design, and Policy BD1 seeks the highest quality of architectural and urban design. The site is within an Intensification Corridor and policy BD 2 sets out that in such areas, outside Conservation Areas and Areas of Distinctive Residential Character, development of a general building height of 15 m above ground level could be acceptable. Policy BH4 highlights that in priority locations including Intensification Corridors, the character of the existing area will be subject to change over the Local Plan period.

Existing character of area

16. The surrounding area is characterised mainly by large detached three-storey houses with hipped roofs, of

which the ground floors are partly set below external ground level while the main entrances are raised above ground level and accessed by steps. Front dormer windows are a common feature of the area, adding further bulk to the existing street scene at roof level. However there are also examples of larger three- to four-storey apartment blocks of varied architectural styles including more recent flat-roofed developments such as at 170 and 172-174 Willesden Lane, The Avenue and Christchurch Avenue. A number of extant consents in the area also feature three- to five-storey apartment blocks.

17. In particular, planning permission has recently been granted for a five storey building in a contemporary style at 162 Willesden Lane (reference 19/0834 and 20/2041), which sits opposite the site on the northeast corner junction. This building has an L-shaped footprint and includes one storey set below external ground level. Whilst it would be of a similar height to neighbouring three-storey properties, the building would be significantly greater in bulk, occupying the majority of the site footprint across both street frontages. Policy BD2 sets out the buildings up to 15 m in height could be considered to be acceptable. Ground level varies within and adjoining the site. The building primarily sits below this height. The roof of the 4th floor, situated on the corner, projects slightly above this height. The parapets and railing for the roof terrace and the lift over-run projecting above this, with the brick parapet approximately 16.2 m above ground level and the railing approximately 40 cm above this. This additional height is focused on the corner and is not considered to result in a building that appears disproportionately large given the emerging context and Intensification Corridor designation.
18. The existing building on site is similar in style to other properties in the area and is considered to be typical of the early Victorian / late Georgian style but not to have any overriding architectural merit that would preclude the redevelopment of the site. The building is not listed or locally listed and there is no policy objection to its demolition.

Impact on heritage assets

19. The NPPF advises that, when considering the impact of a proposed development on the significance of a designated heritage asset, "great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance". Consent should be refused where there is substantial harm or total loss of significance, unless there are substantial public benefits that outweigh that harm or loss. Where there is less than substantial harm, the harm is to be weighed against the public benefits of the proposal and with regard to non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
20. In this case, the following heritage assets are in close proximity to the site and could potentially be affected by the development:
 - Christ Church, Grade II listed (a designated heritage asset), located approx 150m to the northwest
 - Brondesbury Conservation Area to the north (a designated heritage asset)
 - North Kilburn Conservation Area to the southeast (a designated heritage asset)
 - 161 Willesden Lane, Locally Listed building (a non-designated heritage asset), located approx 50m to the northwest
 - 167 Willesden Lane, Locally Listed building (a non-designated heritage asset), located approx 90m to the northwest;
21. The site is within approx 200m of Brondesbury Conservation Area and a proposal to extend the Conservation Area boundary, to include the whole of Cavendish Road and the aforementioned designated and non-designated heritage assets, is being progressed. However, consultation has not begun on this proposal and no weight can be given to this potential future designation at this time.
22. Brent's conservation officer has confirmed that the relevant heritage assets have been identified and that the proposed development would not affect the setting of these heritage assets. There are no objections on these grounds.

Design of proposal

23. The proposed building would include a lower ground floor level which would be set below external ground level but would be set within a series of lightwells to provide a degree of visibility within the street scene. This element would be generally in keeping with the surrounding area, in which lower ground floor

accommodation set partly below the street is a common feature. Above ground, the front element of the building would be three storeys tall with a mansard roof providing an additional fourth storey. This element would be of the same overall height as the adjacent building at No 64 Cavendish Avenue. The building would then rise to five storeys on the corner, with a curved bay providing a distinctive landmark feature on the corner. The rear part of the building would step down to four and then three storeys along the Willesden Lane frontage but the third and fourth storeys would be set in from the boundary with the adjacent property at No 64 Cavendish Avenue.

24. The combination of elements of different heights and forms would respond effectively to the context and provide sufficient articulation to break up the bulk and mass of the building and maintain visual interest. The overall height and massing are considered to be appropriate to the corner location, with well-composed facades and good proportions that establish a clear hierarchy across the scheme. The building would address both street frontages and the communal entrances would be clearly defined and expressed within the wider streetscape, creating legibility and a sense of arrival for future residents.
25. The Design & Access Statement sets out a clear approach to materiality, reinterpreting various design details and features from the surrounding context in a contemporary manner, and is considered to provide the basis for delivery of a high quality and robust development. Opportunities for high quality landscaping within the site have been maximised, including retention of existing trees which would help to ground the scheme within the surrounding area. Overall, the proposal is acceptable in terms of urban design, and responds well to the constraints of the site. Further details of materials and key construction details would be required by condition.

Fire safety

26. London Plan Policy D12 requires all major developments to be accompanied by a fire statement produced by a third party suitably qualified assessor.
27. A fire strategy report has been submitted in accordance with this requirement. This sets out details of the fire detection and warning system, sprinkler system and natural smoke ventilation, means of escape, dry risers, emergency lighting, exit signage, fire compartmentation and protection, and secondary power supplies.

Quality of residential accommodation

Policy background

28. Minimum space standards for new homes are set out in London Plan Policy D6, and this policy also provides qualitative criteria for assessing the quality of residential accommodation, including appropriate levels of light, outlook and privacy for residents. Policy D7 requires 90% of units to meet Building Regulations M4(2) 'accessible and adaptable homes' standards and 10% to meet M4(3) 'wheelchair accessible homes' standards. Housing developments should maximise the provision of dual aspect dwellings and avoid the provision of single aspect dwellings where possible.
29. Brent's Local Plan Policy BH13 requires new homes to have external private amenity space of a sufficient size and type. This is normally expected to be 50sqm for 3bed or larger homes at ground floor level and 20sqm for all other housing. Where there is a shortfall in the amount of private amenity space provided, this can be supplemented by communal spaces. Minimum standards for private amenity spaces are also set out in London Plan Policy D6.

Assessment of proposal

30. All of the units proposed either meet or exceed minimum internal space standards. The internal layouts are generally well planned and functional, including adequate storage areas. Of the 21 units proposed, only three would be single aspect (two x 1b2p and one x 2b4p) and none of these units would be north facing. The Daylight and Sunlight Assessment demonstrates that all rooms would exceed the Average Daylight Factor (ADF) target values recommended by the BRE.
31. Two of the 3bed units would be duplexes with ground floor and lower ground floor accommodation, and these would require 50sqm of external amenity space to comply with Policy BH13, whilst all of the other units would require 20sqm, the total requirement being 480sqm. All units would have access to private balcony or terrace areas of various sizes, with the two ground floor 3bed units having relatively large private terraces on the lower ground floor. The shortfalls for individual homes against the targets set out

in Policy BH13 have been assessed, and cumulatively there would be a shortfall of 299sqm in total private amenity space.

32. To compensate for this shortfall in private space, communal amenity space would be provided on site, comprising a 123sqm ground floor landscaped garden to the rear of the building and a 33sqm fourth floor roof terrace. However, a large proportion of the communal garden comprises the ramped access, and the usable area is approximately 68 sqm in size. The total communal amenity space provided would be 153sqm, reducing to 101 sqm when excluding the ramps to the garden. This would leave a residual shortfall of 198 sqm against the policy requirement. The rear garden would include a doorstep play area for young children. Open spaces in the vicinity include the Aylestone Avenue Open Space (approximately 650 m away) and Queens Park (approximately 630 sqm away). On balance, this is considered sufficient to mitigate the impact of the shortfall in amenity space within the site. Screening to some balconies or terraces would be required to prevent any mutual overlooking between units, and further details of this would be secured by condition, together with a detailed hard and soft landscaping scheme.

Conclusion

33. There is a shortfall in external amenity space proposed within the site against policy targets. However, overall, subject to the conditions above, the proposal is considered to offer a good standard of accommodation for future residents and to comply with the relevant policies.

Impact on neighbouring properties

Policy background

34. In accordance with Brent's Policy DMP1, any development will need to maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1. Separation distances of 18m to existing habitable room windows and 9m to boundaries should be maintained.
35. To ensure development does not adversely impact on daylight and sunlight to existing properties, new buildings should sit within a 30 degree line of existing habitable room windows and a 45 degree line of existing private rear garden boundaries, both measured from a height of two metres above ground level. Where buildings would be within a 25 degree line of existing windows, the Building Research Establishment considers that levels of light to these windows could be adversely affected and recommends further analysis of the impacts. A more detailed assessment of daylight and sunlight impacts based on the BRE's Site Layout Planning for Daylight and Sunlight 2011 guidance is required where the 25 degree test is not met.
36. The BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Secondly, the No Sky Contour or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. If this remains at least 0.8 times its former value, the room will appear to be adequately lit.
37. To assess impacts on sunlight to existing south-facing windows and amenity spaces, assessment of Annual Probable Sunlight Hours (APSH) is recommended. Adverse impacts occur when the affected window receives less than 25% of total APSH including less than 5% in winter months, or when amenity spaces receive less than two hours sunlight on 21 March or less than 0.8 times their former value.

Assessment of proposal

38. The proposed development is located on a corner plot against the railway embankment, and the only immediately adjoining property is No 64 Cavendish Road, which contains six flats. In relation to the boundary with this property, the front part of the building would be aligned with the front and rear building lines of No 64, whilst the rear part of the building would be set in from the boundary sufficiently to be below a line of 45 degrees at the garden edge.
39. Given the location of the development relative to this neighbouring property, the 30 degree test is not considered applicable. Although there are side facing windows to No. 64 Cavendish Road, these are already affected by the existing building. The proposed building would not significantly impact on any

front- or rear-facing habitable room windows at this property due to their location and orientation.

40. Due to the arrangement of the building, the development has the potential to impact the privacy of neighbouring residents at No 64 Cavendish Road. The side elevation of the rear part of the building would be located less than 9m from the boundary with the rear garden of that property. In order to ensure that the development does not result in undue overlooking and loss of privacy, ground floor and first floor habitable room windows in this elevation would be either recessed at an angle so as to provide oblique views towards the far rear garden of No 64 or secondary windows obscured by louvres.
41. The application has been accompanied by a Daylight and Sunlight Assessment, which assessed the three surrounding properties: Fountain House on the opposite side of Willesden Lane (36 windows), No 64 Cavendish Road (ten windows, of which three side elevation windows on the first and second floors are known or understood not to be primary habitable room windows, due to their size and positioning, and have not been assessed), and the consented scheme at 162 Willesden Lane (13 windows including three at basement level).
42. Of the 56 windows assessed, 54 would continue to meet BRE target values. The two lower ground floor side facing windows to 64 Cavendish Road would fall below BRE targets with the windows retaining 72.87% and 68.02% of their former value of VSC. It should be noted that these windows currently receive very low levels of light (the existing VSC values are 7.07% and 5.69% respectively compared to the target of 27%), which can be attributed to their side facing position and the obstruction caused by the existing building. The existing low values accentuate the impact of further losses. Consequently any meaningful development is likely to result in reductions beyond the target values stated in BRE guidance. Whilst there is no planning history available for No 64, the applicant has provided further information consisting of a lease plan for the lower ground floor flat at No 64 (Garden Flat, or Flat A), which indicates that these windows serve a bathroom and hallway, with the main habitable rooms served by front- or rear-facing windows. The information provided by the neighbour is that these windows serve a kitchen, reception room and bathroom. However, notwithstanding this lack of clarity on the internal layout, the loss of daylight to these two-side facing windows would be only marginally above the BRE targets and is considered to be acceptable in this case.
43. All assessed windows would comply with BRE guidance in relation to sunlight.
44. In relation to sunlight to neighbouring gardens, the rear garden of 64 Cavendish Road has been assessed. The area of garden receiving at least two hours sunlight on 21 March would be only marginally reduced to 97% of its former value, which complies with the BRE recommendations.

Conclusion

45. The impact on daylight to two neighbouring side facing windows is considered not to be unduly adverse, and overall the proposal is considered to have an acceptable relationship with neighbouring properties, and to comply with the relevant policies in this regard.

Energy and sustainability

46. Brent's Policy BSUI1 requires major developments to be supported by a Sustainability Statement, demonstrating at the design stage how sustainable design and construction measures will mitigate and adapt to climate change over the lifetime of the development, including limiting water use to 105 litres per person per day. Major developments are also required to achieve zero carbon standards including a minimum 35% reduction on the Building Regulations 2013 Target Emission Rates achieved on-site, in accordance with London Plan Policy SI2. Any shortfall in achieving the target emissions standards is to be compensated for by a financial contribution to the Council's Carbon Offsetting Fund, based on the notional price per tonne of carbon of £95, or through off-site measures to be agreed with the Council. Policy SI4 requires the potential for overheating to be assessed and minimised through design.
47. An Energy and Sustainability Statement has been submitted. This sets out how the development would utilise improved thermal performance and energy efficiency measures, together with air source heat pumps and solar PV panels, to achieve a 55.5% reduction in carbon emissions on site, which exceeds the policy requirement. An addendum report has been submitted in response to comments from Brent's Sustainability Officer. This includes more detail on the specific contribution from energy efficiency measures, a more detailed overheating assessment, and the proposed air source heat pump system, indicative costs to residents, and information on future connection to a district heat network should one become available. With this additional information, the proposal is considered to be acceptable.

48. Updated energy statements would be required at detailed design and post-construction stages, together with a contribution to the Council's carbon offsetting fund and a commitment to monitor and report on energy performance. These would be secured through the s106 agreement, to achieve a zero-carbon development. Further details of the PV panels and heat pumps would be required by condition, together with details of how the capacity for future connection to a district heat network would be secured.
49. The Statement also includes an overheating assessment, which identifies that the units would have a slight to medium risk of solar overheating, which complies with Building Regulations requirements. Recommended measures to address this risk include use of solar control glazing, mechanical ventilation with heat recovery, and use of smoke vents linked to thermostats.
50. Predicted water usage is calculated as being below 105l per person per day, to comply with London Plan Policy S15.

Environmental health issues

Air quality

51. The site is within an Air Quality Management Area, and London Plan Policy S11 requires an air quality assessment to demonstrate that the proposal would be air quality neutral.
52. The air quality assessment submitted has been reviewed by Environmental Health officers, and is considered to demonstrate that there are no air quality impacts from the development. No conditions are required in relation to air quality.

Contaminated land

53. The area surrounding the site has been identified as being previously contaminated and consequently a full assessment of land contamination is required. This would be secured by condition, together with the implementation and validation of any necessary remediation measures.

Noise

54. A noise assessment has been submitted, and this demonstrates that with mitigation measures in place for the heat pumps, noise will not cause any adverse impact to existing or future residents. Environmental Health officers have confirmed that if the mitigation measures are in place then no further conditions are necessary.
55. As the development would be closer to the railway line than the existing building, the potential impact of noise and vibration from passing trains has been considered, however it is considered that acceptable internal noise levels could be achieved through the detailed design process, and these would be secured by condition.

Construction process

56. A Construction Method Statement would be required as a pre-commencement condition, setting out details of how dust, noise and other environmental impacts would be controlled during the construction period.

Flood risk and drainage

57. The site is situated in fluvial Flood Zone 1 although partly within a Flood Zone 3 for surface water flooding. A Flood Risk Assessment and Drainage Strategy has been submitted. The site is not within a critical drainage area and is located in a low risk area for groundwater flooding, which equates to the site being at low risk of flooding overall.
58. As the site geology is based on London Clay and the site is not in close proximity to a watercourse, infiltration into the ground and discharge to a surface water body are not practical. Sustainable drainage measures are proposed to reduce surface water runoff, including green roofs on available roof spaces. A basement impact assessment has been submitted, and this concludes that the basement would not adversely affect groundwater flow, surface flow or flooding due to the low permeability of London Clay.

59. The Local Lead Flood Authority have been consulted and note that the proposal would lead to a 48% increase in non-permeable space within the site. However, the proposed implementation of sustainable drainage measures via 25 cubic metres of storage attenuation would significantly reduce the discharge rates, with a 86% reduction in a 1 in 100 year event. Consequently the development provides a significant betterment from a flood risk perspective, and is acceptable on this basis.

Trees and biodiversity

60. London Plan Policy G5 requires major development proposals to include urban greening measures, and Brent's Policy BH4 requires an Urban Greening Factor of 0.4 for proposals involving the redevelopment of small sites. London Plan Policy G6 provides protection for Sites of Importance for Nature Conservation (SINCs). Whilst the overall aim of this policy is to protect habitats and species of biodiversity value, it states that sites with SINC status should be given the level of protection commensurate with their importance. Brent's Policy BGI1 also seeks no net loss of biodiversity and encourages urban greening proposals to also support biodiversity.
61. The potential effect of the development on trees in and surrounding the site, whether statutorily protected or not, is a material consideration in the determination of all planning applications. Brent's Policy BGI2 requires a tree survey where development could affect trees on or near the site, and seeks new tree planting to accompany major developments.
62. The rear of the site borders a railway embankment which is part of a designated Site of Interest for Nature Conservation (SINC) (Grade 1) and a Wildlife Corridor protected under Brent's Policy BGI1. A preliminary ecological assessment has been submitted, including an assessment of habitats on site with suitability for roosting bats. There were no records of birds, bats, amphibians, hedgehogs or invertebrates within close proximity to the site. Habitats within the site included dense scrub, scattered trees and introduced shrub, and no evidence was found of any protected species on site and the ecological value of these habitats was considered to be low due to the impact of human disturbance, although the railway embankment itself provides a valuable commuting corridor for birds, bats and other wildlife. Overall, the proposal was assessed as being unlikely to adversely affect the ecological value of the area.
63. The existing building on site was assessed as having low potential for bat roosts. A further bat emergence survey was carried out, and identifies that the building is supporting a soprano pipistrelle day roost. The survey recommends registration of the site in the Natural England Class Licence Scheme (this is a legal requirement outside of the planning system) and mitigation measures to include a precautionary approach to development, with new bat boxes to provide compensation, which would also be secured through the Licence Scheme.
64. The appraisal included recommendations for further action, including hedgehog and reptile avoidance measures during construction, biodiversity enhancement through provision of bird and bat boxes, and wildlife-friendly landscaping. Compliance with these recommendations would be required by condition.
65. The applicant's tree survey identified eight existing trees including a Horse Chestnut (T4) against the railway embankment which is subject to a Tree Preservation Order, a Norway Maple (T1) on the corner of the site at the road junction and a Lime (T8) on the frontage of No 64, all of which are Category B trees. The remaining five trees are Category C trees, of which T2, T3, T6 and T7 would be removed to facilitate the development (T5 is at the rear of the adjoining garden).
66. The Tree Officer has no objection to the scheme on arboricultural grounds and welcomes the retention of T1 and T4. A detailed arboricultural method statement would be required as a pre-commencement condition, to cover demolition, construction and landscaping activities, including the location of site welfare facilities, material and spoil storage etc. as well as an arboricultural site supervision specification for all works within the root protection areas of retained trees. Seven new trees are proposed along the road frontages and in the communal rear garden, which would compensate for the loss of four trees on site, and further details of these would be required by condition as part of a detailed landscaping scheme.
67. The application has been supported by landscaping proposals and would achieve an Urban Greening Factor of 0.39, falling marginally short of the target of 0.4. As noted above, new tree planting in addition to retained trees would create a verdant character for the development, particularly along the Cavendish Road frontage. This would be supplemented by flower-rich ground cover and multi-stem shrubs, and the communal rear garden would also have a grassed area with informal play equipment. Private terraces on the lower ground floor would also have flower-rich ground cover planting and shrubs together with

small patio areas, while the roof terraces would include flowering ground cover and biodiverse green roofs in addition to small paved areas.

68. Overall, it is considered that the proposals would not harm any existing ecological interests and would enhance the biodiversity value of the site, while retaining trees of quality and planting new trees to compensate for those removed. The landscaping proposals would help to deliver a high quality and verdant development, subject to approval of details by condition.

Transport considerations

69. London Plan Policy T6 seeks to restrict car parking in line with existing and future public transport accessibility and connectivity, and expects car-free development to be the starting point for developments in accessible locations. The parking allowances for residential development in Brent's Policy BT2 are aligned with those set out in London Plan Policy T6.1).
70. No off-street parking is proposed within the site, and this is consistent with the policy requirement, given the PTAL rating of 4. However, Brent's Policy BT2 also requires that the development should not add to on-street parking demand whether existing on-street spaces cannot meet existing demand. In this case, there is insufficient space to accommodate the potential parking demand along the site frontage (notwithstanding the lightly parked nature of Cavendish Road) and therefore parking permit restrictions would be imposed by condition, to prevent future residents from obtaining on-street parking permits. Blue Badge holders would be exempt from any such agreement and would be free to use the parking bays along the Cavendish Road frontage of the site, to meet the disabled parking requirements.
71. The existing vehicle crossover to the site would become redundant, and would need to be removed and reinstated to footway with full-height kerbs at the developer's expense. This would be secured as a condition.
72. London Plan Policy T5 requires a minimum of 40 secure cycle parking spaces for a development of this size. A storeroom is proposed at lower ground floor level, with access via an appropriately sized lift, providing the required 40 spaces as a mixture of two-tier racks and Sheffield stands to cater for different types of cycles, with suitable headroom for the two-tier racks. Two cycle stands are also proposed in front of the building entrances for the use of visitors.
73. Bin storage (four Eurobins and six wheeled bins) is shown along the Willesden Lane frontage of the site, providing more than enough capacity and allowing easy access for collection from the adjoining highway.
74. The two building entrances would both front Willesden Lane, which is acceptable in transport terms. However, it should be noted that any deliveries to residents from the site frontage would need to be made outside of peak times in order to comply with the loading restrictions on the street, although delivery vehicles could also use parking bays in Cavendish Road.
75. Finally, a Transport Statement has been submitted with the application, which considers the likely trip generation from the site. With 13 flats already located on the site, the net increase in units is eight. Based upon comparisons with other residential developments in London, these additional flats are predicted to generate just three to four additional trips in each peak hour and as no car parking would be provided, none of these trips are expected to be by car. The proposal would therefore have a negligible impact on local transport networks.
76. Overall, the proposal is acceptable in transport terms and complies with the relevant policies.

Equalities

77. 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).

Conclusion

78. The proposal would make efficient use of a small residential site to deliver new housing that would contribute to Brent's housing targets. The site is in existing residential use and is not designated open

space, and adequate provision would be made to protect retained trees and any ecological value contained in the railway embankment, together with new tree planting and landscaping. The existing housing is considered to be of substandard quality, and its loss can be supported on this basis. The design, scale and height of the building are considered to be appropriate to the context, and the proposal would cause only very limited loss of light and outlook to neighbouring side-facing windows. The proposal for a car-free development can be supported in this area of good access to public transport.

79. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions.



Application No: 21/3754

To: Mr Westhoff
Iceni Projects
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EC1N 8FH

I refer to your application dated **05/10/2021** proposing the following:

Demolition of the existing residential building and the construction of a new part five, part six storey residential building, together with associated landscaping, cycle parking and refuse and recycling facilities.

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

at **66 Cavendish Road, London, NW6 7XP**

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: 06/06/2022

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 policies contained in 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):

491-PL-001
491-PL-002
491-PL-003
491-PL-020
491-PL-021
491-PL-022
491-PL-023
491-PL-030
491-PL-031
491-PL-101 A
491-PL-102 B
491-PL-103 B
491-PL-104 A
491-PL-105 B
491-PL-106 B
491-PL-107
491-PL-120
491-PL-200
491-PL-201
491-PL-202 B
491-PL-203
491-PL-300
491-PL-301
491-PL-500
491-PL-510
514.01
514.02
514.03
514.04
514.05
514.06
514.07

Air Quality Assessment (Redmore Environmental, Ref 4396r2, 17.09.21)
Basement Impact Assessment (Card Geotechnics Ltd, Ref CG/38952, September 2021)
Bat Emergence Survey (Crossman Associates, Ref B1203.001 Issue One, 18.10.21)
Energy & Sustainability Statement (Doherty Energy, Ref E1088-ESS-00, 17.09.21) and
Addendum (Doherty Energy, Ref E1088-ESS-00-ADD, 14.01.22)
Fire Strategy Report (CH/PK Fire Engineering, Ref FE00565 Rev A, 23/09/21)
Landscape Report (Philip Cave Associates, September 2021)

Planning Compliance Report (KP Acoustics, Ref 22292.PCR.01, 24.09.21)
 Preliminary Ecological Assessment & Bat Roost Assessment (Philip Cave Associates, Ref P.1420.21, September 2021)
 Surface Water Drainage Strategy (Civic Engineers, Ref 1830-01, September 2021)
 Tree Survey and Impact Assessment (Keen Consultants, 1599-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-RevA, September 2021)

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

- 3 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 the high quality design and visual amenity of the development is retained. 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.

- 4 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.

Reason: To protect local amenity and air quality in accordance with Brent Policy DMP1 and London Plan Policy S11.

- 5 The approved waste storage and cycle storage facilities shall be installed prior to 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, unless alternative details are agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is fit for purpose.

- 6 All residential premises shall be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following noise levels:

Time	Area	Maximum noise level
daytime noise 07:00-23:00	living room /	35 dB LAeq (16hr)
	bedrooms	55 dB LAeq (1hr)
	outdoor amenity	
night time noise 23:00-07:00	bedrooms	30 dB LAeq (8hr)
		45 dB LAmax

Reason: To obtain required sound insulation and prevent noise nuisance

- 7 The residential development must be designed to ensure the following vibration levels stated in BS6472:2008 Evaluation of human exposure to vibration in buildings (1Hz to 80 Hz) are not exceeded.

Vibration dose values -

Residential buildings 16 h day	0.2 to 0.4
Residential buildings 8 h night	0.1 to 0.2

Reason: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess vibration from transportation sources.

- 8 Occupiers of the residential development hereby approved shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within any Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

- 9 The development shall be carried out fully in accordance with the recommendations on internal overheating set out in the approved Energy and Sustainability Statement, and shall not thereafter be altered in any way without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is sufficiently sustainable, in accordance with London Plan Policy SI4 and SI5.

- 10 The development shall be carried out fully in accordance with the recommendations on acoustic screening set out in the approved Planning Compliance Report (KP Acoustics), and shall not thereafter be altered in any way without the prior written consent of the Local Planning Authority.

Reason: To ensure acceptable internal and external noise levels, in accordance with Brent Policy DMP1 and London Plan Policy D14.

- 11 The developer shall enter into an agreement with the Highway Authority under s278 of the Highways Act 1980 to remove the existing vehicle crossover at the site and reinstate the public footway. The works shall thereafter be completed at the developer's expense and to the satisfaction of the Highway Authority, prior to first occupation or use of the development.

Reason: To ensure acceptable impacts upon the local highway network.

- 12 The recommendations set out in the approved Preliminary Ecological Assessment & Bat Roost Assessment shall be carried out in full throughout the construction of the development and where relevant, the associated measures shall thereafter be retained and maintained.

Reason: To ensure an acceptable impact on ecology and protected species.

- 13 Prior to the commencement of the development a Construction 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 of the development, together with a plan identifying adequate on-site parking for construction vehicles and areas for storage of materials, and demonstrating how the construction works will comply with the recommendations set out in the approved Preliminary Ecological Assessment & Bat Roost Assessment.

The development shall thereafter operate in accordance with the approved document.

Reason: To ensure an acceptable impact on the surrounding environment during construction.

Pre-commencement Reason: The impacts being controlled through this condition may arise during the construction phases and therefore need to be understood and agreed prior to works commencing.

- 14 No development shall commence until an arboricultural method statement, appropriate and specific to the approved scheme, to include details of all demolition, construction and landscape construction works within the root protection area of any retained tree (**as per the approved Tree Survey and Impact Assessment (Keen Consultants, 1599-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-RevA, September 2021))** has been submitted to and agreed in writing by the local planning authority.

The details submitted shall include an **arboricultural site supervision specification**, a construction site plan showing the location of site welfare facilities, material and spoil storage, specification, construction methodology and sequencing of works for no-dig surfacing, methodology for demolition and removal of existing building, and manual/mechanical excavation within root protection areas including the protection/treatment of any roots encountered. Thereafter, all works shall be carried out and constructed in accordance with the approved details and shall not be varied without the written consent of the Local Planning Authority.

Reason: To ensure adequate protection for retained trees.

Reason for pre-commencement condition: Damage to trees can occur at any stage as a result of demolition and construction activities, and adequate controls need to be in place from this time.

- 15 Details of materials for all external work, including samples, and including details of the external appearance of acoustic screening to external air source heat pumps, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced above foundation level. The work shall thereafter be carried out in accordance with the approved details.

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

- 16 Following the demolition of the existing building and prior to the commencement of construction works:

(a) a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011

(b) a report shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.

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

- 17 Prior to first occupation or use of the development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping work shall be completed:-

(a) prior to occupation of the building(s), in respect of all hard landscaping elements and boundary treatments;

(b) during the first available planting season following completion of the development hereby approved, in respect of all soft landscaping elements.

The scheme shall include details of:-

- i. Proposed materials for all hard surfaces;
- ii. Species, locations and densities for all trees and shrubs;
- iii. Details of materials and size of all raised planters;

- iv. All proposed boundary treatments and gates, indicating materials and heights;
- v. Defensible space to habitable room windows at ground level that face onto communal areas;
- vi. Details of play equipment and features, and external seating;
- vii. Details of biodiversity enhancement measures including wildlife friendly planting and bird and bat boxes;
- viii. Details of the proposed arrangements for maintenance of the landscaping.

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.

- 18 Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required). The report shall be approved in writing by the Local Planning Authority prior to the first occupation or use of the site.

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

- 19 Prior to any installation of external lighting within the development, an external lighting plan showing the lighting lux plots at the residential premises (in vertical illuminance) shall be submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with the approved details.

Reason: To ensure the development does not create adverse impacts in terms of light pollution, in accordance with Policy DMP1.

- 20 Further to first installation or use of the PV panels or air source heat pumps, further details of the products to be installed and their precise locations shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

INFORMATIVES

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

- 2 **Thames Water has advised the applicant of the following:**

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

[https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc$).

The proposed development is located within 15 metres of our underground waste water assets and as such we would like the following informative attached to any approval granted. "The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.[https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc$). Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Water Comments

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

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

[https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc$)

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

[https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes_!!CVb4j_0G!DYspoYi5Kj5SfYxVhGdGja7UBXXB1hh-bA6MtyrEMwVj5KQ8m-CFG3TjHDRnDvAhHuvgnYc$). Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

3 Network Rail has advised the applicant of the following:

The applicant is advised of the following which must be undertaken to protect the safe operation and integrity of the railway.

Measurements to railway tracks and railway boundary

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary. The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and

Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer.

Fencing

The applicant will provide at their own expense (if not already in place):

- A suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land.
- The fence must be wholly constructed and maintained within the applicant's land ownership footprint.
- All foundations must be wholly constructed and maintained within the applicant's land ownership footprint without over-sailing or encroaching onto Network Rail's boundary.
- The fence must be set back at least 1m from the railway boundary to ensure that Network Rail can maintain and renew its boundary treatments.
- Existing Network Rail fencing, and boundary treatments, must not be damaged or removed in any way.
- Network Rail will not allow any maintenance works for proposal fencing or proposal boundary treatments to take place on its land.
- Proposal fencing must not be placed on the boundary with the railway.
- Any fencing over 1.8m in height will require agreement from Network Rail with details of foundations and wind loading calculations submitted for review.
- The fence should be maintained by the developer and that no responsibility is passed to Network Rail.
- New residents of the development (particularly minors) may not be aware of the risks posed by accessing the railway. It would not be reasonable to require Network Rail to fund boundary works, fencing and boundary enhancements necessitated by outside party development adjacent to the railway.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.
- All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.
- Buildings and structures must not over-sail Network Rail air-space.
- Any future maintenance must be conducted solely within the applicant's land ownership.
- Rainwater goods must not discharge towards or over the railway boundary
- Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.
- Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

Scaffolding

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

This is to ensure that the safety of the railway is preserved, and that scaffolding does not:

- Fall into the path of on-coming trains
- Fall onto and damage critical and safety related lineside equipment and infrastructure
- Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

Vibro-Impact Machinery

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail for agreement.

- All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.

- The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

Demolition

The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building(s), due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Review of the method statement will be undertaken by the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence. Network Rail would like to add that the applicant is strongly recommended to employ companies to demolish buildings / structures belonging to the National Federation of Demolition Contractors. This will ensure that all demolition works are carried out to professional standards and the company itself will also include liability insurance as part of its service.

Drainage proposals and Network Rail land

The NPPF states: "178. Planning policies and decisions should ensure that: a) A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability." And "163. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere."

In order to comply with the NPPF, the applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

- All surface waters and foul waters must drain away from the direction of the railway boundary.
- Soakaways for the proposal must be placed at least 30m from the railway boundary.
- Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.
- Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's land and infrastructure.
- Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
- Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway. The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway – any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts.
- The developer must ensure that there is no surface or sub-surface flow of water towards the

operational railway.

- Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.

NB: Soakaways can materially affect the strength of soil leading to stability issues. A large mass of water wetting the environment can soften the ground, and a build-up of water can lead to issues with the stability of Network Rail retaining walls/structures and the railway boundary. Network Rail does not accept the installation of soakaways behind any retaining structures as this significantly increases the risk of failure and subsequent risk to the travelling public.

If the developer and the council insists upon a sustainable drainage and flooding system then the issue and responsibility of flooding, water saturation and stability issues should not be passed onto Network Rail. We recognise that councils are looking to proposals that are sustainable, however, we would remind the council that flooding, drainage, surface and foul water management risk as well as stability issues should not be passed 'elsewhere', i.e. on to Network Rail land.

The drainage proposals are to be agreed with Network Rail and surface water drainage on the site should be removed by a closed sealed pipe system.

The HSE identifies railways as a Major Hazard Industry. An earthwork failure within a high-hazard area has the potential to result in a catastrophic accident with multiple fatalities or long-lasting environmental issues. It should be noted that where the actions of an adjacent landowner have caused a landslip on the railway the loss adjusters are likely to advise recovery of Network Rail costs from the 3rd party, which would include costs of remediation and recovery of costs to train operators. Many railway earthworks were constructed in the Victorian period and are susceptible to failure by water saturation. Water saturation leads to an increase in pore water pressure within the earthwork material. Please also note that railways, and former railway land adjacent to it, is considered as contaminated land due to historic use of railways, which can affect the suitability of infiltration drainage.

Excavation and Earthworks and Network Rail land:

The NPPF states: "178. Planning policies and decisions should ensure that: a) A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability."

In order to comply with the NPPF, the applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:

- Alterations to ground levels
- De-watering works
- Ground stabilisation works
- Works to retaining walls
- Construction and temporary works
- Maintenance of retaining walls
- Ground investigation works must not be undertaken unless agreed with Network Rail.
- Confirmation of retaining wall works (either Network Rail and/or the applicant).
- Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.
- For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.

Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

3m Gap

Network Rail requires that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works

being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments.

Noise

The council and the developer (along with their chosen acoustic contractor) are recommended to engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing operational railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings.

The NPPF states, "182. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use), in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

Network Rail is aware that residents of developments adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the council via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.

To note are:

- The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night-time train running, heavy freight trains, trains run at weekends /bank holidays.
- Maintenance works to trains could be undertaken at night and may mean leaving the trains' motors running which can lead to increased levels of noise and vibration.
- Network Rail carry out works at night on the operational railway when normal rail traffic is suspended and these works can be noisy and cause vibration.
- Network Rail may need to conduct emergency works on the existing operational railway line which may not be notified to residents in advance due to their safety critical nature and may occur at any time of the day or night, during bank holidays and at weekends.
- Works to the existing operational railway may include the presence of plant and machinery as well as vehicles and personnel for works.
- The proposal should not prevent Network Rail from its statutory undertaking. Network Rail is a track authority. It may authorise the use of the track by train operating companies or independent railway operators and may be compelled to give such authorisation. Its ability to respond to any enquiries regarding intended future use is therefore limited.
- The scope and duration of any Noise and Vibration Assessments may only reflect the levels of railway usage at the time of the survey.
- Any assessments required as part of CDM (Construction Design Management) or local planning authority planning applications validations process are between the developer and their appointed contractor.
- Network Rail cannot advise third parties on specific noise and vibration mitigation measures. Such measures will need to be agreed between the developer, their approved acoustic contractor and the local planning authority.
- Design and layout of proposals should take into consideration and mitigate against existing usage of the operational railway and any future increase in usage of the said existing operational railway.
- Noise and Vibration Assessments should take into account any railway depots, freight depots, light maintenance depots in the area. If a Noise and Vibration Assessment does not take into account any depots in the area then the applicant will be requested to reconsider the findings of the report.
- Railway land which is owned by Network Rail but which may be deemed to be 'disused' or 'mothballed', may be brought back into use. Any proposals for residential development should include mitigation measures agreed between the developer, their acoustic contractor and the LPA to mitigate against future impacts of noise and vibration, based on the premise that the railway line may be brought back into use.
- Works may be carried out to electrify railway lines and this could create noise and vibration for the time works are in progress. Electrification works can also result in loss of lineside vegetation to facilitate the erection of stanchions and equipment.

Trees

Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

No trees shall be planted next to the boundary with the railway land and the operational railway, except for evergreen shrubs which shall be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height. The vegetation planting must be in line with the attached matrix which has been agreed with the Tree Council. This is to prevent long term issues with leaf fall impacting the operational railway.

Parking / Hard Standing Area

As the proposal calls for the following adjacent to the boundary with the operational railway, running parallel to the operational railway or where the existing operational railway is below the height of the proposal site:

- hard standing areas
 - turning circles
 - roads, public highways to facilitate access and egress from developments
- Network Rail requests the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers).

This is to prevent vehicle incursion from the proposal area impacting upon the safe operation of the railway.

BAPA (Basic Asset Protection Agreement)

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent. Therefore, the applicant will submit an Asset Protection Questionnaire to AssetProtectionLNWSouth@networkrail.co.uk

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

For further information on interfacing with Network Rail please see Working by the railway - Network Rail

- 5 Under the Control of Pollution Act 1974, noisy construction works are regulated as follows:

Monday to Fridays - permitted between 08:00 to 18:00
Saturday - permitted between 08:00 to 13:00
At no time on Sundays or Bank Holidays

For work outside these hours, the Control of Pollution Act 1974 allows the council to set times during which works can be carried out and the methods of work to be used. Contractors may apply for prior approval for works undertaken outside of normal working hours. They should email the noise team at ens.noiseteam@brent.gov.uk to obtain a section 61 application form. Please note that the council has 28 days to process such applications.

- 6 The applicant is informed that, in relation to the discharge of conditions regarding the remediation of contaminated land, the quality of imported soil must be verified by means of in-situ soil sampling and analysis.
We do not accept soil quality certificates from the soil supplier as proof of soil quality.

Any person wishing to inspect the above papers should contact June Taylor, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2233

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

14 June, 2022
05
21/3443

SITE INFORMATION

RECEIVED	9 September, 2021
WARD	Brondesbury Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	30 Brondesbury Park, Kilburn, London, NW6 7DN
PROPOSAL	Demolition of existing property and erection of 9 residential units (6 flats in a three-storey building and 3 two-storey terraced houses) together with access, parking, landscaping 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_156928</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.uk 2. Select Planning and conduct a search tying "21/3443" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to conditions and informatives as set out below.

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

Conditions

Compliance

1. 3 year limit
2. Approved drawings and documents
3. No PD rights for extensions to houses or conversion from C3 to C4 small HMO
4. Parking, cycle storage and bin storage provided prior to occupation
5. Compliance with Arboricultural Report
6. Compliance with Flood Risk Assessment & Drainage Strategy
7. Compliance with Sustainability Statement
8. Retained trees
9. Vehicle crossover to be constructed and existing crossover removed and reinstated to footway at applicant's expense

Pre-commencement

10. Construction method statement

During construction

11. Materials samples

Pre occupation

12. Landscaping scheme
13. External lighting

Informatives

1. CIL liability
2. Highways works - accesses
3. Highway works - notification
4. Party Wall Act
5. Building near boundary
6. Nesting birds
7. Construction hours
8. British Standards relating to trees and landscaping

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

2. That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

SITE MAP



This map is indicative only.



PROPOSAL IN DETAIL

The proposal is to demolish the existing building and construct a three-storey building containing six flats in its place (three x 2-bedroom and three x 3-bedroom), together with a terrace of three x 3-bedroom houses addressing the Aylestone Avenue frontage.

Three on-site parking spaces would be provided, one using the existing access from Aylestone Avenue and two using a new crossover on Aylestone Avenue. The existing vehicle crossover on Brondesbury Park would be removed and reinstated to footway. Associated landscaping, cycle storage and bin storage would be provided.

EXISTING

The existing site consists of a large detached property currently in use as three self-contained flats (Nos 30, 30A and 30B) and garden, with a total site area of 1,318sqm approx. The site is located on the south side of Brondesbury Park at its junction with Aylestone Avenue, in a predominantly residential area.

The site is not in a conservation area and does not contain any listed buildings.

AMENDMENTS SINCE SUBMISSION

05/10/21: Design & Access Statement (Part 4) and Planning Statement amended to correct inaccurate reference to Unit 1 as 3-bedroom home;

22/10/21: Front boundary treatment to cycle and bin storage area added, defensible space to ground floor front windows added and front site layout amended accordingly,

24/11/21: Landscaping proposals amended to increase Urban Greening Factor;

17/01/22: Floorplans amended to show internal storage areas, detailed bay study drawings submitted.

These amendments did not materially alter the nature of the scheme, and did not require further consultation.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. 21 letters of objection were received regarding some of these matters. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

Neighbour objections: 21 objections were received, raising concerns regarding over-development and the impact on the character of the area, including the overall scale and mass of the proposal, front building line on Aylestone Avenue and loss of trees and green space, impacts on neighbouring properties in terms of daylight and privacy, increased pressure on on-street parking. These issues are discussed in the relevant sections of the report.

Principle of development: The existing building consists of three self-contained flats and is subject to an extant planning permission for conversion into nine flats. The proposal would deliver nine new homes on a small residential site, a net increase of six to contribute towards Brent's housing target, and would be acceptable in principle.

Affordable housing and housing mix: Brent's Policy BH5 seeks a financial contribution towards affordable housing from residential developments of five to nine units. The application has been supported by a financial viability appraisal, which has been robustly reviewed by external consultants on behalf of the Council. It is accepted that the site cannot viably deliver any financial contribution to affordable housing, notwithstanding the policy requirement. The development would include six x 3bed homes (66%) of the total, which significantly exceeds Brent's policy target for family-sized housing.

Design, scale and appearance: The proposal, consisting of a three-storey apartment block facing Brondesbury Park and a two-storey terrace of three houses facing Aylestone Avenue, would make effective use of this prominent corner site and the overall bulk and massing are considered appropriate for this location. The proposal is considered to be of high quality design and to optimise the scope for soft landscaping across the site.

Relationship with neighbouring properties: The proposal complies with Brent's standards in respect of privacy and overlooking. The impact on daylight to four side-facing windows at 32 Brondesbury Park would fall slightly below the BRE target values for daylight, whilst two windows would fall slightly below the sunlight target values, however the light and outlook to these windows is already constrained by virtue of their position

in close proximity to the existing building on site. On balance this is considered to be an acceptable impact in this case.

Residential living standards: The nine new homes would all be adequately sized in relation to minimum floorspace standards, with a good standard of light and outlook, and efficient and well-considered layouts. All would have private external amenity space, supplemented by communal garden areas, and the combination of private and communal space would exceed Brent's policy requirement in this case.

Trees, biodiversity and landscaping: The proposal would lead to the loss of nine low-quality trees on the site, however these would be compensated for by replacement planting of 22 trees, in addition to areas of lawn, perennial planting and boundary hedging to achieve an Urban Greening Factor of 0.38. The existing site is not subject to any ecological designations, and the proposed landscaping would be conducive to encouraging wildlife on the site. Adequate arrangements have been proposed to protect retained trees, including two high quality London Plane street trees.

Flood risk and drainage: The risk of flooding has been assessed as being low to very low, and the proposed drainage strategy would employ rainwater harvesting and surface water attenuation to restrict discharge to greenfield rates.

Sustainability and energy: A range of sustainable design and construction measures have been proposed, including water conservation and energy efficiency measures. These are not a policy requirement for minor developments, and are considered to be an indication of the overall high quality of the proposal.

Environmental health considerations: These matters would be addressed by conditions where necessary.

Transportation considerations: The site has moderate accessibility to public transport (PTAL 3) and the three parking spaces proposed on site would be within the maximum standard. The Aylestone Avenue site frontage provides additional on-street parking to accommodate any overspill demand. The vehicle crossover on Brondesbury Park would be removed, and a new crossover created on Aylestone Avenue. These works are considered to be acceptable in transport terms. Cycle parking and bin storage would be provided in accordance with policy requirements.

RELEVANT SITE HISTORY

17/3193

Full Planning Permission

Allowed on appeal 17/05/2018

Conversion of the 3 flats into 9 x self-contained flats (4 x 1bed, 3 x 2bed and 1 x 3bed) to include the demolition of the side utility room and erection of single storey side extension, part single and part two storey rear extension with associated balconies, rear and side dormer windows, insertion of 4 rooflights, widening of vehicular crossover, car parking, provision for cycle and bin stores, landscaping and alterations to the boundary wall

17/1477

Full Planning Permission

Refused 05/06/2017

Conversion of existing property (3x self-contained flats) into 10x self-contained flats (2x studios, 2x one-bed, 5x two-bed and 1 x three-bed); erection of front dormer window; erection of two storey rear extension at first and second floor level; erection of single storey side and rear extensions; associated car and cycle parking spaces, bin stores and landscaping

CONSULTATIONS

60 neighbouring properties were consulted by letter on 15 September 2021. Objections were received from 21 properties, and are summarised below.

Comment	Officer response
Over-development, too many units compared to existing three.	This issue is discussed under 'Principle of Development'.
Proposal was previously rejected due to over-development and impact on character of Aylestone Avenue	This issue is discussed under 'Principle of Development', however this application is different from previous proposals, one of which was allowed on appeal.
Over-populated site means poor quality of life for residents	This issue is discussed under 'Design, scale and appearance'

Surrounding area is mainly family houses set back from the road with large rear gardens. Scale and design not in keeping with this, and will adversely impact verdant spacious suburban character.	This issue is discussed under 'Design, scale and appearance'
Front building line on Aylestone Avenue would protrude beyond that of other houses on the road. Existing building line on Aylestone Avenue must be retained. Terrace of houses is not the side of a corner building but independent properties.	This issue is discussed under 'Design, scale and appearance'
Honeyman Close is cited as an example by the applicant, but is a gated development on a much larger plot with greater set back from road	This issue is discussed under 'Design, scale and appearance'
Loss of green space and increase in hard surfacing will be to detriment of area and set a precedent for conversion of rear gardens into residential units.	This issue is discussed under 'Design, scale and appearance'
Development would be at a higher elevation than surrounding houses.	This issue is discussed under 'Design, scale and appearance'
Loss of brick boundary wall would impact on character of area	This issue is discussed under 'Design, scale and appearance'.
Waste storage between blocks will look out of character and create smell.	This issue is discussed under Design, Scale and appearance'. Residential bin storage does not normally give rise to unpleasant odours if used properly.
Impact on daylight to No 32.	This issue is discussed under 'Relationship with neighbouring properties'.
Impact on views from neighbouring gardens	This issue is discussed under 'Relationship with neighbouring properties'
Overlooking and loss of privacy to neighbouring properties and gardens	This issue is discussed under 'Relationship with neighbouring properties'
Projecting forward of building line on Aylestone Avenue will impact on light and view from No 1.	This issue is discussed under 'Relationship with neighbouring properties'.
Front garden not suitable as amenity space and would be affected by noise and pollution from main road / bus route	This issue is discussed under 'Residential living standards'
Removal of nine trees, with only one tree and hedge retained, will destroy the habitat of garden birds and other wildlife.	This issue is discussed under 'Trees and landscaping'
Removal of trees and green space and Increased pressure on drainage network will increase risk of flooding.	This issue is discussed under 'Flood risk and drainage'
Increased number of driveways, parking and associated noise	This issue is discussed under 'Transportation considerations'
Increase in traffic, pressure on on-street parking, pollution and noise in area.	This issue is discussed under 'Transportation considerations'.
Problems of waste disposal, noise pollution and anti-social behaviour associated with occupancy of flats.	There is no evidence to suggest that higher density development creates problems of this type.
Querying applicant's public engagement – objector did not receive applicant's letter.	Public engagement by the applicant is recommended good practice but not a legal requirement.

Security measures required during construction as existing extension wall will be demolished, exposing courtyard garden at No 32.	A Construction Method Statement would be required, including measures to secure the site such as site hoarding.
Arboricultural survey does not consider impact on adjoining gardens during construction.	The arboricultural survey assesses the potential impact on trees, not on gardens in general.
Impact on property values	This is not a material planning consideration.
Council have policy that communal gardens should always be at the rear	There is no such specific policy requirement.
Proposal is motivated by greed and developer profit.	Developer profit is not a material planning consideration other than in the consideration of Affordable Housing provision.

POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the Brent Local Plan 2022 and the London Plan 2021. Relevant policies include:

London Plan 2021

GG2: Making the best use of land
GG4: Delivering the homes Londoners need
D1: London's form, character and capacity for growth
D3: Optimising site capacity through the design-led approach
D4: Delivering good design
D5: Inclusive design
D6: Housing quality and standards
H1: Increasing housing supply
H2: Small sites
H4: Delivering affordable housing
H10: Housing size mix
G5: Urban greening
SI1: Improving air quality
SI5: Water Infrastructure
SI13: Sustainable drainage
T4: Assessing and mitigating transport impacts
T5: Cycling
T6: Car parking
T6.1: Residential parking

Brent Local Plan 2022

DMP1: Development management general policy
BP6: South East
BD1: Leading the way in good urban design
BH1: Increasing housing supply in Brent
BH4: Small sites and small housing developments in Brent
BH5: Affordable housing
BH6: Housing size mix
BH13: Residential amenity space
BGI2: Trees and woodlands
BSUI4: On-site water management and surface water attenuation
BT2: Parking and car free development
BT4: Forming an access on to a road

All of these documents are adopted and therefore carry significant weight in the assessment of any planning application. The following are also relevant material considerations:

The National Planning Policy Framework 2021
Planning Practice Guidance

DETAILED CONSIDERATIONS

Principle of development

Planning history and background of site

1. As noted above, the site currently comprises three self-contained flats. There is no planning history relating to the conversion into flats, although Building Control records suggest it dates from around 1951.
2. Planning permission to extend the building and convert it into ten self-contained flats was refused under reference 17/1477 due to concerns about outlook from habitable rooms and lack of compliance with the Council's design guidance then in force. A revised proposal to extend the building and convert it into nine flats (1 x studio, 4 x 1bed, 3 x 2bed and 1 x 3bed) (reference 17/3193) was allowed on appeal following refusal by the Council on design grounds.
3. This permission was never implemented and has now lapsed, however it remains a material planning consideration of some weight.
4. However, notwithstanding neighbour comments on this issue, no planning application involving the construction of two x 5-bedroom houses was made in 2016 or at any other time.

New housing on small sites

5. London Plan Policy H1 sets out housing targets across London, with the target for Brent being 23,250 new homes over the ten-year plan period. Brent's Local Plan Policy BH1 responds to this by proposing plan-led growth concentrated in Growth Areas and site allocations.
6. Furthermore, London Plan Policy H2 supports the redevelopment and intensification of small residential sites (under 0.25ha) to contribute towards increasing housing supply. Brent's Policy BH4 reinforces this, particularly in priority locations such as sites with PTAL ratings of 3 to 6, where the character of the existing area will be subject to change over the plan period. Infill developments within the curtilage of a dwelling are amongst the specific types of development supported by this policy.
7. Concerns have been raised that the proposal would represent over-development of the site that would adversely impact on the character of area, and that increasing density would inevitably lead to a poor quality environment. However, Policy H2 and Brent's Local Plan policies recognise that intensifying the use of small residential sites can make a valuable contribution to the delivery of new housing, and some incremental change to local character could be acceptable on this basis.
8. The impact on the character of the area is discussed in more detail in 'Design, scale and appearance' below. However, it is important to note that intensification of residential use has been occurring incrementally in this and many other areas for some time, such that a significant number of the neighbouring properties (as well as the application site itself) have been converted from single family dwellings into two or more flats. Furthermore conversion of single dwelling houses into flats is generally supported by the London Plan and Brent's policies.
9. The proposal would provide nine self-contained new homes, an increase of six on the current site, and would contribute to the Borough's housing targets. The proposal would comply with the relevant policies and is considered to be acceptable in principle.

Affordable housing and housing mix

Affordable housing

10. The intensification of smaller sites is expected to form an important part of the delivery of housing to meet Brent's housing needs during the plan period. The viability assessments prepared in support of the London Plan and Brent's Local Plan indicate that minor developments are sufficiently viable to provide some contribution towards affordable housing. London Plan Policy H4 (Footnote 50) allows for boroughs to require contributions to off-site affordable housing from minor housing development in accordance with

Policy H2, and Brent's Policy BH5 seeks a financial contribution from developments of five to nine dwellings.

11. Brent's draft Planning Obligations SPD sets out further details of the contributions required to comply with this policy. A tariff approach is proposed, in which higher value areas such as this are conservatively assessed as being able to provide £100,000 per unit, which would correspond to a financial contribution of £900,000 in this case.
12. The applicants have submitted a financial viability appraisal, which demonstrates that the proposal would result in a deficit of £1.212m and therefore cannot viably deliver any contribution towards affordable housing. This appraisal has been robustly reviewed on behalf of the Council by BNP Paribas, who consider that the build costs could be reduced slightly and the sales values increased slightly, to reduce the deficit to £945,864. However, they have confirmed the conclusions of the appraisal that the scheme is in deficit and cannot support any financial contribution, and consequently it is considered that the policy cannot be applied in this case.
13. There is no provision for a viability review mechanism to be secured in the case of small sites in either Policy BH5 or the SPD, and consequently a review mechanism will not be required in this case..

Housing mix

14. Brent's Policy BH6 requires one in every four new units to be family sized. The policy target reflects the need to ensure that development on small sites makes a proportionate contribution to meeting the need for family sized housing.
15. The proposal is for three x 2-bedroom and six x 3-bedroom homes. This exceeds the policy requirement and would contribute toward Brent's priority need for family sized housing, and in principle is acceptable on this basis.

Design, scale and appearance

Policy background

16. The NPPF expects the planning system to make effective use of land to meet the need for homes and other uses and to support the development of under-utilised land. The desirability of maintaining an area's prevailing character and setting (including residential gardens) is one of several criteria that should influence this decision.
17. London Plan Policy D3 sets out a design-led approach to new development that responds positively to local context and optimises the site's capacity for growth by seeking development of the most appropriate form and land use. It encourages incremental densification in areas that are not considered suitable for higher density development.
18. Policy DMP1 and the Brent Design Guide SPD1 provide further guidance on principles of good design, and Policy BD1 seeks the highest quality of architectural and urban design.

Existing site and surrounding area

19. The site is on the corner of Brondesbury Park and Aylestone Avenue, and so sits at a transition point between these two character areas. The existing building is a large double-fronted property with a hipped roof, dating from the early twentieth century, and finished in a mixture of red brick and white render. It is typical of the period but has several unsympathetic extensions and is not considered to have any particular architectural merit. There is no objection to its demolition.
20. The front and corner boundary consists of mature hedging with low brick piers marking the two accesses, and the side boundary along Aylestone Avenue is a yellow stock brick wall of 2m approx height. The garden area to the rear of the building extends approx 32m along Aylestone Avenue and a gap in the boundary wall has been fenced off with site hoarding panels which, together with the unkempt nature of the trees and vegetation on site, creates an untidy appearance.
21. Aylestone Avenue is one of a number of residential side streets on the southwestern side of Brondesbury Park, and mostly contains substantial semi-detached and detached single dwelling houses in a variety of styles but predominantly based on traditional suburban forms. Some have been converted into two or

more flats, and many have been extended or altered in a variety of ways.

22. The front building line of properties along Aylestone Avenue is fairly consistent and generally set back by about 11m from the highway (8m including front bay projections). Plot sizes are typical of suburban housing, with rear gardens of 30m depth approx.
23. Brondesbury Park is a main road and bus route, and is characterised by larger plots containing buildings on a grander scale. These generally have a variety of complex roof forms and many are essentially three-storey in appearance. There are also examples of larger four-storey buildings nearby on this road. Generous set backs of 10m – 12m approx are characteristic, although there is no consistent front building line and several examples of buildings being closer to the road frontage.
24. Buildings on the corner sites along Brondesbury Park share the generous set back from the main road but the side elevations are closer to the street (with a typical set back of about 3m to 5m). As such, the corner sites respond to the character of the main road rather than taking on the more domestic character of the adjoining side road, and the reduced set back along the side elevations provides a sense of enclosure that helps to define the change in character on the side streets.
25. The scale of buildings on Brondesbury Park, together with examination of the associated planning history and Council Tax records, suggests that many of these are not in single family occupancy.

Three-storey apartment block

26. A three-storey apartment block is proposed on a similar footprint to the existing building on site. This would be set back from the Brondesbury Park frontage by 12m approx, and from the Aylestone Avenue frontage by 2.8m to 4m approx. The main gable roof form would be transected by two gable end projections, of which the larger would appear as a gable roof along Aylestone Avenue.
27. The overall height of 11.8m approx would be the same as that of the adjacent property at No 32 Brondesbury Park, and would be generally in keeping with the character of Brondesbury Park. The strength of the frontage to Brondesbury Park is reinforced through the alignment of key datums. The front and side set backs would also be appropriate to the area, and the gable ends would provide articulation to the front elevation. The side elevation on Aylestone Avenue would be activated by the regular pattern of flat-roofed shallow dormers, windows and inset balconies. Overall, the roof form would respond well to the complexity and variety of roof forms seen on Brondesbury Park.

Two-storey terrace

28. The second element of the proposal is a terrace of three two-storey houses on the Aylestone Avenue frontage. This would be separated from the apartment block by a distance of 7m approx and set off from the boundary with No 2 Aylestone Avenue by 7.5m approx. The set back from the road would be 2.8m to 3.5m approx. The more modest and domestic scale defers to the prevailing grain of large semi-detached houses along this road.
29. The main gable roof form would establish a visual continuity with the roof form of the apartment block, and the gable end projections to each house would provide articulation and a rhythmic pattern to create a more domestic scale. Flat roofed rear dormers would provide additional habitable floorspace, but would be set in at the southern side elevation to minimise the visual impact from Aylestone Avenue.
30. Objections have been raised that the front building line would sit forward of the existing properties on Aylestone Avenue. Similar concerns were raised by officers at pre-application stage, when the terrace was originally proposed to be 1m closer to the road. However, with the additional 1m set back achieved through the pre-application process, the terrace would have a similar alignment to the apartment block, and to the existing building on the site and other corner site buildings in the area.
31. Objectors have drawn attention to a recent planning decision at 48 Chatsworth Avenue, Kilburn NW2, where the erection of a single-storey building with basement was refused and subsequently dismissed at appeal (ref 19/0671). This bears some similarity to the application under consideration, in that the site is on a corner plot with a side frontage on Coverdale Road. The application was refused by the Council for two reasons, one being poor living conditions, which is not relevant to this case, and the other being:
32. "By reason of its inappropriate use, siting, layout, scale and design fails to complement the local area and represents the development of garden space and infilling of plots with out-of-scale buildings that do not

respect the settings of the existing dwellings or pattern of development harmful to the suburban character contrary to DMP (2016) policies DMP1, DMP18 and Core Strategy (2010) policy CP17 and SPD1.”

33. The proposed building in that application would be 12m approx distant from the host dwelling retained at No 48 Chatsworth Road but only 3.5m from the adjacent site at No 2 Coverdale Road. This disparity and the lack of any obvious visual connection with the host dwelling would result in the building being read as part of Coverdale Road rather than as part of the corner site. However, the single-storey appearance would be incongruous within the surrounding context of two-storey houses, and this incongruity would be heightened due to the entire 6m deep building sitting forward of the front building line along Coverdale Road. Furthermore, unlike Brondesbury Park, Chatsworth Road is not a main road frontage and it was considered appropriate to apply Policy CP17 of Brent's Core Strategy 2010 to a corner site in that location. This policy sought to protect the suburban character of Brent by resisting proposals involving out-of-scale buildings and development on garden land, however it no longer forms part of the adopted development plan and cannot be given any weight in the determination of this application.
34. The front building line in this case is considered appropriate for a prominent corner site on a main road and helps to form a gateway to the residential street from Brondesbury Park. The separation distances to either site are carefully judged so as to ensure the building would read as a continuation of the three-storey apartment block and a part of the corner site rather than having a stronger visual connection to the properties on Aylestone Avenue.
35. Neighbours have also raised concerns that the proposal would result in development of garden land, or 'garden grabbing'. However, corner sites are considered to offer some scope for infilling in this way, in comparison to development of rear gardens that are enclosed by other rear gardens. In this case the extent of 2m high boundary wall along Aylestone Avenue creates an extensive dead frontage that adds nothing positive to the street scene. The proposal would break up this frontage by providing a building which would have a clear visual relationship to the main building but would remain clearly subservient to it. This would activate the street scene more effectively than the existing blank wall.

Architectural approach and materiality

36. The composition of facades, as described above, would reflect the character of the area and draw on the similar architectural languages seen in neighbouring buildings, providing a rich and sophisticated design. The communal entrance to the apartment block is well defined and expressed within the wider streetscape, providing a sense of arrival for future residents. The Design & Access Statement sets out an exemplary approach to materiality, highlighting a number of details and features from the surrounding context and reinterpreting them in a contemporary manner. This richness of detail helps to ensure that a high quality and robust development will be delivered. More detailed bay studies have been requested and the submission of these will be reported on via the Supplementary Agenda.
37. The proposed materials palette features red brick with soldier course window detailing, textured brickwork to provide additional visual interest at the corner junction, pigmented concrete, black metal framed windows and doors, and red clay shingle cladding. This is considered to provide a high quality visual appearance. Further details of materials would be required by condition.

Site layout, bin and cycle storage

38. The Brondesbury Park frontage and corner is proposed to have a low boundary wall with hedging behind trimmed to a height of 1m, and the site frontage would be mostly provided with soft landscaping. This would allow the building to engage more effectively with the street than the existing high hedging. Part of the existing brick boundary wall on Aylestone Avenue would be retained, providing a link with the original development of the site and screening a private area of garden.
39. The three terraced houses would each have a small area of front garden and individual front entrance. The boundary treatment to these would be low level walls and open railings, and these would continue across the space between the two buildings, with a gate in similar materials defining the boundary between private and public areas. This space would be used to provide bin storage and cycle storage. The bin storage would be set back in line with the two buildings, and the cycle storage would be to the rear of this within an enclosed store. These ancillary storage areas would be designed to be unobtrusive within the overall development and conveniently accessed by residents. A detailed landscaping scheme, together with further details of boundary treatments, bin storage and cycle storage, would be required by condition.

Fire safety

40. Policy D12A of the London Plan requires all developments to achieve the highest standards of fire safety, including by the provision of means of escape and unobstructed outside space for evacuation. The applicant has drawn attention to the following features of the proposal in this respect:
- The occupants of the apartment block can evacuate into the communal front garden or onto the pavement area on Aylestone Avenue, accessed through the cycle and refuse storage area.
 - The occupants of the houses can evacuate either into their individual gardens via the front entrance or leave via the rear entrance past the bin stores onto the pavement fronting Aylestone Avenue.
 - The site has two road frontages (Aylestone Avenue and Brondesbury Park), and it is considered that fire and emergency vehicles would be able to stop in case of emergencies on Aylestone Avenue and/or Brondesbury Park to service the development.
 - Formal approval under Building Regulations would be required if the scheme is implemented.
41. Officers consider that the site layout and building forms would allow for a high standard of fire safety to be achieved as set out above, and that the proposal is in accordance with London Plan Policy D12A (Fire Safety).

Conclusion

42. The proposal is considered appropriate for the site in terms of height and massing, and is generally acceptable in terms of urban design with high quality detailing and the scope for soft landscaping across the site optimised. The site layout and building lines are considered appropriate for this prominent corner site, and to act as a gateway signalling the transition to the more domestic scale of the side street. There are no objections in design terms subject to conditions as set out above.

Relationship with neighbouring properties

Policy background

43. In accordance with Brent's Policy DMP1, any development will need to maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1. Separation distances of 18m to existing habitable room windows and 9m to boundaries should be maintained. This standard is also applied to ensure that the development does not compromise the redevelopment of adjoining sites, and to individual buildings within large developments.
44. To ensure development does not adversely impact on daylight and sunlight to existing properties, new buildings should sit within a 30 degree line of existing habitable room windows and a 45 degree line of existing private rear garden boundaries. Where buildings would be within a 25 degree line of existing windows, the Building Research Establishment considers that levels of light to these windows could be adversely affected and recommends further analysis of the impacts. A more detailed assessment of daylight and sunlight impacts based on the BRE's Site Layout Planning for Daylight and Sunlight 2011 guidance is required where the 25 degree test is not met.
45. The BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Secondly, the No Sky Contour or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. If this remains at least 0.8 times its former value, the room will appear to be adequately lit.
46. To assess impacts on sunlight to existing south-facing windows and amenity spaces, assessment of Annual Probable Sunlight Hours (APSH) is recommended. Adverse impacts occur when the affected window receives less than 25% of total APSH including less than 5% in winter months, or when amenity spaces receive less than two hours sunlight on 21 March or less than 0.8 times their former value.

Assessment of separation distances and privacy

47. A 8.8 to 8.9 m separation distance is shown between the external face of the rear wall of the terrace of three houses to the side boundary of the garden of No 32 Brondesbury Park, with the glazing shown to be set 9 m from the boundary, other than in respect of the small rear ground floor projection to House 01, which would be marginally closer but at ground floor only, thus limiting the potential for overlooking.

48. There would be no windows looking toward the adjoining site at No 1 Aylestone Avenue, other than a south-facing hall window in House 01. This would not be serving a habitable room, and could be conditioned to remain obscured and non-opening to prevent overlooking. Overlooking from this window would cause significant concern as it would look onto the front driveway of the adjoining site rather than any private areas.
49. The south-facing windows to Flats 05, 07 and 09 would face onto the side garden boundary of House 03 at a distance of just over 9m, and would be over 30m distant from the side elevation of No 1 Aylestone Avenue. The south-facing windows to Flats 04, 06 and 08 would be approx 7.5m distant from the side elevation of House 03, but there would be no side elevation windows in this house and consequently there would be no concerns regarding overlooking.
50. The private terraces to the upper floor flats would be either set within the building envelope or orientated towards the road frontage, and so would not cause any overlooking. There would be no west-facing windows to cause overlooking onto No 32 Aylestone Avenue and its garden, other than from the terrace of houses as discussed above. Finally, Aylestone Avenue itself would provide a separation distance of at least 18m from the east-facing windows in the development and any facing windows at No 26 Brondesbury Park.

Assessment of impact on light and outlook

51. The proposal complies with the 30 degree test set out in Brent's SPD1 in respect of all neighbouring properties other than the side-facing windows at No 32 Brondesbury Park, and the impact on this property is discussed in more detail below. It should be noted, however, that these windows are approx 5.7m distant from the side boundary, and that developments relying on outlook onto side boundaries at this distance would not be supported under Brent's adopted policies. The existing building on the site also causes a breach of the 30 degree test from these windows. The proposal would comply with the 45 degree test in respect of the rear garden to No 32 Brondesbury Park, and no other rear gardens would be affected.
52. A daylight, sunlight and overshadowing report has been submitted in support of the application, in accordance with the BRE guidelines. This has assessed the following neighbouring properties:
- 57 Brondesbury Park: complies with the 25 degree test and no further assessment was undertaken;
 - 1-5 Honeyman Close: complies with the 25 degree test and no further assessment was undertaken;
 - Convent of Annunciation (26 Brondesbury Park): complies with the 25 degree test and no further assessment was undertaken;
 - 1 Aylestone Avenue: there would be a marginal breach of the 25 degree test from north-facing ground floor windows, however there are no north-facing windows in this property directly facing onto the site and so no further assessment was undertaken (based on plans for this property approved under ref 12/0660);
 - 32 Brondesbury Park: assessed in more detail and discussed further below.
- 32 Brondesbury Park is a three-storey building located to the west of the site, with side-facing windows on all floors facing directly onto the site. No planning history is available for this building to clarify the internal layout. A total of 18 windows were assessed, serving a presumed nine rooms. Twelve of these windows would comply with the BRE target values for VSC.
53. The remaining six windows (four on the ground floor and two on the first floor) would retain 0.6 to 0.71 times their former value of VSC. Of these, two ground floor windows serve a living room also served by two other windows that would retain VSC values significantly above the 27% target, and consequently the daylight distribution in this room would be unaffected and it would continue to appear well lit.
54. The two remaining ground floor windows would retain VSC values of 0.6 times their former value. These windows serve a bedroom, which would experience a 30.4% loss in daylight distribution. However, it should be noted that daylight to these two windows is already constrained due to their side-facing position in close proximity to the boundary, and that neither currently achieve the BRE target, with existing VSC values of 24.51% and 21.15%. The existing low values tend to exaggerate the impact of new development on these windows.
55. The two first floor windows affected would retain VSC values of 0.68 and 0.71 times their former value, with a consequent 29.21% loss of daylight distribution to the room served. The use of the room is not

known, however as with the ground floor windows the light and outlook to these windows is already constrained by their side-facing position.

56. Ten windows at No 32 Brondesbury Park that face within 90 degrees of due south were assessed for sunlight provision. One of the four windows to the ground floor living room mentioned above would fall short of the BRE target for annual sunlight, experiencing a 2% loss in absolute terms. However, this room would continue to enjoy very high levels of sunlight in the proposed condition due to the south facing windows, which would remain fully compliant with the BRE target.
57. The ground floor bedroom discussed above is served by two windows, which fall short of the target for annual sunlight by just 1% and 6% respectively, whilst one window falls short of the winter sunlight target by 2%. Bedrooms have a lower requirement for sunlight compared to other room uses, as acknowledged in the BRE Guidelines and to this end, it is considered that the bedroom would continue to receive acceptable levels of sunlight.
58. The overshadowing assessment shows that 87% of the rear garden of No 32 Brondesbury Park would currently meet the BRE target of two hours sunshine, and that the development would not materially affect this. No other amenity areas would be affected by overshadowing, due to the location and orientation of the site.

Conclusion

59. The development would retain adequate separation distances with surrounding properties. Whilst some windows at No 32 Brondesbury Park would experience a reduction in daylight and sunlight, the impact would be commensurate with the character of the area and would reflect the existing constraints experienced by side-facing windows in close proximity to neighbouring properties. On this basis, the impact on neighbouring properties is considered to be acceptable.

Residential living standards

Policy background

60. Minimum space standards for new homes are set out in London Plan Policy D6, and this policy also provides qualitative criteria for assessing the quality of residential accommodation, including appropriate levels of light, outlook and privacy for residents. Policy D6 specifies that where there is no higher local standard, a minimum of 5sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant, with a minimum depth of 1.5 m is reconfirmed in this policy.
61. Brent's Policy BH13 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy proposed residents' needs. This will normally be expected to be 50sqm for family housing (homes with 3 or more bedrooms) at ground floor level and 20sqm for all other homes. The supporting text clarifies that where private amenity space does not meet the full requirement of the policy the remainder should be supplied in the form of communal amenity space. It also specifies that private spaces should all comply with the baseline standards set out in London Plan Policy D6 and should be accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight.

Assessment of proposal

62. The three houses would all have two double bedrooms on the first floor and a third in the loft space. House 01 would have a fourth (single) bedroom in the ground floor rear projection. All would comply with or exceed the relevant internal space standards for three-storey dwellings, and would be dual aspect with a good standard of light and outlook provided to front and rear (east and west facing windows). Floor to ceiling heights would exceed the London Plan standard of 2.5m, other than the loft floor which would exceed the national minimum requirement of 2.3m.
63. The six flats would comprise three 3bed and three 2bed units, and would all comply with or exceed the relevant internal space standards for single-storey dwellings. All would be dual aspect with north and south facing windows, and the 3bed units would also have west facing windows, so that overall the standard of light and outlook provided would be very good for developments of this type. Layouts would be stacked so as to minimise noise disturbance between floors. Floor to ceiling heights would exceed the London Plan standard of 2.5m.

64. Internal daylight levels have been analysed in the daylight, sunlight and overshadowing report, which shows that all but two habitable rooms would meet or exceed the relevant target values for Average Daylight Factor. These two rooms would be open plan living spaces that meet the target for living areas but marginally fail the higher target for kitchens, which is considered to provide an acceptable standard of accommodation on balance and given the overall high quality of the units.
65. In terms of external amenity space provision, the three houses would all have private rear gardens exceeding 50sqm in area. The two ground floor flats would both have private rear garden spaces to comply with or exceed Brent's standards.
66. The four upper floor flats would have private terraces of 10sqm or 11sqm in area. As a result, the overall shortfall in private amenity space on the basis of Policy BH13 would be 38sqm. However, this shortfall would be mitigated by the provision of two communal garden areas to the front of the building, which would comprise 154sqm in total area (excluding areas used for parking, access to the building and 1.5m defensible space to the front-facing windows of ground floor Flats 04 and 05).
67. It is considered that this communal space would adequately compensate for the shortfall in private amenity space. Concerns have been raised that this space would not be suitable for external amenity use due to Brondesbury Park being a main road experiencing traffic noise and air pollution. However, it is considered that the boundary hedging, tree planting and other soft landscaping proposed would adequately mitigate any such impacts so as to create an acceptable environment for amenity use. Furthermore, Tiverton Green park and playground is within walking distance at a distance of 700m approx.
68. Further details of landscaping and tree planting would be required by condition, and overall it is considered that the proposal would provide a high standard of accommodation for future residents.

Trees, biodiversity and landscaping

69. The potential effect of the development on trees in and surrounding the site, whether statutorily protected or not, is a material consideration in the determination of all planning applications. Brent's Policy BG12 requires a tree survey where development could affect trees on or near the site. For minor developments, any loss of trees should be compensated for by on-site replacement planting.
70. Brent's Policy BH4 sets out an Urban Greening Factor target score of 0.4 for proposals involving the redevelopment of small sites, to reflect the target recommended in London Plan Policy G5. Policy BG11 encourages proposals to achieve a net gain in biodiversity.
71. The arboricultural report submitted includes a survey of 13 trees, tree groups and hedges, which are categorised as being of high, medium or low quality. The proposal would lead to the removal of nine trees on-site (T4, G6, T7, T8, T9, T10, T11, T12 and T13) and part of the privet hedge H5 on the Brondesbury Park frontage. These are all classified as low quality Category C trees or as unsuitable for retention due to outgrowing their location (the Sycamores G6) or dying back (the Apple T12).
72. The three trees retained include two high quality Category A London Plane street trees (T1 and T2) and a moderate quality Category B Silver Birch just inside the site boundary. An arboricultural impact assessment, tree protection plan and arboricultural method statement are included in the report, setting out how these trees would be protected during construction.
73. The proposed landscaping strategy includes replacement planting of 22 trees on site, a mixture of medium sized and small narrow formed trees. Areas of lawn, perennial planting and boundary hedging are also shown, together with permeable and sealed hard surfaced areas. An Urban Greening Factor of 0.38 would be achieved. Although this falls marginally short of the 0.4 target, it is considered that the scope for incorporating green features has been optimised in this case, and the proposal is therefore acceptable in this respect.
74. The proposals have been reviewed on behalf of Brent's Tree Officer, and are considered acceptable on arboricultural grounds as the trees to be removed are not of high enough amenity value to warrant material consideration and adequate measures would be employed to protect retained trees. Further details of landscaping and replacement tree planting would be required by condition.
75. In terms of biodiversity, the site does not have any environmental designations and there is no policy

requirement to submit an ecological appraisal. Residential gardens are generally considered to have low ecological value due to their small size, the nature of the use and, in this case in particular, proximity to disturbance from road traffic. Nevertheless, the replacement trees and perennial planting proposed are considered to be conducive to encouraging wildlife on the site and details of planting are to be required through condition, which shall include details of measures to ensure a net gain in biodiversity.

Flood risk and drainage

76. The NPPF provides clear guidelines for ensuring that new development is not unacceptably impacted by the risk of flooding, and provides the basis for the relevant adopted policies. Paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 162 states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, and that the sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. Paragraph 167 requires a site-specific flood risk assessment for major developments in areas at risk of flooding, and paragraph 169 require major developments to incorporate sustainable drainage systems. Annex 3 provides a classification of types of development in terms of their vulnerability to flood risk.
77. Brent's Policy BSUI4 requires sustainable drainage measures for minor developments, and a drainage strategy is required to evidence these, in accordance with the sustainable drainage hierarchy set out in London Plan Policy SI13. In this case, the surrounding road network includes areas of surface water flood risk, and so it is important to ensure that water run-off can be managed effectively on site.
78. A flood risk assessment and drainage strategy has been submitted. The risk of flooding from fluvial, tidal and other sources of flooding is low to very low. The risk of surface water flooding within the site is low although the surrounding road network is at risk of surface water flooding. On this basis, the site is considered suitable for the proposed development in terms of flood risk.
79. The drainage strategy aims to manage surface water so that it does not exacerbate or create new flood risk elsewhere through the use of sustainable drainage measures. Both foul water and surface water from the existing property appear to be connected to a public foul water sewer in Aylestone Avenue. The proposal would employ rainwater use as a resource (rainwater harvesting butts to the three individual houses) and surface water attenuation in the sub-base of permeable paving on site, to restrict discharge to the combined sewer to greenfield rates. Drainage calculations and a layout of SUDS features have been included, and it is considered that the details submitted would ensure effective drainage of the site in accordance with the relevant policies.

Sustainability and energy

80. As the proposal is for a sensitive (residential) use in an Air Quality Management Area, a sustainability statement has been submitted in accordance with Brent's Policy BSUI1, setting out how sustainable design and construction measures have been used to mitigate and adapt to climate change. This document demonstrates how sustainability objectives would be achieved through a range of measures including selection and procurement of materials, site waste management, rainwater harvesting and passive building design. Water conservation measures would be employed to limit water usage by residents to the London Plan target of 105 l per bedspace per day.
81. Whilst this is not a policy requirement for minor developments, regulated carbon dioxide emissions have been estimated. 'Be Lean' measures including building fabric, air permeability, high efficiency LED lighting, mechanical ventilation with heat recovery and reduced solar gain, would contribute towards a reduction in carbon emissions of 7.18% compared to the Building Regulations 2013 baseline. No district heat networks are existing or planned within close proximity to make connection to a future heating system feasible in this case, and no renewable energy systems were identified as being practical for inclusion.
82. Overall, the proposal is considered to have achieved a high standard of sustainable design in relation to the policy requirements for minor developments, and compliance with the recommendations set out in the sustainability statement would be conditioned. Further details of rainwater harvesting butts would be secured under the landscaping condition.

Environmental health considerations

83. Environmental Health officers have requested an air quality neutral assessment. However, London Plan Policy S11 only requires an air quality assessment to be submitted for major developments, whilst Brent's Policy BSUI2 also only applies to major developments.
84. It is noted that the site is in existing residential use and has an extant consent for nine units (albeit with a lower occupancy than this proposal). The proposal does not involve any external plant that could impact on air quality, and would not generate significantly more traffic than the existing use of the site as only limited parking would be provided. Taking these factors into account, it is not considered that an air quality assessment can be required in this case.
85. A construction method statement would be required as a pre-commencement condition, setting out measures to minimise dust, noise and other environmental impacts during construction, to which the applicant has agreed.
86. No noise-emitting plant is proposed. Future residents' exposure to road noise would not be materially different to that of the existing property and consented development, and a noise assessment is not considered necessary in this instance.
87. The sustainability statement notes that external lighting would not have adverse impacts on the wider area. To ensure this is the case, further details of any external lighting would be required as a condition.

Transportation considerations

Policy background

88. London Plan Policy T6 seeks to restrict car parking in line with existing and future public transport accessibility and connectivity, and expects car-free development to be the starting point for developments in accessible locations. The parking allowances for residential development in Brent's Policy BT2 are aligned with those set out in London Plan Policy T6.1), and Policy BT4 sets out criteria for new road accesses.
89. Cycle parking is required in compliance with London Plan Policy T5, in a secure weatherproof location and in accordance with design guidance set out in the London Cycling Design Standards. Adequate and conveniently located waste storage should be made available in a location that allows for collection from the highway in accordance with Brent's Waste Planning Guidelines 2015.

Assessment of proposal

90. Brondesbury Park is a local distributor road and bus route, whilst Aylestone Avenue is a local traffic-calmed residential access road. The controlled parking zone KS operates from 8am to 6.30pm weekdays. There is no waiting at the junction, but there are nine shared permit / pay and display bays on the Aylestone Avenue frontage and two on the Brondesbury Park frontage. Neither road is heavily parked at night.
91. The site has moderate access to public transport (PTAL rating of 3) and the maximum parking allowance for this development is eight spaces (one space per dwelling for the six x 3bed units and 0.75 space per dwelling for the three x smaller units). The three existing flats would be allowed a maximum of 2.25 spaces, and the hardstanding on the site frontage currently exceeds this capacity.
92. The proposal includes three spaces on site, including one accessed from an existing crossover on Aylestone Avenue near the junction and two accessed from the southern site boundary, also on Aylestone Avenue. This level of parking would be within the maximum allowance. The existing crossover on Brondesbury Park would be removed, which would be welcomed in terms of highway impacts.
93. Brent's Policy BT2 also requires any overspill parking generated on-street to be safely accommodated. If the development were to generate parking demand at 75% of the maximum allowance (six spaces), there would be demand for on-street parking for three cars as a result. With eight spaces available along the lightly parked Aylestone Avenue frontage of the site (allowing for the loss of one existing space to create a new crossover), there would be sufficient on-street parking available to safely accommodate overspill parking from the site, and the provision of three parking spaces on site is therefore acceptable.

94. The arrangement of the proposed car parking spaces is also acceptable, with adequate soft landscaping provided in the front gardens and low front boundary walls ensuring that pedestrian visibility splay requirements would be met. The width of the proposed new crossover at the southern boundary of the site would be restricted to 4.2m width, rather than the 7.5m width shown on the submitted plans. Highway works associated with the existing and proposed crossovers would be secured by condition, to be undertaken prior to occupation at the applicant's expense.
95. The communal cycle store would provide space for 16 cycles, and House 01 would have an individual store for two cycles within its curtilage. This would provide secure and sheltered cycle storage in accordance with London Plan standards.
96. Bin storage would comprise two x 1,100L Eurobins for each of the main waste streams (recycling and residual waste), and a 240L bin for food waste. This would exceed Brent's requirements of 60L per waste stream per bedroom plus 23L per household for food waste, and the bin storage area would be within 10m of the highway to allow for convenient collection.

Equalities

97. 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).

Conclusion

98. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions.
99. Whilst the front building line of the terrace of three houses projects forward of that of the existing houses on Aylestone Avenue, this is considered to be appropriate in the context of a corner site on a main road and to provide a gateway to the more domestic scale and character of the residential side street. The proposal is considered to be of a suitable density of development and to provide high quality accommodation and a high quality of design in accordance with all relevant policies.



Application No: 21/3443

To: Mr Collins
Avison Young
65
Gresham Street
London
EC2V 7NQ

I refer to your application dated **09/09/2021** proposing the following:

Demolition of existing property and erection of 9 residential units (6 flats in a three-storey building and 3 two-storey terraced houses) together with access, parking, landscaping and associated works

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

at **30 Brondesbury Park, Kilburn, London, NW6 7DN**

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: 06/06/2022

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 policies contained in 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):

20014 - CAL - XX-XX-DR- A-00001 P01
20014 - CAL - XX-XX-DR- A-00002 P01
20014 - CAL - XX-XX-DR- A-00003 P01
20014 - CAL - XX-XX-DR- A-01001 P01
20014 - CAL - XX-XX-DR- A-01002 P01
20014 - CAL - XX-XX-DR- A-01003 P01
20014 - CAL - XX-XX-DR- A-01004 P01
20014 - CAL - XX-XX-DR- A-01005 P01
20014 - CAL - XX-XX-DR- A-01006 P01
20014 - CAL - XX-XX-DR- A-01007 P01
20014 - CAL - XX-XX-DR- A-03001 P01
20014 - CAL - XX-XX-DR- A-03002 P01
20014 - CAL - XX-XX-DR- A-03003 P01
20014 - CAL - XX-XX-DR- A-03004 P01
20014 - CAL - XX-XX-DR- A-03005 P01
20014 - CAL - XX-XX-DR- A-03006 P01
20014 - CAL - XX-XX-DR- A-04001 P03
20014 - CAL - XX-XX-DR- A-04002 P03
20014 - CAL - XX-XX-DR- A-04003 P03
20014 - CAL - XX-XX-DR- A-04004 P03
20014 - CAL - XX-XX-DR- A-05001 P02
20014 - CAL - XX-XX-DR- A-05002 P01
20014 - CAL - XX-XX-DR- A-05003 P01
20014 - CAL - XX-XX-DR- A-05004 P01
20014 - CAL - XX-XX-DR- A-05005 P02
20014 - CAL - XX-XX-DR- A-06001 P01
20014 - CAL - XX-XX-DR- A-06002 P01
20014 - CAL - XX-XX-DR- A-06003 P01
20014 - CAL - XX-XX-DR- A-06004 P01
20014 - CAL - XX-XX-DR- A-21001 P01
20014 - CAL - XX-XX-DR- A-21002 P01
20014 - CAL - XX-XX-DR- A-21003 P01
20014 - CAL - XX-XX-DR- A-21004 P01
20014 - CAL - XX-XX-DR- A-21005 P01
20014 - CAL - XX-XX-DR- A-21006 P01
20014 - CAL - XX-XX-DR- A-21007 P01

Arboricultural Planning Report (AD Tree Consulting, Ref 2021/027/APR, 8/8/21)
Daylight, Sunlight and Overshadowing Report (Avison Young, August 2021)
Flood Risk Assessment and Drainage Strategy (Avison Young, September 2021)
Planning Statement (Avison Young, September 2021)

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

- 3 The dwellinghouses hereby approved shall at no time be extended or altered, nor shall additional hard surfacing be laid or outbuildings be constructed within the curtilage of any of the dwellinghouses, notwithstanding the provisions of Schedule 2 Part 1 Classes A, B, C, D, E, F and G 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.

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 the high quality design and visual amenity of the development is retained. 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.

- 4 The approved car parking spaces, waste storage and cycle storage facilities shall be installed prior to 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, unless alternative details are agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is fit for purpose.

- 5 Unless alternative details are first agreed in writing by the Local Planning Authority and thereafter implemented in full, the development shall be carried out in full accordance with the approved Arboricultural Planning Report (AD Tree Consulting, Ref 2021/027/APR, 8.8.21).

Reason: To ensure adequate protection for retained trees on and around the site.

- 6 Unless alternative details are first agreed in writing by the Local Planning Authority and thereafter implemented in full, the development shall be carried out in full accordance with the approved Flood Risk Assessment and Drainage Strategy (Avison Young, September 2021).

Reason: To ensure adequate drainage of the site.

- 7 Unless otherwise agreed in writing with the Local Planning Authority and thereafter implemented in full, the recommendations set out in the approved Sustainability & Energy Statement (Envision, Rev A, 26/09/21), including water conservation measures to limit the use of water to 105 litres per bedspace per day, shall be implemented in full and retained for the development.

Reason: To ensure the development achieves a high standard of sustainability.

- 8 No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

- 9 Prior to first occupation or use of the development hereby approved, the applicant shall enter into a s278 agreement with the Highway Authority to secure the following highway works to be carried out at the applicant's expense:

- (i) removal of existing crossover on Brondesbury Park and reinstatement to footway;
- (ii) construction of a 4.6 wide crossover on Aylestone Avenue at the southwestern boundary of the site.

The works shall be completed to the satisfaction of the Highway Authority prior to first occupation or use of the development.

Reason: To make the development acceptable in highway terms and to provide satisfactory access from the highway.

- 10 Prior to the commencement of the development a Construction Environmental 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 of the development, including arrangements for construction vehicle access and parking, wheel washing and materials storage on site. The development shall thereafter operate in accordance with the approved document.

Reason: To ensure an acceptable impact on the surrounding environment during construction.

Pre-commencement Reason: The impacts being controlled through this condition may arise during the construction phases and therefore need to be understood and agreed prior to works commencing.

- 11 Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any construction work above ground floor slab 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.

- 12 Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details prior to first occupation of the development. Details shall include:

- a) a scaled plan showing vegetation to be retained and trees and plants to be planted;
- b) proposed materials for all hard surfaced areas;
- c) All proposed boundary treatments and gates, indicating materials and heights;
- d) Details of water butts to be provided in the private gardens of the three dwellinghouses;
- e) Details of materials and size of all raised planters;
- f) a schedule detailing species, locations, sizes and numbers of all proposed trees/plants, demonstrating a net gain in biodiversity;
- g) Defensible space to windows of Units 04 and 05 that face onto communal areas;
- h) details of the layout of the communal amenity spaces and any features within those gardens to ensure a high standard of usable outdoor space;
- i) Sufficient specification to ensure successful establishment and survival of new planting. There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority;
- j) planting and maintenance specifications for the trees to be planted, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- k) Details of the proposed arrangements for maintenance of the landscaping.

Any tree(s) or shrub(s) proposed to be planted or retained that die(s), are/is removed, become(s) severely damaged or diseased within five years of planting (or the implementation of the development in relation to retained trees or shrubs) shall be replaced in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

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

- 13 Prior to any installation of external lighting within the development, an external lighting plan showing the lighting lux plots at the residential premises (in vertical illuminance) shall be submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with the approved details.

Reason: To ensure the development does not create adverse impacts in terms of light pollution, in accordance with Policy DMP1.

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 2 Works to create, alter or remove an access to the highway (also known as a crossover or dropped kerb) must be undertaken by the Council at the applicants expense. Approval must also be sought from the Council as Highways Authority and the grant of planning permission for works does not mean that the works will automatically be approved. For further information on how to apply for works to be undertaken to the adopted highway, please see <https://www.brent.gov.uk/parking-roads-and-travel/roads-and-streets/vehicle-crossings-and-dropped-kerb>
- 3 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.
- 4 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
- 5 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.
- 6 The developer should be aware of any protected species legislation relevant to the implementation of this development, including statutory protection for nesting birds. Further guidance on construction near protected species can be found at <https://www.gov.uk/guidance/construction-near-protected-areas-and-wildlife>
- 7 Under the Control of Pollution Act 1974, noisy construction works are regulated as follows:

Monday to Fridays - permitted between 08:00 to 18:00
Saturday - permitted between 08:00 to 13:00
At no time on Sundays or Bank Holidays

For work outside these hours, the Control of Pollution Act 1974 allows the council to set times during which works can be carried out and the methods of work to be used. Contractors may apply for prior approval for works undertaken outside of normal working hours. They should email the noise team at ens.noiseteam@brent.gov.uk to obtain a section 61 application form. Please note that the council has 28 days to process such applications.

- 8 The following British Standards should be referred to in relation to trees and landscaping:

Condition 12

- a) BS: 3882:2015 Specification for topsoil
- b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- c) BS: 3998:2010 Tree work – Recommendations
- d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations

- i) BS: 8601:2013 Specification for subsoil and requirements for use

Condition 13

- a) BS: 3882:2015 Specification for topsoil
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- g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations

- i) BS: 8601:2013 Specification for subsoil and requirements for use

Any person wishing to inspect the above papers should contact June Taylor, Planning and Regeneration,
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2233

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