



Planning Committee

Wednesday 17 August 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 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 Alternate 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, personal 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 13 July 2022 as a correct record.		1 - 8
APPLICATIONS FOR DECISION		
4. 22/1400 - Car Park next to 34 and Land next to 31 Rokesby Place, Wembley, HA0	Wembley Central	13 - 38
5. 22/0626 - 69 Hardinge Road, London, NW10 3PN	Brondesbury Park	39 - 54
6. 22/1177 - 135 Salusbury Road, NW6 6RJ	Queens Park	55 - 72
7. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or her representative before the meeting in accordance with Standing Order 60.		

Date of the next meeting: Tuesday 13 September 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 13 July 2022
at 6.00 pm**

PRESENT: Councillor Kelcher (Chair), Councillor S Butt (Vice Chair) and Councillors Akram, Begum, Dixon, Mahmood and Seelan.

1. Apologies for absence and clarification of alternative members

None

2. Declarations of interests

Councillor Maurice declared a personal interest as a customer of Utility Warehouse (agents for the application). Following legal advice it was agreed that Councillor Maurice's interest would not prejudice his decision making. Therefore he remained and participated in the meeting.

3. Minutes of the previous meeting

RESOLVED that the minutes of the previous meeting held on Tuesday 14 June 2022 be approved as an accurate record of the meeting.

4. 21/1124 – 363 Edgware Road, London, NW9 6AF

PROPOSAL

Demolition of the showroom and multi -storey carpark building and erection of a ground plus up to 19 storey building to provide residential units (Use Class C3) with commercial use (Use Class E) at ground floors, together with associated parking at basement and landscaping.

RECOMMENDATION~:

That the Committee resolve to GRANT planning permission subject to:

- (1) Referral to the Mayor of London (stage II referral)
- (2) The prior completion of a legal agreement to secure the planning obligations as detailed in points 1-14 in the Recommendations section of the report.
- (3) That the Head of Planning is delegated authority to negotiate the legal agreement indicated in the planning obligations.
- (4) That the Head of Planning is the delegated authority to issue the planning permission and impose conditions and informatives to secure the conditions and informatives as detailed in the report.

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- (5) That the Head of Planning is delegated 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.
- (6) That, if by the "expiry date" of this application (subject to any amendments/extensions to the expiry date agreed by both parties) the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.
- (7) That the Committee confirms that adequate provision has been made, by the imposition of conditions and obligations, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

June Taylor, Principal Planning Officer, North Team, introduced the report and set out the key issues. In introducing the report members were advised that the application seeks the demolition and redevelopment of a car showroom and multi-storey car park to provide 1,262sqm of commercial floorspace (Class E), comprising of five separate units arranged across the ground and upper ground floors, fronting on to Edgware Road, Windover Avenue and the rear access road. The 165 residential units on the upper floors would be arranged in four cores around a first floor podium garden for communal residential use. The development would also include a basement parking area for 59 car parking spaces in addition to parking space for motorcycles.

In closing the introduction to the application the Planning Officer drew members' attention to the supplementary report that included details of an amendment to the report as the applicant had increased the proportion of affordable housing provided by the scheme. As a result of the revised affordable housing offer the scheme would deliver 22.5% affordable housing. In addition to the supplementary report members were advised that page 21 of the report also included some minor amendments and additional information that had been received during the course of the application, that included –

- Alteration to landscaping to the southern eastern elevation , that included the removal of a tree from the front of the residential entrance on Windover Avenue.
- A revised Daylight, Sunlight and Overshadowing Assessment that included additional information.
- A revised Energy Statement, Overheating Assessment, BREEAM Pre – Assessment and Sustainability Statement that addressed the queries that had been raised by Brent and GLA officers.

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Members noted the information provided and sought clarity regarding the status of the neighbouring site to the proposed scheme, Beis Yaakov Primary School being recognised as a locally listed building and queried the impact this would have on any Planning decisions made. Officers clarified that in line with the National Planning Policy Framework the status of the school as a locally listed building meant that it was a non-designated heritage asset, not a designated heritage asset and as such the school would not be protected under the same legislation as a nationally listed building. Officers confirmed that despite the school not being a designated heritage asset a significant amount of consideration was given to its locally listed status in the planning phase.

As no further questions were raised and there were no objectors registered to address the Committee, the Chair then invited Will Kumar, Utility Warehouse (as the agent) to address the Committee (in person) in relation to the application. Mr Kumar was supported by colleagues (online) Barry Canfield - Pegasus Group, Kate Ferguson - Pegasus Group, Clare Ailward - Jefferson Sheard and Mohammed Fatade-Ogunpola - BWB Consulting.

Mr Kumar introduced the application, drawing the Committee's attention to the following key points:

- The proposed scheme offered significant benefit to local Brent residents as it would replace a currently unattractive building and provide 33 high quality affordable homes.
- The applicants had positively engaged throughout the application process with officers and local objectors to address and respond to their concerns. Discussions took place with the Beis Yaakov Primary School that neighboured the proposed scheme and the owners of Colindale Retail Park.
- The applicant had also liaised with the Community Security Trust (CST) who provided security advice to Beis Yaakov Primary School to address safety and welfare concerns, following the meeting CST has no further comments on the scheme.
- In addition to the objections that the applicant had addressed there was also strong local support for the scheme, with 102 letters of support received.
- The construction of the scheme included a Training and Employment Plan to secure employment and training opportunities for Brent residents during the construction period.
- The applicant had recently increased its affordable housing offer as part of the scheme, at its own deficit.
- The homes would be constructed to a high quality with the additional benefit of 70% of units being dual aspect, with no north facing single aspect units.
- The scheme would see Brent benefit from a CIL contribution from the developers which would support the improvements of local and regional infrastructure.

In response to Committee questions Mr Kumar clarified the following points:

- Following a Committee query regarding whether the advice from the GLA had been progressed that recommended the applicant engaged with Registered Providers to explore the use of grant funding to increase the amount of affordable housing, Mr Kumar confirmed that the viability

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consultant had attempted to engage with providers however it had been challenging as the scheme had not been approved yet and there were limited grant funding opportunities available.

- The applicant acknowledged that 22.5% affordable housing was still below the Brent strategic target of 50%, however this was the maximum the applicant could reasonably offer to ensure the scheme remained viable.
- Mr Kumar confirmed that the affordable units and the market priced units within the scheme had separate access points to support keeping the service charge area costs at a minimum. The scheme remained tenure blind, using the same high quality building material for both, with both access points appearing aesthetically the same
- In order to mitigate the scheme falling short of achieving air quality neutral status, the scheme actively encouraged the use of public transport. In addition to this the applicants were funding residents 3 years free membership to a local Car Club as well as providing electric vehicle charging points.
- Clarification was provided that adaptations had been made to the scheme following the applicants meeting with the Beis Yaakov Primary School and CST. The amendments included setting back the windows adjacent to the school and the provision of additional fixed planters on roof terraces to mitigate concerns regarding overlooking.

As there were no further questions for the agent the Chair invited Committee members to ask the officers any remaining questions or points of clarification they required. Committee members had a number of questions for officers, including queries regarding the size and scale of the scheme, the impact of overlooking on the neighbouring primary school, daylight /sunlight, environmental considerations, transportation considerations and the impact of the development on surrounding properties' reception of tv and radio services. The following responses were provided by officers:

- Officers confirmed that the BNSA2- Colindale Retail Park site allocation had been identified as being within a Tall Building Zone and suitable for tall buildings. The Committee were advised that the height of the proposed development was in line with the emerging context of the area whereby there were already a number of tall buildings around the site location, these included the 13 storey Utility Warehouse located on the Barnet side of the Edgware Road and the 19 storey TNQ development on the Brent side.
- In response to an issue raised regarding the close proximity of the proposed development to the boundaries of the adjoining sites, with particular reference to the Beis Yaakov Primary School and the impact of overlooking when taking into consideration the school's safeguarding responsibilities. Officers confirmed that in line with the privacy guidance set out in SPD1 the proposal would maintain a 9m separation gap, with the exception of 1 set of balconies that had a 7m gap to the boundary, however the balconies would look onto the front of the school site used for access and parking, therefore would not be sensitive to overlooking concerns.
- Officers acknowledged the concerns raised by the school in relation to overlooking and safeguarding and re-iterated that great consideration had been given to privacy concerns, the Committee were advised that although safeguarding was not a material planning consideration further mitigations to prevent overlooking had been incorporated into the building design

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features that included a set back on the seventh floor roof terrace. On balance it was felt that in considering the needs of the borough as set out in the Local Plan and the concerns raised that the proposal maintained adequate separation distances and was acceptable on this basis.

- Following a Committee question regarding how the school would be impacted by the scale of the building in relation to Daylight/Sunlight, officers confirmed that of the 21 windows on the southeast façade of the school that were tested for VSC., 11 of them had existing low VSC values below the BRE target. The Committee noted that 3 windows would comply with the BRE target retaining at least 0.8 times their former value, whilst the values of the remaining windows would fall to between 0.66 and 0.79 times their former value.
- Further tests were performed to analyse the overall impact on daylight distribution in the rooms affected, the tests concluded that the school hall would retain 0.86 times its former value of natural sunlight, this exceeded the BRE targets. Three of the classrooms would retain 0.78 times their former value and the remaining classroom would retain 0.72 times its former value. As such these rooms would fall only marginally short of the BRE target of retaining 0.8 times their former value of natural sunlight.
- In addition the Daylight/Sunlight assessments had concluded that the school playground would receive sunlight in line with the BRE guidance.
- It was felt that given the scale of the development and the number of existing windows that had existing low VSC values, commensurate with the high density urban context that on balance it was considered that the limited harm was outweighed by the benefits of achieving a high density redevelopment in a Growth Area.
- Officers advised that in line with London Plan Policy T6, car parking would be restricted in the proposed development. A total of 59 on-site commercial parking spaces were proposed including 2 disabled spaces for the commercial units and 57 spaces for the residential units that included 5 disabled spaces for residents. Electric charging points would be provided with the exact number being clarified in Condition 18.
- Officers confirmed that the proposal would not generate significant levels of vehicular traffic and that the applicant would provide a financial contribution towards the upgrade of Colindale Underground Station.
- To further support sustainable transport residents would be given 3 years free car club membership with a local car club, secured through the s106 agreement.
- In response to a Committee query regarding residential amenity space officers advised that all units would have access to private balconies in accordance with London Plan standards, these would be further supplemented by communal amenity space via the first floor podium garden and additional roof terraces.
- Officers recognised there would be a small residual shortfall against Policy BH13 standards in terms of communal amenity space, however it was considered acceptable in an urban context and would be mitigated by a financial contribution from the applicant to support the enhancement of local play provision. This would be secured through the s106 agreement.
- Officers confirmed that the proposed development site was in Flood Zone 1 meaning that there was low risk of flooding, a SUDs strategy was submitted that concluded there would be a 50% reduction in water run off rates. There were no issues raised by the Lead Local Flood Officer.

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- Following a Committee question regarding the impact of the proposed development on the TV and radio reception of neighbouring properties, officers advised that a full baseline survey and post construction reception measurement would be undertaken with mitigations in place if necessary, secured under the s106 agreement.
- Officers confirmed that the number of trees planted represented a significant increase in comparison to the existing site. The maturity and species of the trees would be considered with a view to maximising green screening to support privacy where possible. Further details on the size, species and maturity of trees would be secured by condition and detailed in the Landscaping Scheme.
- Officers addressed a query raised from the Committee regarding whether the minimal breach in the separation distance to an area of land on Colindale Retail Park would prejudice future redevelopment of Colindale Retail Park as the 9m “no build zone” would not have been observed. Officers shared a CGI slide with the Committee to provide further context of the development’s separation gap to the area of land where the minimal breach in the separation boundary was. Officers explained that the likelihood of the land being redeveloped was negligible due to its position and small size (25sqm), consequently it was deemed that there was no planning harm as a result of the proposed development.

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 recommendation that included the additional conditions as set out below.

DECISION:

Granted planning permission subject to:

- (1) The prior completion of a legal agreement to secure the planning obligations set out in the report and supplementary agenda;
- (2) The conditions and informatives set out in the report and supplementary agenda, as amended below;

Condition 18 – to include further clarification on the number of Electric Vehicle Charging points.

Condition 23 – to include additional details regarding the size, species and maturity of trees in the Landscaping Scheme.

- (3) Referral of the application for Stage 2 review by the Mayor of London.

(Voting on the recommendation was unanimous.)

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None

The meeting closed at 7.34pm.

COUNCILLOR KELCHER

Chair

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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

17 August, 2022
04
22/1400

SITE INFORMATION

RECEIVED	14 April, 2022
WARD	Wembley Central
PLANNING AREA	Brent Connects Wembley
LOCATION	Car Park next to 34 and Land next to 31 Rokesby Place, Wembley, HA0
PROPOSAL	Development of car park next to 34 Rokesby Place to create 2 x four bedroom dwellings with associated cycle and refuse storage, landscaping and reconfigured car parking area providing five new car parking spaces
PLAN NO'S	Please 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_159899</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 "22/1400" (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:

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

Conditions

1. Three year commencement rule
2. In accordance with approved plans
3. Affordable housing
4. Removal of parking permits for the new homes
5. Water Consumption
6. Restriction of PD rights for dwellinghouses
7. Drainage Strategy measures
8. Ecology measures
9. Restriction of upper floor windows
10. Refuse stores
11. Tree
12. External Materials
13. Construction Method Statement
14. Construction Environmental Management Plan
15. Tree Protection measures
16. Landscaping
17. Cycle Parking
18. Refuse

Informatives

1. CIL liability
2. Party Wall Act
3. Fire Statements
4. Noisy Works
- 5 and 6. Tree Standards

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.

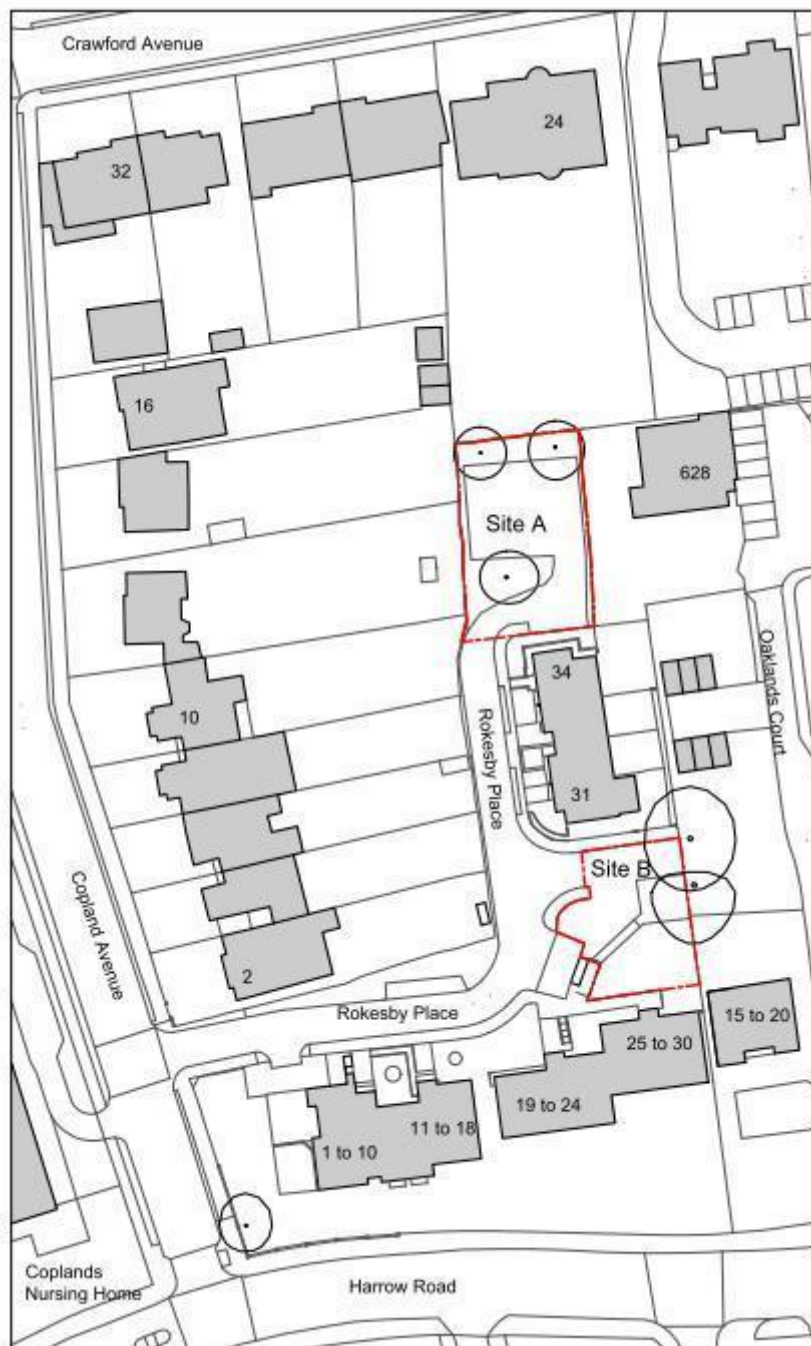
SITE MAP



Planning Committee Map

Site address: Car Park next to 34 and Land next to 31 Rokesby Place, Wembley, HA0

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This map is indicative only.

PROPOSAL IN DETAIL

Development of car park next to 34 Rokesby Place to create 2 x four bedroom dwellings with associated cycle and refuse storage, landscaping and reconfigured car parking area providing five new car parking spaces

EXISTING

The site is on a private residential car park to the northern side of 34 Rokesby Place with approximately 12 spaces at a dead-end street referred to as Site A and an adopted turning head with 2 informal parking space and soft landscaping adjacent to 31 Rokesby Place referred to Site B. Levels within the site at rear car park are generally flat and the site is adjoined by residential uses on all sides.

The surrounding area is residential in nature and is characterised by a variety of property type and heights from four storey flat roof blocks of flats to two storey hipped roof houses at the end of the street. Some parts of the proposal are adjacent to Flood zone 3a for surface water flooding. The site does not contain any listed building and is not located within a conservation area.

AMENDMENTS SINCE SUBMISSION

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

- Changes to the Site B Boundary
- Updated landscaping along Site B
- Urban Greening details changed based on further landscaping along Site B
- Submission of Ecological Impact Assessment
- Parking Beat Survey submitted to confirm the findings for parking within the area

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: Representations were received from 16 the occupiers of neighbouring properties in response to the consultation. These are set out above and discussed in the report.

Principle of Development: The site is within a priority location for new homes, and the general principle of residential development to provide additional new Affordable homes is supported in this location.

Highway impacts: The proposed houses would be situated on a car parking area that has 12 parking spaces. However, surveys undertaken for this application have shown that only one car was parked within this location. The proposal also includes changes to the road layout, including changes to the existing turning head within which 2 cars are shown to park within the parking survey. However, those changes result in the provision of 5 additional spaces. Therefore, while the proposal would result in a net loss of 9 parking spaces (14 removed but 5 new spaces added), the parking surveys show that the proposed works would displace three cars, but include the re-provision of 5 spaces. Thus, the submission shows that the proposal is not likely to result in a net increase in parking congestion elsewhere in the site or local streets. Nevertheless, the applicant has also submitted parking surveys for the surrounding streets which show that there is capacity to accommodate overspill parking, should this occur. The changes to the turning head would also enhance vehicular safety within the site. Secure, weatherproof cycle storage with capacity for 2 cycles for each proposed home is included in the proposal.

Residential amenity: The proposal would not result in a significant impact on the residential amenities of neighbouring occupiers in terms of noise and disturbance, daylight and sunlight or overlooking.

Design and appearance: The proposal is considered to represent a good standard of design within an infill site and would not result in harmful impact on the character and appearance of the local area.

Trees, landscaping and ecology: Landscaping has been provided with a practical layout with beneficial soft landscaping and play areas for all residents. Replacement trees are to be secured on the site to mitigate the loss of existing trees. The submission demonstrates that any potential impacts of the proposal on ecology and protected species can be mitigated through measures which are secured through condition.

Flood Risk: The proposal would result in a betterment in terms of drainage rates at the site and has effectively mitigated impacts of flooding events on the future residential units. There are no objections from the Lead Local Flood Authority.

RELEVANT SITE HISTORY

A number of objections have highlighted that the concerns raised within an earlier application have been addressed as part of this submission, in particular related to parking issues. In addition, some local residents have highlighted that the current application proposes a loss of trees that was not proposed within the earlier application.

An application was submitted in 2014 for the construction of a pair of semi detached homes within the car park with associated car parking and landscape works (LPA Ref: 14/4078). The application was presented to Planning Committee on 11th February 2015 where members voted to defer the application for further consideration of matters relating to access for emergency vehicles/servicing, provision of parking spaces, scope for disabled parking and the width of the pavement. The application was subsequently withdrawn by the applicant in April 2015.

Since the previous application was submitted, there have been significant changes to planning policy in the form of London Plan 2021 and Brent's Local Plan 2019-2041. The current application has therefore been assessed in relation to current adopted policy, as set out within the report below.

CONSULTATIONS

78 individual addresses and the Sudbury Town Residents Association were consulted initially on 04/05/2022. The same addresses in addition to those who commented on the original consultation including the Rokesby Place Residents Association and Councillor Sheth (97 in total) were consulted on 1/07/2022 due to site boundary changes on 'Site B' to include improvements on site.

16 objections were received from individual addresses together with Councillor Sheth., objecting to the proposal on the following grounds:

Objection	Officer Comment
Highway considerations	
Highways having plans to install double yellow lines on the whole of adopted part of Rokesby Place, resulting in loss of 16-17 spaces. This is also to allow heavy vehicles to get access to build the two homes. As a result 6 car parks will remain with 2 for disabled parking. The level of parking is not sufficient.	The Council's Highways and Infrastructure service consulted local residents on potential changes to the waiting restrictions (double yellow lines) within Rokesby Place in 2021. However, the residents were not supportive of these proposals and the changes were not progressed as a result. Parking provision is discussed further in the Remarks Section (para. 49-59)
Existing traffic congestion and lack of parking in the area due to parking being taken up by staff/visitors within the nearby Royal Mail Sorting Office and Police Station. Lack of available parking made worse by all year round and Event Day Controlled Parking Zones.	Parking capacity is discussed in the Remarks Section (para. 49-59)
The five garages underneath block 1-10 are not wide enough to fit modern size cars	Please refer to paragraph 55.

nor the garages next to the houses. The four houses have below minimum of 4.8 metres in depth for off-street cars steep slope driveway over the standards of NHBC 2022. As such, these spaces should not be counted as available parking within the parking survey.	
No provision has been made for disabled parking for existing residents in Rokesby Place.	The proposal does not result in the loss of disabled parking and the proposed parking provision for the properties is assessed below. The Council's transportation department have been consulted which is included in the Remarks Section.(para. 49-59)
The parking survey has been taken overnight and misleading as it states a total of 116 out of 218 spaces within the surrounding streets are occupied and even with the loss of nine spaces the parking stress to 125 out of 218., However, with double yellow parking there would be a loss of more than 20 spaces. A day survey was taken by the resident in 200m radius which only one space was available Some of the parking spaces are also resident permit holders and event days only.	This is also further discussed in the Remarks Section (para. 49-59) Moreover, a CPZ is recommended by the Transport team.
Safety concerned due to lack of parking closeby for residents and the walk to home in a not well- lit street, in particular for female residents.	Lighting of the new proposal can be conditioned as part of this application. The scheme would result in the provision of two additional parking spaces based on the parking surveys for existing residents.
Amenity considerations	
Loss of privacy from the new homes	The impact on neighbouring properties privacy is discussed in the Remarks Section (para. 37-40)
Loss of privacy and green space to residents within Rokesby Place due to re-positioning of rotary clothes driers	The clothes rotary have been re-provided within Site B and privacy concerns discussed within Remarks para 37-40.
Extension on No.14 Copland Avenue is not shown on the plans	Even with the extensions, the scheme would comply with the 30 degree line as set out within Brent's SPD 1 design guide which have been confirmed via the drawings provided as there is a big gap between the rear windows and the proposal..
Loss of light and overshadowing on the garden of No.14 Copland Avenue effecting wildlife and trees	The proposed first floor element is set back from the boundary by 4.3 metres at narrowest section The proposal would see a minor breach of 45 degree for the roof shown on the section c-c which given the densely trees and depth of the rear gardens there wouldn't be a significant harm to No.14 garden and is acceptable in this instance.
Noise and air pollution caused by the proposed turning head	This would face the side wall of the No.31 Rokesby Place and there is already existing parking to the front and side of the premises and the extra 3 spaces would not significantly increase noise and pollution
Loss of communal amenity area and green space of the estate. There are 30 flats of which 6 are 3 bedrooms, 13 are two bedrooms, and 11 are one bedroom. Removing the green areas will result in residents not having access to any sufficient private spaces. The clothes	Whilst it is noted that there is a part loss of the existing grassed space, the scheme would provide a new communal amenity space next to the new homes and enhancement to the remaining space within site B including new drying facilities. The benefits of the scheme to provide two new affordable family sized homes

drying amenity area is always used during dry weather be it winter or summer	would be considered to outweigh the harm of any loss of existing green space as discussed within para 67-69 below.
Brent Local plan states residents to be able to access amenity space direct from their living spaces which the flats have to come out of blocks and access the usable space which is proposed to be removed	This policy refers to new developments and for family dwellings and would not relate to the existing building and the estate.
Increased noise from buildings	Whilst it is acknowledged that there would be some disruption during construction works, a condition for a construction management plan is recommended to mitigate the impacts. It is not considered that the new homes would result in a significant increase in noise.
Loss of natural light to flats due to the new planting proposed as part of the development. This will also cause a maintenance issue due to inability to clean windows etc.	Please refer to para 72 within the main report
New landscaped areas will encourage more anti social behaviour	Please refer to para 68 with the remarks.
Local residents enjoy walking in Rokesby Place to help them with their mental health/general well being. The construction of the new homes would impact on the health and well-being of residents.	Whilst it is noted that there could be some disruption during the construction period for existing residents, the impact is limited. The proposal includes a new communal amenity space for existing and proposed residents within site A and enhancements to the existing communal amenity space in site B.
Plans do not show level difference across the site and whether the land would need to be altered, which in turn could result in further overlooking.	<p>Sections submitted with the application show the levels within the site and adjoining sites, and the SPD1 design parameters (e.g. the 30 and 45 degree lines) have been evaluated in relation to ground levels in adjoining properties. The potential for overlooking has also been assessed having regard to the relative levels between sites.</p> <p>The rear part of the site within car park is mostly levelled and there are adequate distances to the boundaries on first floor from habitable room windows. Moreover, there are 2 metre boundary walls on ground floor around the building towards the neighbouring properties that would prevent overlooking on to neighbouring gardens.</p>
Ecology/green space and tree considerations	
The proposal will result in the removal of trees on the site and not agree with the removal of 3 (Cherry tree, Lime tree) which would effect the wildlife. No confidence in the tree replacement per past history with Brent and these trees are valuable food source for wildlife on site which is contrary to previous recommendations in 2015 for their retention	<p>The Tree Officer has been consulted on the application to assess the impact on trees. This is included in the <i>Remarks</i> Section (para. 60-73)</p> <p>The proposed landscaping plans and the condition would take in to account the existing biodiversity of the site and would proposed 9 replacement trees. This was also assessed by Council's tree officers which recommended conditions attached to this application.</p>
Green areas facing the Harrow Road is not of good quality and not deemed as private amenity space with the exhaust fumes from traffic, alcohol bottles and not safe for sitting	Improvements are proposed in terms of landscaping on site B set away from Harrow Road frontage as well as Site A away from Harrow Road frontage. Both of these spaces will be well overlooked by the existing and proposed homes.

Hedgehogs was seen on 28 June 2022 and not according to page 18 at table 5 of the ecology impact assessment stating last sightings was in 2020	This application has condition attached for hedgehog passages and protection during construction per Ecology Impact Assessment Report.
A bat survey as there are present in summer in the garden of No.14 Copland Avenue	Please refer to paragraph 76 of Remarks below
Adding further seating and play area on Site B would encourage antisocial behaviour and not a welcomed proposition and loss of green space is not replaced	The seating and play areas will be well overlooked by existing and proposed homes. It is therefore not considered that there is a higher risk of anti social behaviour compared to other communal amenity areas that are overlooked by housing.
Other considerations	
The site is not Brownfield as it is not identified as one on Brent's Brownfield Register. Not agree that the site is run down and deliberating ignored by Brent Council for repair.	Please refer to para 7-8. Maintenance of the site by the Council is not dealt with through the planning application.
No consultation was taken place with the residents and neighbouring community before this application apart from a generic questionnaire	This relates to the applicants consultation rather than that carried out by the Council as part of this application. Further consultations from the council have taken place since the initial letters were sent out and all residents of Rokesby Place have been notified of the application.
Spread of fire to their close proximity and overdevelopment and the road is stretch is over 55 metre and reversing round tight bend	The application accompanies a fire statement for the proposal and the reversing of fire brigades was deemed acceptable and assessed by transport team.
Brent Council has historically failed to maintain existing properties – broken fences etc	This is not a planning related matter
A condition should be imposed to ensure that the homes are genuinely affordable.	A condition has been secured.
Large building on the land of 24 Crawford Avenue on the border and 16 Copland Avenue, hence overdevelopment of the this corner plot of land	Please refer to paragraph 39.
Severe ground water flooding	Assessed by Council's Flood Engineers and agree with the report submitted that would reduce water run-off by 50%
Loss of light and overshadowing on the garden of No.14 Copland Avenue effecting wildlife and trees	The proposal would marginally overlap with the garden of No.14 and the first floor element is set back from the boundary by 4.5 metres and compliant with Brent's 45 degree
The site is not within intensification corridor	Being set back from the main high road frontage, officers also consider that the site is not within an Intensification corridor.

Internal

Local Lead Flood Authority – raised no objections

Ecology Officer – raised no objections subject to recommendations as set out within the ecology report being secured.

POLICY CONSIDERATIONS

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

The development plan is comprised of the
London Plan 2021
Brent Local Plan 2019-2041*

Key policies include:

London Plan 2021

Policy D3 Optimising site capacity through the design-led approach
Policy D4 Delivering good design
Policy D5 Inclusive design
Policy D6 Housing quality and standards
Policy D7 Accessible housing
Policy D12: Fire Safety
Policy H1 Increasing housing supply
Policy H2 Small sites
Policy G5 Urban greening
Policy G6 Biodiversity and access to nature
Policy SI 1 Improving air quality
Policy SI 12 Flood risk management
Policy SI 13 Sustainable drainage
Policy T2 Healthy Streets
Policy T3 Transport capacity, connectivity and safeguarding
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car parking
Policy T6.1 Residential parking
Policy T7 Deliveries, servicing and construction

Local Plan 2019-2041

DMP1 – Development Management General Policy
BD1 – Leading the way in good design
BH1 – Increasing Housing Supply
BH2 – Priority Areas for Additional Housing Provision within Brent
BH4 - Small Sites and Small Housing Developments in Brent
BH5 - Affordable housing
BH13 – Residential Amenity Space
BHC1: Brent's Heritage Assets
BGI1 – Green and Blue Infrastructure in Brent
BGI2 – Trees and Woodland
BSUI2 – Air Quality
BSUI3 – Managing Flood Risk
BSUI4 – On-site Water Management and Surface Water Attenuation
BT1 – Sustainable Travel Choice
BT2 – Parking and Car Free Development
BT3 – Freight and Servicing, Provision and Protection of Freight Facilities
BT4 – Forming an Access on to a Road

Other material considerations include:

National Planning Policy Framework 2021

Council's Supplementary Planning Document 1 "Brent's Design Guide" 2018

DRAFT Small Site Design Codes LPG - to be published 2022

DRAFT Good Quality Homes for All Londoners Guidance LPG - to be published 2022

* Local Plan 2019-2041

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

" The Brent Core Strategy 2010

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

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

DETAILED CONSIDERATIONS

Background

1. The proposed homes form a part of the Brent Council project that is aiming to deliver 5000 new homes over a five year period, 1000 of which are proposed to be delivered through the New Council Homes Programme. The aim of the New Council Homes Programme is to reduce the high housing waiting list and the number of residents living within temporary accommodation, by building new homes that meet the needs of Brent's residents. This site is one of the sites identified within the New Council Homes Programme to build on land already owned by the Council.
2. This application relates to a car park located at the northern end of Rokesby Place (referred to as site A) that will provide two no. four bedroom affordable homes and a communal amenity space for use by all residents within Rokesby Place, together with site B that currently contains an adopted turning head with 2 informal parking space and soft landscaping adjacent to 31 Rokesby Place, that will provide 5 car parking spaces, improvements to the turning head and enhancement to the remaining soft landscaped space.

Principle of development

3. Brent's Housing targets have significantly increased as part of London Plan 2021, with the target increasing to 2,325 dwellings per annum for the period 2019/20-2028/29 in Policy H1 of the London Plan recognising the increasing demand for delivery of new homes across London. Brent's local plan policy BH1 reflects this target as well..
4. Policy D3 of London Plan 2021 required developments to make the best use of land by following a design-led approach that optimises the capacity of the site, with development that is the most appropriate form and land use for the site, with the policy recognising that small sites make a significant contribution towards increasing housing supply within London. This is also set out in policy H2 of London Plan 2021.
5. In response to the strategic policy position above, within Brent's Local Plan, the Council has set out priority areas for new housing under policy BH2. This policy identifies that new housing would be prioritised for growth areas, site allocations, town centres, edge of town centre sites, areas with higher levels of public transport accessibility and intensification corridors.
6. The above position is reinforced in policy BH4 of Brent's Local Plan. This policy relates to small housing sites and recognises that such sites can assist in delivering a net addition of self-contained dwellings through the more intensive and efficient use of sites. Such proposals will be considered where consistent with other policies in the development plan and within priority locations (i.e. PTAL 3-6, intensification corridors, or a town centre boundary). In these priority locations, the character of the existing area will be subject to change over the Local Plan period. Outside the priority locations greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easy accessible on foot when determining the intensity of development appropriate. The site lies within PTAL 4 and therefore falls within a priority area for housing. The principle of the redevelopment of the site for increase in residential home is acceptable, this is subject to meeting material policy considerations as discussed below.
7. It is noted that the objections have highlighted that the site does not lie within an intensification corridor, nor that it should be defined as a brownfield site and that it is not on the brownfield register. The site indeed does not lie within an intensification corridor. However, as it has a PTAL of 4 (Public transport Access Level) it is within a priority location for new homes as identified within policy BH4.
8. Brownfield land is defined within the NPPF under Previously developed land) includes land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should

not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. The definition excludes residential gardens, and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. It is therefore acknowledged that parts of the sites would not fall within previously developed land, and that the application would result in the loss of existing green space both within sites A and B.

9. Objectors have raised concerns regarding the loss of communal amenity area and green space of the estate, resulting in existing residents not having access to sufficient external amenity space. They have highlighted that the clothes drying amenity area is well used.
10. An area of approximately 160 sqm of green space is proposed to be changed to hard surfacing to accommodate the enhanced turning head and the parking spaces within site B. Site A has landscaped areas at either end of the car park, with a total area of approximately 145 sqm. These will be removed, but a new communal landscaped area of approximately 80 sqm will be re-provided. It is acknowledged that it is possible that some residents may be currently using some of the grassed area for recreational functions, and that this may have some local value despite not falling within the boundaries of a designated public open space. The existing residents within Rokesby Place would continue to have access to the remaining green space within site B which is proposed to be upgraded as part of this application. In addition a new shared garden would be provided for all residents in front of the proposed homes. The other existing grassed areas to the front and rear of 1 to 30 Rokesby Place would not be affected by the proposal, and it is noted that the houses at Nos. 31 to 34 Rokesby Place will continue to have their own private rear gardens. Furthermore, Barham Park is within a short minute walk from Rokesby Place, with the junction of Rokesby Place being approximately 120 m from the entrance to Barham Park and the far end of Rokesby Place (where the new homes are proposed) being approximately 240 m
11. Policy DMP1 seeks to retain existing green infrastructure including open space, high amenity trees and landscape features, and providing appropriate additional or enhancements where possible. Where the loss of open space is proposed, this would be required to be balanced against the benefits of the proposal. While the loss of the green space is acknowledged, the scheme would deliver the provision of two affordable family sized homes within the Borough for which there is an identified need. This is considered to outweigh the harm, particularly given the proximity to Barham Park which provides a large area of open space in very close proximity and access to this park would remain unrestricted for nearby residents. On balance, the loss of this green space is outweighed by the benefits of the scheme as a whole, including the delivery of two affordable family sized homes.

Design, layout and appearance

12. The NPPF (2021) requires "Planning Policies and decisions should ensure that developments...are visually attractive as a result of good architecture, layout, appropriate and effective landscaping...Permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions" (Paragraphs 127 and 130 of the NPPF, 2021)
13. Design should respond to contributing towards "a positive relationship between urban structure and natural landscape features Policy BD1 of the Brent's Local Plan sets out that all new development must be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects and complements historic character but is also fit for the future. In delivering high quality design, development proposals will be expected to show how they positively address all the relevant criteria within London Plan design policies and the Brent Design Guide SPD1.
14. Principle 3.1 of SPD1 requires new development to be of a "height, massing and façade design should generally respect the existing context and scale; facilitating good urban design". SPD 1 3.2 principle also states 'Development should ensure animated facades towards public routes and spaces, avoid blank walls and inactive frontage...'
15. The two proposed dwellinghouses would be flat roofed on the ground floor with asymmetrical sloped roof designs for the first floor which are generally reflective of the scale of the surrounding houses at No.31-34 Rokesby Place. The locality consists of a mixture of building types, styles and sizes which would be beneficial in mitigating any impact the development might cause on the character and appearance of the surrounding area. Furthermore, the proposal would relate acceptably to the domestic scale, character and appearance of the street scene, in view of its height and size.

16. The 2 attached L-shaped homes would be built over a mostly hardstanding parking to the rear of the street which is acceptable in terms of appearance with re-location of the parking spaces further down on a portion of a landscaped area adjacent to No.31 Rokesby Place.
17. The proposal includes the provision of an additional new shared garden in front of the proposed buildings that would be accessible to all residents. The new homes will allow for active frontage and natural surveillance over this shared space.
18. Building materials should be durable, attractive and respect local character. The use of durable and attractive materials is essential in order to create development that is appealing, robust and sustainable and that fits in with local character. The proposal would be in buff brick and precast concrete with matching mortar joints and roof tiles matching the existing dwellings on site. The proposal would have a strong approach in terms of materiality appropriate within the area reflecting the existing surrounding properties, however this would be conditioned as part of this application. The entrances to the homes are well defined in the form of recessed entrance porches.
19. In conclusion the proposed massing and height of the dwellings are acceptable and the proposal has been reviewed by the Urban Design officer who has advised that it makes a good response in terms of urban design and the positioning of the new dwellings.

Standard of accommodation

20. To ensure the quality of new housing, new development must meet with or exceed the minimum internal space standards contained within the London Plan policy D6. It goes on to say that all new homes should be provided with adequate levels of outlook, daylight and natural ventilation. which is supported by Council's Design guide SPD 1 (2018).
21. The proposal would create two dwellinghouse in a 4 bed 7 person configuration on two levels. House 1 has an internal floor space of 116.8 sqm and house 2 has an internal floorspace of 117.5 sqm, both exceeding the 115 sqm minimum space standard set out within the London Plan.
22. All bedrooms meet the space standard of 7.5 sqm for a single bedroom with a minimum width of at least 2.15 m and double bedrooms at least 11.5 sqm with at least 2.75 m width for the main bedroom and 2.55 m for the remaining ones.
23. House 1 would have outlook for habitable room windows from all four elevations and at first floor level outlook is provided to the bedrooms in an easterly direction with an obscured glazed window serving the bathroom to the west. House 2 has outlook to habitable rooms in a northern and southern direction at ground floor level, and outlook to habitable rooms at first floor level on the eastern and southern elevations, together with obscured windows to the landing and bathroom on the northern and western elevations.
24. It is noted that some habitable room windows to both houses at ground floor level are within a short distance to the boundary fencing. This includes the ground floor bedroom, living and kitchen windows to house 1 at 3.14m to 3.7 from the eastern and northern boundaries, and the bedroom and kitchen/living space for house 2 at around 3.15m from the eastern boundary. However, a number of these rooms are dual aspect with good outlook from another window. It is only the single bedroom for house 1 and a double bedroom for house 2 that rely on outlook from a single direction. However, these rooms in question are served by full height patio door to the double bedroom and a two casement window to the single bedroom. The double bedroom for house 1 on first floor level would also have outlook affected by it being sited within 3.35m of the flank wall of house 2. Once again, this bedroom is served by a two casement window. The daylight and sunlight report has confirmed each of these rooms would receive good levels of daylight. In addition, as the boundary fences are around 1.7m to 1.8m when viewed from the affected windows, the future occupiers would not experience an undue sense of enclosure. Overall, the new homes provide good quality accommodation with good levels of daylight and natural ventilation.
25. At ground floor level a landscape buffer of 0.9m is proposed between the ground floor habitable room windows and the pathway that accesses the new homes. A further separation distance of 2m is then maintained to the newly created shared communal amenity space.
26. An adequate internal storage of 3 sqm is also marked for each unit complying with the London Plan.

Floor to ceiling heights

27. The sections submitted show the scheme to have 2.5 metre of internal roof height for more than 75% of the dwellings in compliance with London Plan policy D6.

Accessible Homes:

28. In line with policy D7 of London Plan, the new homes are designated to be M4(2) compliant. The dwelling is designed to be step free from the street and to the garden. The plans also show clear access widths of 0.9 metres and more for most of the premises. The bedroom and bathrooms also have adequate clear zones, hence the proposal complies with D7 London Plan 2021 policy.

External amenity space

29. Policy BH13 sets out that all new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 50sqm per home for family housing (3 bedrooms or more) situated at ground floor level and 20 sqm for all other housing.
30. The BH13 requirement for external private amenity space established through BH13 is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 or 50 sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
31. With regard to quality of the space, the supporting text to policy BH13 specifies that private amenity should be accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight, whilst Brent SPD1 specifies that the minimum depth and width of the space should be 1.5 m.
32. London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. The minimum depth and 1.5 m is reconfirmed in the policy.
33. House 1 has a useable rear garden of around 59sqm and house 2 has a rear garden of around 50sqm, in line with policy BH13..It is noted that the rear gardens are predominantly hard surfaced with a landscape border and relatively narrow at around 2.4m wide. However, they are of sufficient size to layout out tables/chairs and make use of the spaces. In addition, the houses have access to the shared amenity space outside their front doors that is overlooked by both houses, and the houses are also within close proximity to Barham Park. Overall, the scheme is considered to provide sufficient external amenity space for the two homes in line with policy BH13.

Residential and impact on neighbouring amenities:

34. Policy DMP1 of the local plan both emphasise that new development should not result in unacceptable harm to the residential amenities of neighbouring properties. SPD1 provides further guidance on the layout of new development to avoid such impacts.

Outlook/ overbearing impact

35. SPD1 states that the building envelope of new development should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from height of two metres above floor level. Where proposed development adjoins private amenity / garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of two metres. The sectional drawings shows compliance of the 45 degree measured 2 metres from the garden boundaries of No. 24 Crawford Avenue and South Meadow 628 Harrow Road. It should be noted that No. 24 Crawford Road has an outbuilding in the rear garden next to the car park to further mitigate the impact of the development. A section plan has also been provided from the rear garden of No. 12 Copland Avenue, which shows a very minor infringement of the top of the roof of the house 1 by 0.15m. However, it is unlikely that this minor breach would result in a harmful impact to the amenities of No. 12 Copland Avenue. The 30 degree rule is also shown to be met by the

surrounding properties as well.

36. There is also minor 45 degree infringement on the top of the roof of the house towards No.14 Copland Avenue as shown on Section C-C. Once again, this is a minor breach and it is unlikely that it would result in a harmful impact to the amenities of No. 14 Copland Avenue.

Privacy

37. Moreover according to SPD 1 design guide, directly facing habitable room windows will normally require a minimum separation distance of 18m, except where the existing character of the area varies from this. A distance of 9m should be kept between gardens and habitable room windows or balconies which would look towards those gardens, both for privacy protection and to ensure that the ability to develop the neighbouring sites is not compromised.
38. At ground floor level, whilst habitable room windows are within 9m of the boundary in relation to the northern, western and eastern boundaries, the height of the boundary fences at 1.7m to 1.8m high would restrict overlooking into the neighbouring gardens at No. 24 Crawford Avenue, 12 Copland Avenue and South Meadow, 618 Harrow Road. At first floor level house 1 has a window on the northern elevation at 3.8m from the boundary with No. 24 Crawford Road. This window serves a bathroom and would be conditioned to be obscured glazed and high opening. House 2 also has a window within 3.3m of the boundary with South Meadow, 618 Harrow Road. Once again, the window serves a bathroom and would be conditioned to be obscured glazed and high opening. The southern window to the master bedroom within house 2 overlooks the flank elevation of No. 34 Rokesby Place. However a distance of 9m is maintained to the boundary of No. 34 Rokesby Place and there are no windows within the flank elevation of No. 34 Rokesby Place. The first floor bedroom windows to house 2 are sited just under 9m from the boundary with No. 12 Copland Place (8.8m in part). The shortfall of 20cm is unlikely to be detrimental to the amenities of No. 12 Copland Road given that it is a very marginal shortfall. Furthermore, a distance of over 18m is maintained between directly facing habitable room windows in house 2 and the rear habitable room windows at No. 12 Copland Road.
39. An objection was received in regards to a development within the rear garden of No.24 Crawford Avenue close to the boundary of the site. This building has recently been granted planning permission (reference: 22/1587).
40. The proposal would not appear overbearing or result in significant overlooking of No.34 Rokesby Place and the proposal would be to the side of the dwelling and would not project to their rear building line or their private rear garden.

Daylight

41. To ensure good levels of daylight and sunlight, the use of the BRE's "Site Layout Planning for Daylight and Sunlight : a guide to good practice (BR209)" is supported. This guidance was updated on 8 June this year with the 2022 edition of this guidance. As this guidance was adopted after the submission of this application, the daylight and sunlight assessments submitted reflects the version of the guidance that was in place prior to June this year. While this version of the guidance has now been superseded, the information submitted does provide detailed technical information examining the impact of the proposal on surrounding properties, the assessment to existing properties was not updated under the new version of the guidance.
42. The application includes a Daylight/Sunlight report which sets out the impacts of the proposal on daylight and sunlight to neighbouring properties and gardens
43. The report uses the Vertical Sky Component (VSC) test which measures the amount of visible sky outside a property. Guidance states that an undue impact is considered to be where the VSC levels drop below 27% or are reduced to 0.8 times their existing value.
44. For the assessment of Sunlight the report uses the APSH test which calculates the percentage of statistically probable hours of sunlight received by each window in both summer and winter months represented as APSH (Average Probable Sunlight Hours) and WPSH (Winter Probable Sunlight Hours). BRE guidelines suggest that main living rooms should achieve at least 25% of annual sunlight hours with 5% in the winter period.
45. The submission identifies properties 628 Harrow Road and, 34 Rokesby Place as closest to the proposal

and as such most likely to be impacted. The results of the report indicate that VSC would remain above the 27% target and would not experience a reduction of less than 0.8 times the former values for affected windows and in relation to NSL affected rooms would not experience a reduction of less than 0.8 times their former value and thus would satisfy BRE guidance..

46. The overshadowing on neighbouring amenities have also been identified within the submission on adjacent gardens of 16 Copland Avenue, 24 Crawford Avenue and 628 Harrow Road confirming that they will virtually remain unchanged from the existing position.. The vast majority of the gardens continue to receive at least 2 hours of sunlight on the 21 st of March with the scheme in place.
47. The daylight and sunlight amenity provided within the proposed residential accommodation has been assessed using the ADF (Average Daylight Factor) and APSH (Annual Probable Sunlight Hours) tests following the methodology of the BRE guidance. The results of the ADF assessment have shown that all 12 (100%) of the 12 habitable rooms exceed the targets for their specific room use and therefore fully comply with the BRE guidelines and British Standard guidance criteria.
48. The objectors have questioned why daylight and sunlight has not been tested for other properties that adjoin the site. Due to the distance from No. 24 Crawford Road and the homes on Copland Avenue to the proposed development, the height of the development would not breach 25 degree line from affected windows within the existing properties. Therefore, the BRE guidance sets out that there is no requirement to assess daylight implications to these properties. The rear gardens of Nos. 10 to 14 Copland Avenue are sited to the west of the application site and would continue to receive direct sun from the south. The applicant's daylight and sunlight consultant has confirmed that they will surpass the BRE criteria for overshadowing, as demonstrated by their analysis of the gardens to the north of the development.

Highways and Parking, Refuse, Cycle Parking

49. Rokesby Place comprised 30 flats (15 x 1-bed, 9 x 2-bed & 6 x 3-bed) and four houses. The houses have their own integral garages and driveways, although the driveways are below the minimum 4.8m in depth, so are likely to be too small to comfortably accommodate a car.
50. As the site is in an area of good public transport accessibility (PTAL), the maximum car parking allowance for the 30 existing flats under current London Plan standards would be between 15-22.5 spaces, with 2-3 further spaces allowed for the houses. The policy position on parking has shifted since the consideration of the earlier withdrawn application. The earlier application was assessed on parking standards set out within Brent's Unitary Development Plan 2004 (revoked in 2016), with the current policy position under policy BT2 highlighting that car parking standards are the maximum and car free development should be the starting point for all development proposals in places that are (or are planned to be) well connected by public transport, with developments elsewhere designed to provide the minimum necessary parking.
51. The current application results in the loss of 12 car parking spaces within the car park (site A) and 2 informal spaces within site B. Five car parking spaces will be reprovided within Site B resulting in an overall loss of 9 spaces within the site.
52. In relation to the proposed homes, the car parking standards allow up to 0.75 spaces for each dwelling. Given that the site lies within PTAL 4 and is within close proximity to the nearby intensification corridor which anticipates a significant amount of new homes to be delivered within the plan period, a condition is recommended for the new homes to not be entitled to parking permits within any existing or proposed CPZ within the vicinity of the site. This would be in line with policy BT2, and would mitigate the impact of parking from the proposed new homes.
53. Consideration also needs to be given to the displacement of parking from the existing site. A parking beat survey was undertaken on 24th and 30th November between 0030 - 0300. Within the surveys it identified 10 cars parked within Rokesby Place on 24th November with no cars parked within the area of parking to be loss within either sites A or B. On 30th November, 15 cars were parked within Rokesby Place with one of those cars parked within site A and two of those cars parked within site B. Based on the parking surveys, the loss of the parking spaces would result in the displacement of 3 cars. As the scheme includes five car parking spaces, sufficient spaces are proposed to be re-provided for those three cars, with two additional spaces available for other residents of the estate.
54. The proposal would also result in the provision of a usable turning head which will enhance road safety (the two cars parked within site B are situated within an area original intended as a turning head). The

turning head would be required to serve the street and therefore needs to be incorporated into the adopted length of Rokesby Place. This will require Highway Works to be undertaken prior to occupation of the development and the appropriation of the spur road as highway land rather than housing land. (n.b. the parking bays may also be adopted, or left in the control of the applicant).

55. It is noted that objectors have raised concerns with counting the garages/driveways to the houses and undercroft garage beneath flats 1 to 10 Rokesby Place as useable parking spaces, due to the limited width and depth of the garages and parking spaces, and gradient of the driveways. This scheme only affects parking within the northern car park and two bays next to No. 31 Rokesby Place as discussed above. No other parking spaces would be affected, and as highlighted above, there would be a surplus of two spaces, based on the observations of cars parked within sites A and B during the over night parking surveys. It was also noted that very little parking was observed in the adjoining Crawford Avenue, and that should over-spill parking occur, this could be accommodated.
56. Objectors have also raised concern proposed changes to the arrangement of double yellow lines within Rokesby Place will result in a further reduction in parking availability. The Council's Highways and Infrastructure Team have advised that consultation was undertaken in 2021 regarding potential changes to the double yellow lines within Rokesby Place, but that these proposals were not being progressed due to objections raised by local residents.
57. Each house would require a minimum of 2 cycle parking spaces located in a secure undercover lockable compound as close as possible to each of the house's entrances. The proposals include cycle stores to the rear of each house which can be accessed from a side gate to the gardens.
58. Each house would need a minimum of 2 x 240l bins, located no more than 20m away from where a refuse vehicle could park. Brent Council's waste guidance discourages the need for refuse vehicles to reverse, but doesn't set out what the maximum allowable distance should be. Nevertheless, reversing distances need to be minimised as much as possible, but in this case, a refuse vehicle will naturally reverse a short distance in front of Nos. 31-34 anyway when using the turning head, which would bring the rear of the vehicle to within about 20m of the proposed refuse store.
59. Further details regarding the cycle storage units are recommended to be secured through condition, and a condition is also recommended requiring the new homes to be "parking permit restricted" should a CPZ be introduced in the local streets in the future.

Trees and landscaping

60. Detailed arboricultural impact assessment, arboricultural method statement and tree protection plan has been submitted as part of this application together with comprehensive landscaping and tree replacement schemes. It should be noted that a tree protected under a Tree Protection Order is present to the rear of no. 31 Rokesby Place, just behind its boundary within Oaklands Close. The applicant has supplied an Arboricultural Impact Assessment (AIA), that has highlighted 13 trees, three groups and two hedges within and adjacent to the two sites that could be impacted by the proposed construction. Six of these trees have been categorised as category B trees, 11 as category C trees and one as category U. There is one tree that is adjacent to the property that has been indicated to be protected by a Tree Preservation Order (TPO), T16 (Ash).
61. As part of the application, it has been outlined for the removal of three category B trees (T1 Common Lime, T2 Bird Cherry, and T4 Sliver Birch) to allow for the proposed development to be undertaken. The loss of these trees will be mitigated for through replacement planting on the site. Other tree works have been outlined to facilitate the proposed development to take place. This is through the pruning of overhanging branches of G3 (Mixed) back to boundary line, with it being stated that the works will be undertaken in accordance with British Standard: 3998 (2010) 'Tree Work - Recommendations'
62. The installation of hard surfacing on current grass area on site B for a proposed car park has been outlined within the Root Protection Area (RPA) of T16 (Ash) and T17 (Oak). There have been suitable methods to mitigate the impact on the trees included as part of the AIA with the new hard surfacing being installed upon the existing ground level incorporating a load suspension system. Along with any kerbs or edges being surfaced mounted to avoid excavation with the trees RPAs.
63. The tree protection methods within the AIA, outline the use of protective fencing around G19 and the use of the pre-existing boundary fence as tree protective fencing from the construction for T16, T17 and the trees on the adjacent property surrounding site A. An Arboricultural Method Statement has not been

submitted yet, and this is recommended to be secured through condition before the development commences. This would explain any operations, including access, proposed within the RPA (or crown spread where this is greater) and demonstrate how the operations would be undertaken with minimal risk of adverse impact on trees to be retained. The AMS for this scheme should document how the materials will be stored to avoid leaching into tree RPAs, as well as any requirements for suitable ground protection within the site, in accordance with British Standard: 5837 (2012) 'Trees in relation to demolition, design and construction - Recommendations'.

64. To mitigate against the tree loss on the site. Moreover, the proposal would plant 6 additional trees on the extended parking bays marked as Site B. The species is suitable for their proposed location; however, no scheme of maintenance has been provided for the establishment of the planned trees. A schedule in accordance with BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations should be submitted and approved by the Local Planning Authority which will be conditioned with this application.
65. A landscape design report has outlined the planting of three multi-stem *Amelanchier lamarckii* within site A to mitigate against the tree loss on the site. Moreover, the proposal would plant 6 additional trees on the extended parking bays marked as Site B. The species is suitable for their proposed location; however, no scheme of maintenance has been provided for the establishment of the planned trees. A schedule in accordance with BS: 8545:2014 "Trees: from nursery to independence in the landscape - Recommendations" should be secured through condition.
66. To summarise there are no Arboricultural objections to this application, however before the scheme can progress an Arboricultural Method Statement and a schedule of new tree planting aftercare with associated maintenance would be required. which would be conditioned as part of this application.

Landscaping works:

67. Site A will include a new communal amenity space. The space has been designed with a proposed rain garden and play trail, amenity grass land and seating. The area will include 3 new trees and hedge planting. The remaining open space within site B will be enhanced with re-provision of rotary clothes dryers, seating and informal play equipment. The landscaping enhancements include new tree planting, hedging and ornamental planting.
68. Objectors have raised concerns with the impact of the new planting upon their outlook and light and the inability to clean windows. The risk of anti social behaviour has also been highlighted with the provision of seating facilities within the landscaped area. In response to these concerns, a separation distance of around 3.9m would be maintained between the enhanced landscape space and the windows of the ground floor flats. The space between would not be affected by this proposal which is currently hardstanding and grass. The buffer space would still allow access to maintain the flats and the ability to clean windows. A condition is recommended on the species of soft landscaping that would provide an appropriate buffer from the flats but at a suitable height to allow adequate levels of daylight and sunlight to the existing flats. It is also recommended that the landscape condition includes a management and maintenance plan of the landscaped spaces.
69. Concerns in relation to anti social behaviour is noted. It would appear from the objections that site B is already used as an informal communal amenity space. As it is well overlooked, it is not considered that the addition of new seating would increase the risk of anti-social behaviour. Likewise, the new communal amenity space within site A would also be overlooked by the new homes.

Urban Greening Factor:

70. BH4 also requires all minor residential developments (less than 10 dwellings) to deliver an Urban Greening Factor of 0.4 on site. A landscape strategy has been submitted as part of this application confirming the Urban Greening Factor would meet the 0.4 on site in lieu of loss of existing green areas.
71. Permeable hard landscaping would be provided at the front and garden areas of the proposed development. Improvements to the front of the proposed residential units with communal play space and landscaping would create a more welcoming pedestrian environment. The extended Site B would also be landscaped to create seating places along with tree, hedges and ornamental planting as well as re-provision of rotary Clothes dryers
72. A condition has been added requiring a detailed landscaping plan to be submitted to ensure that the type

and mix of plants proposed maximise ecological benefits and aiming to enhance the biodiversity to the site.

73. Overall, the proposed landscaping is considered to improve elements of the site to the rear which are at present of a poor and unwelcoming environment whilst minimising impacts on nearby ecology assets. The landscaping is considered to be acceptable.

Biodiversity / Ecology

Environmental impact, sustainability and energy

74. Minor developments should seek to reduce potential overheating and reliance on air conditioning system through good design. For residential development, a Water Efficiency Assessment will be required providing evidence the development will need the target of 105 litres or less per head per day, excluding an allowance of 5 litres or less per head per day for external water use. Given the small number of units proposed, it is assumed that individual boilers are proposed. These should be of low emission.

Ecology:

75. The Ecological Impact Assessment submitted and prepared by ecologists for Waterman Infrastructure & Environment Limited is dated June 2022. The Ecological Impact Assessment includes a desk study using access to biological records, a field survey; and an assessment of the presence / absence of invasive plants. A Preliminary (Bat) Roost Assessment was prepared by an ecologist who held a Natural England Class 2 Licence.
76. In relation to bats, no structures (natural or artificial) were found on site that could be of use to roosting bats; and no further survey was recommended. Bats are likely to use the sites' airspace for foraging and commuting.
77. Section 5 of the EIA describes features that could / should be included in the proposed development to enhance biodiversity (and human amenity). Those include bat boxes (5.8), bird nest boxes at 5.12 and deadwood and habitat for invertebrates at 5.15. This is attached as condition with this application.
78. The recommendations in section 5 and section 6; and the Construction Environment Management Plan would be included in the Conditions. There was comment about observations of Hedgehogs using the current site for foraging and commuting. The location maps show that the new development would sit in the centre of an area of other residential gardens and land holdings. As such the development could continue to provide foraging and commuting routes for Hedgehogs. It is recommended that the proposal via a Condition to include passage gaps for hedgehogs on boundary and any internal landscaping boundaries. Such adaptations are now widely available within the landscape industry.

Construction Management Plan

79. The development is within an Air Quality Management Area and located very close to other residential premises. Construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours. . As such a condition is attached to this application to minimise the impact on local air quality and protect the amenity of neighbours during construction.

Flood Risk

80. In line with BSUI4:(On Site Water Management and Surface Water Attenuation) minor schemes should make provision of an appropriate SuDS scheme where feasible. The rear car park within which the houses are proposed (site A) is in an area of low risk of flooding, as is the majority of the area where the additional car parking is proposed (site B). However, the sections of Rokesby Place in close proximity are liable to surface water flooding (Surface Water Flood Risk Zone 3a) and this of flood risk extends into small elements of site B. The proposal is accompanied by a Drainage Strategy which demonstrates an improvement in drainage from the current site to achieve a peak flow output of 0.6 l/s for a 1 in 100 year event which is in line with greenfield rates. This would be achieved through permeable hard landscaping as well as the soft landscaping provision improving the SuDS on current site surfaces and rain gardens. The scheme also includes water butts for irrigation to allow run off from the roof to be re-used. .
81. The Local Lead Flood Officer has reviewed the submitted Drainage Strategy and has advised that the proposals are acceptable. The implementation of the measures set out within the Drainage Strategy will

be secured through condition.

Fire Safety

82. Policy D12A of the London Plan now requires all minor development proposals to achieve the highest standard of fire safety and requires submissions to demonstrate that they:

- 1) *identify suitably positioned unobstructed outside space:*
 - a) *for fire appliances to be positioned on*
 - b) *appropriate for use as an evacuation assembly point*
- 2) *are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures*
- 3) *are constructed in an appropriate way to minimise the risk of fire spread*
- 4) *provide suitable and convenient means of escape, and associated evacuation strategy for all building users*
- 5) *develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in*
- 6) *provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.*

83. In support of the application a Fire Statement has been prepared by OFR. The report sets out how the dwelling would be fitted with an automatic fire alarm and detection system and would be provided with structural fire resistance no less than 60 minutes. The location of the fire service vehicle will be such that the hose length from the fire service vehicle to any point within any room in the dwellings will not exceed 45m. A fire hydrant will be provided within 90m of the entrance of the dwellings. The report confirms that overall services and appliance access to the dwelling would be in line with Building Regulation guidance and London Fire Brigade Guidance and as such compliant with policy D12A of London Plan 2021.

Equalities

84. 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:

85. The proposal would provide a well-designed development to the area which would occupy two affordable family sized homes. The site lies within a priority location for housing. Whilst there is a loss of green space on site, the proposal would result in a number of significant benefits, including improvements to open spaces and the provision of new affordable family sized homes to meet identified need.
86. The overall height and mass would relate appropriately to the existing buildings within the vicinity of the application site and suitable relationships would be achieved with the neighbouring properties surrounding the site.
87. The quality of accommodation is considered to be of a high standard for any potential occupants. The scheme would result in the loss of 14 parking spaces and re-provision of 5 spaces. Parking surveys have been provided which show that there will be sufficient re-provision of car parking within the site to accommodate the number of vehicles parked within the spaces to be lost, and that the surrounding streets also have capacity for overspill parking should this occur.
88. It is considered 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.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 22/1400

To: Maddox and Associates Ltd
33 Broadwick Street
London
W1F 0DQ

I refer to your application dated **13/04/2022** proposing the following:

Development of car park next to 34 Rokesby Place to create 2 x four bedroom dwellings with associated cycle and refuse storage, landscaping and reconfigured car parking area providing five new car parking spaces

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

at **Car Park next to 34 and Land next to 31 Rokesby Place, Wembley, HA0**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 09/08/2022

Signature:

Gerry Ansell

Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-

National Planning Policy Framework 2021
 London Plan 2021
 Brent's Local Plan 2019-2021
 Brent's Supplementary Planning Document 1 - Design Guide for New Development 2018

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

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

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

1189-05-P-0200
 1189-05-P-0201
 1189-05-P-0202
 1189-05-P-0203
 1189-05-P-0100
 1189-05-P-1002 A
 1189-05-P-1003
 1189-05-P-1004
 1189-05-P-2000
 1189-05-P-2001
 1189-05-P-2002
 1189-05-P-2003
 1189-05-P-2004
 1189-05-P-3000 A
 1189-05-P-3001
 1189-05-P-3002
 1189-05-P-0001 A
 1189-05-P-0010 A
 1189-05-P-1000 A
 1189-05-P-1001 A
 LN00659-L-100
 LN00659-L-101
 LN00659-L-101

Supporting documents

WIE18009-105-R-8-2-1-AIA - Arboricultural Impact Assessment
 WIE18009-100-R-1-3-1 - SUDS Report
 WIE18009-102-R-5-3-1-EclA - Ecological Impact Assessment

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

- 3 The residential dwellings hereby approved shall be provided as affordable housing in perpetuity, and shall be delivered as London Affordable Rented units with rents set as follows;

(a) Up to 80% of the local Open Market Rent (including Service Charges where applicable); and
 (b) Excluding Service Charges, no higher than the benchmark rents published by the GLA annually in accordance with the Mayor's Funding Guidance.

The London Borough of Brent will have 100% nomination rights in perpetuity. In addition, the Owner shall enter into a Nomination Agreement with the London Borough of Brent prior to occupation of the affordable housing units.

Reason: To ensure the delivery of affordable housing within the development and to comply with Policy BH5.

- 4 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 the existing all year round or Wembley Stadium Event Day Controlled Parking Zone ,or any future Controlled Parking Zone (CPZ) that is introduced 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 this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development.

Details of the wording to be included in the licence transfer lease or tenancy agreement shall be submitted and approved in writing by the local planning authority prior to the licence lease or tenancy agreement being entered in to and the approved details shall thereafter be used in all such licence lease or tenancy agreements.

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 the interest of highway flow and safety.

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

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

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

Reason(s):

In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority

- 7 The works shall be carried out in accordance with the approved Drainage Strategy (WIE18009-100-R-1-3-1 dated July 2022) unless otherwise agreed in writing by the Council.

Reason: To ensure that risks from flooding are effectively mitigated

- 8 The measures and recommendations set out in the 'WIE18009-102-R-5-3-1-EcIA – Ecological Impact Assessment (Dated June 2022)' shall be implemented in full throughout the development.

Reason: In order to ensure that any potential effects on protected species are adequately

mitigated.

- 9 Any upper-floor window located in a wall or roof slope forming a North and East elevation of the two new homes must be—

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

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

Reason: To ensure the development does not unduly impact the privacy of the adjoining occupiers.

- 10 The refuse areas shown on the drawings hereby approved shall be provided and made available prior to the occupation of the residential units. They shall be maintained as such thereafter.

Reason: To ensure that the residential units are high quality and that the development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- 11 Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with policy BG12 of Brent's Local Plan 2019-2041, and pursuant to section 197 of the Town and Country Planning Act 1990.

Reason for pre-commencement condition: Impacts arising from the construction process occur as soon as development commences and adequate controls need to be in place from this time.

- 12 Prior to development commencing, a Construction Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority, setting out how the construction process will be managed so as to protect the existing ecology of the site and off-site receptors, in accordance with the recommendations of the approved Preliminary Ecological Assessment.

Reason: In order to ensure that the development results in no net loss to biodiversity and impact upon wildlife.

Reason for pre-commencement condition: Impacts arising from the construction process occur as soon as development commences and adequate controls need to be in place from this time.

- 13 Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The development shall thereafter be carried out in accordance with the approved details.

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

Reason for pre-commencement condition: Impacts arising from the construction process occur as soon as development commences and adequate controls need to be in place from this time.

- 14 Details of materials for all external work, including samples which shall be viewed on site or in an agreed location by a planning officer, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding any demolition, site clearance and the laying of foundations).

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.

- 15 Prior to the commencement of works (other than demolition, site clearance, laying of foundations or any other below ground work) details of a hard and soft landscaping scheme for the development shall be submitted to and approved by the Local Planning Authority. Such details shall include:

- (i) A planting plan, including the provision of a minimum of 9 replacement trees within the site, with the use of native and/or wildlife attracting species as per the recommendations made within the Ecological Impact Assessment
- (ii) details of garden wall, fences or other form of boundary treatment to be provided within the site (including details of external materials and heights) and including passage gaps for hedgehogs
- (iii) details of surfacing materials to be used for hardstanding, together with any delineation of car parking spaces or pedestrian pathways
- (iv) details of wildlife enhancements within the site as per the recommendation sets out within Ecological Impact Assessment, including the use of insect nest boxes/ dead wood piles, nest boxes for bird species on the building facade as well as on the retained and planted trees and bat boxes in areas of minimal light spill
- (v) details of play space and features provided within the site
- (vi) details of external lighting and overspill diagram
- (vii) a schedule of landscape maintenance for a period of 5 years. which shall include details of the arrangements for its implementation and sufficient specification to ensure successful establishment and survival of new planting. .

The hard and soft landscape works shall be carried out in full accordance with the approved details prior to the use of the dwellings hereby approved, unless alternative timescales have been submitted to and approved to be agreed in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved timescales .

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

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 in accordance with (Insert relevant policies here).

- 16 Prior to first occupation of the site details of proposed cycle storage for the dwelling shall be submitted to and approved in writing by the Council which shall demonstrate that cycle parking shall be provided to meet London Plan standards through the provision of secure, weatherproof cycle storage facilities. The development will be carried out in accordance with the approved details and thereafter maintained and retained

Reason: To encourage sustainable methods of transport

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 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
- 3 The submission/approval of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.
- 4 Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried only between the hours of:

Monday to Fridays	08:00 to 18:00
Saturday	08:00 to 13:00
At no time on Sundays or Bank Holidays	
- 5 The following British Standards should be referred to:
 - 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
- 6 The following British Standards should be referred to:
 - a) BS: 3998:2010 Tree work – Recommendations
 - b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- 7 In relation to Condition 14 (Landscaping works) the applicants are encouraged to use species of trees which would contribute to improving surface water flooding on site

Any person wishing to inspect the above papers should contact Mahya Fatemi, Planning and Regeneration,
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2292

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

17 August, 2022
05
22/0626

SITE INFORMATION

RECEIVED	21 February, 2022
WARD	Brondesbury Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	69 Hardinge Road, London, NW10 3PN
PROPOSAL	Proposed conversion of single dwellinghouse into two self-contained flats, associated internal alterations, subdivision of rear garden, removal of rear outbuilding, partial removal of side extension, installation of refuse storage and cycle storage in front garden, front boundary treatment, associated hard and soft landscaping.
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_159061</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 "22/0626" (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.

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

Conditions

1. Time Limit
2. Approved Plans
3. Materials
4. Landscape Plan
5. Bin and Bicycle Storage

Informative

1. Building near a boundary
2. Party Wall Agreement
3. Fire Safety

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

SITE MAP

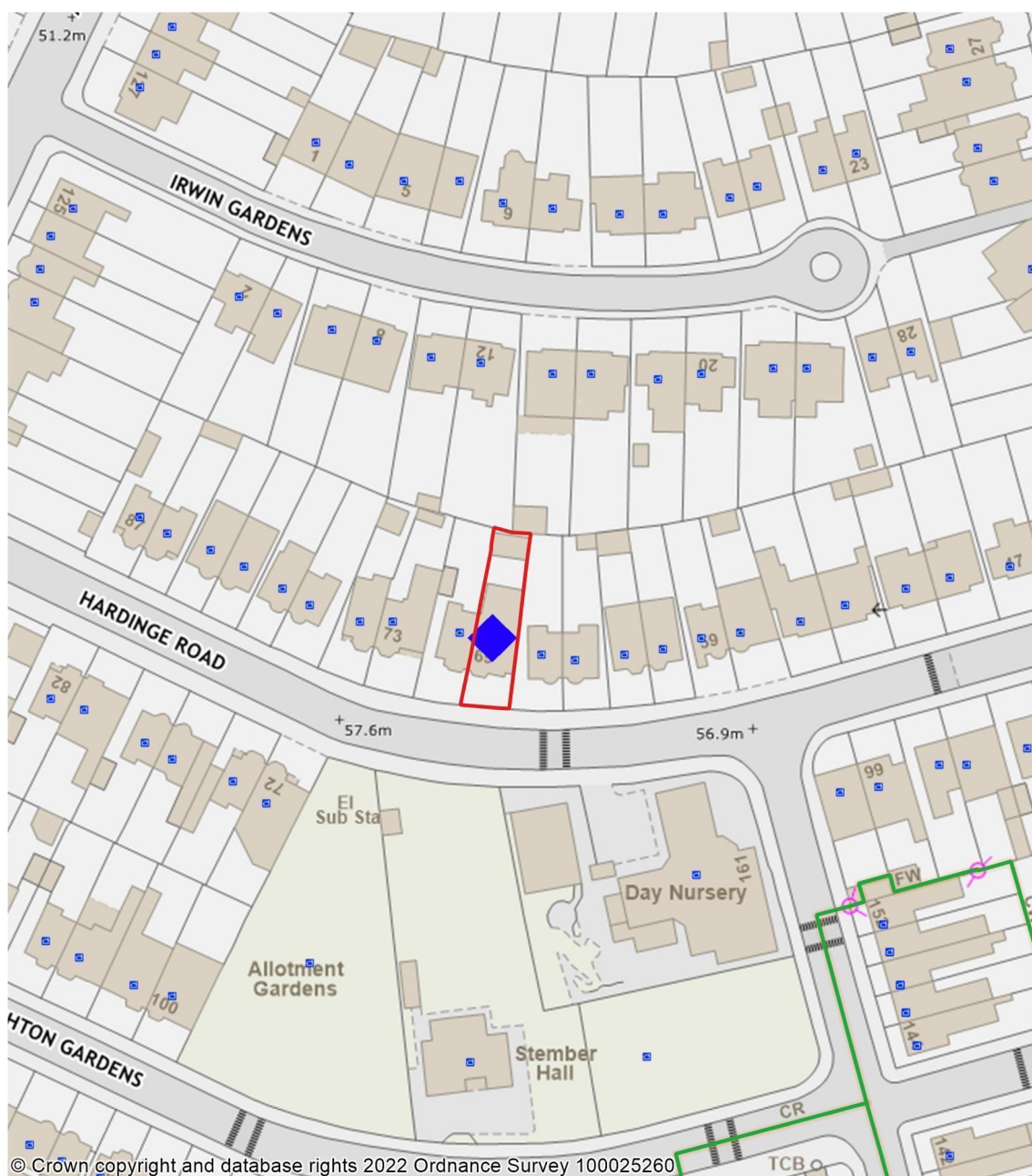


Brent

Planning Committee Map

Site address: 69 Hardinge Road, London, NW10 3PN

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This map is indicative only.

PROPOSAL IN DETAIL

The application proposes the conversion of single dwellinghouse into two self-contained flats, associated internal alterations, subdivision of rear garden, removal of rear outbuilding, partial removal of side extension, installation of refuse storage and cycle storage in front garden, front boundary treatment, associated hard and soft landscaping.

EXISTING

The subject property is a two storey semi-detached dwellinghouse situated on the northern side of Hardinge Road. The application site is not situated within a Conservation Area as designated in Brent's Local Development Plan nor does it contain any listed buildings.

The predominant character of the area is two storey semi-detached properties while opposite the site is College Green Nursery School and Services.

AMENDMENTS SINCE SUBMISSION

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

- Revised set of plans to amend the internal layout, remove rear outbuilding and provide additional landscaping

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:** 13 objections have been received which have been discussed within the report. Officers have considered the comments and the planning merits of the proposal and consider that the proposal accords with adopted policies and guidance and is acceptable.
- **Principle:** The application would result in the loss of a family dwellinghouse but includes the provision of a good quality 3-bedroom home, is situated within an area of adequate public transport accessibility and has an existing floor area which meets the policy threshold for conversion. The general principle of the conversion of the house into flats accords with policy.
- **Quality of accommodation:** The proposal includes a 1-bedroom and 3-bedroom flat which both meet the relevant standards for internal and external space and quality.
- **Highways and transportation:** One parking space is available within the frontage and there is capacity on-street for the parking of a car for the additional flat. Cycle parking will be provided within the foyer of the upstairs flat, and in a locker within the frontage for the ground floor flat.
- **Physical external changes:** The physical changes to the building and the curtilage that are proposed, as discussed in more detail later in this report, are not considered to result in a significant impact to surrounding residents or the character of the area.

RELEVANT SITE HISTORY

Reference	Proposal	Decision	Date
20/2052	Proposed conversion of single dwellinghouse into two flats	Appeal Dismissed	13/07/2021
19/0772	Demolition of existing conservatory and erection of a	Appeal	01/11/2019

	single storey rear extension to the dwellinghouse.	Allowed	
18/4854	Demolition of rear conservatory and erection of a single storey rear extension to dwellinghouse	Refused	18/02/2019
18/3535	Demolition of existing conservatory and erection of a single storey rear extension to dwellinghouse	Refused	06/11/2018
18/1081	Certificate of lawfulness for proposed dormer window and 2 rooflights.	Certificate of Lawfulness Granted	23/05/2018
06/0766	Erection of 2m high fence along border, timber trellis over fence and raised patio to rear of dwellinghouse	Granted	15/05/2006
00/0759	Certificate of lawfulness for proposed flat-roofed single-storey extension to dwellinghouse including the demolition of the rear conservatory, front porch and canopy	Certificate of Lawfulness Granted	22/12/2000

CONSULTATIONS

Eight neighbouring and nearby properties were consulted for a 21-day period commencing 07/03/2022.

13 objections was received in this period, including an objection from Cllr Erica Gbajumo.

Reasons for objecting	Officer's Comment
Concerns regarding precedent of conversion of dwellinghouse There are no other houses that have been converted in vicinity Concerns regarding demographic changes to area/neighbourhood as a result of loss of family homes	Local Planning policy does not preclude the conversion of homes provided the criteria within BH11 is met, specifically, no net loss of family sized (3+bedroom) accommodation, except in exceptional circumstances. See paragraph 2.2.
Changes are uncharacteristic to a suburban road and area Side entrance would be eyesore Concerns regarding preservation of Edwardian/local character	The application proposes minor alterations to front garden and rear garden that are not considered uncharacteristic. The side door is existing. See 5. Character and Appearance.
Concerns regarding the layout of flats and living conditions	Quality of accommodation is discussed in the main section of the report. See section 3. standard of Accommodation.
Concerns regarding garden amenity space	Amenity space is discussed in the main section of the report. See 4. External Amenity Space.
Concerns regarding the use of the property as an HMO	The application does not propose the use as an HMO.
Concerns regarding infringement on party wall for existing extension Concerns regarding property boundaries Disregard of neighbour's boundary lines	Boundary disputes and party wall issues are covered under separate legislation and cannot be considered within a planning application. The existing side extension/porch has been flagged to Building Control officers for a site inspection.
Lack of need for development Concerns regarding commercial nature of development	There is a need for additional homes and the Local Plan recognises that some of these will be delivered through the conversion of houses into flats.

Lack of reasoning why development is proposed	The planning department must assess applications as submitted. Whether a proposal is put forward by a commercial developer or homeowner, or why they wish to undertake a development are not material planning considerations.
Concerns regarding increase in traffic and parking	Parking and transport considerations are discussed in the main section of the report. See 7. Transport and Highways.
Concerns regarding cars and nearby Nursery	
Impact to neighbouring amenity including noise and disturbance	Impact to neighbouring amenity is discussed in main section of the report. See 6 Impact to Neighbouring Amenity.
Lack of consultation	Statutory consultation for this scale of development is every property that borders the application site. Eight neighbouring and nearby properties were consulted including all those that bordered the application site.
The whole street was not consulted	
Change the feel of neighbouring homes	These are not material planning considerations.
Other properties are owner occupied	
Applicant does not follow building regulations	Building regulations are covered under separate legislation and cannot be considered within this Planning application.
New flats are unlikely to follow building regulations	
Concerns regarding existing extensions and planning permission	Please see site history. Extensions appear to have been carried out under planning permission and permitted development.
Concerns regarding impact to local services, schools	The existing property is a 5 bed semi-detached house. The conversion is not considered to significantly increase demand for local services.
Concerns regarding cycle storage and bin storage in front garden	Sufficient cycle and bin storage is a requirement for additional homes. The front garden allows to easy access for collection. See 7. Transport and Highways.

POLICY CONSIDERATIONS

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

The development plan is comprised of the

- London Plan 2021
- Brent Local Plan 2019-2041

Relevant policies include:

London Plan 2021

D1 London's form, character and capacity for growth
D3 Optimising site capacity through the design-led approach
D4 Delivering Good Design
D6 Housing quality and standard
D12 Fire Safety
H1 Increasing housing supply
H2 Small sites
T5 Cycling
T6 Car Parking

T6.1 Residential parking

Brent Local Plan 2019-2041

DMP1 Development Management General Policy
BH1 Increasing Housing Supply in Brent
BH2 Priority Areas for Additional Housing Provision within Brent
BH4 Small Sites and Small Housing Developments in Brent
BH13 Residential Amenity Space
BH11 Conversion of Family Sized Dwellings
BH13 Residential Amenity Space
BT1 Sustainable Travel Choice
BT2 Parking & Car Free Development
BSUI4 On Site Water Management and Surface Water Attenuation

Other material considerations

The following are also relevant material considerations:

- National Planning Policy Framework
- National Planning Practice Guidance
- Supplementary Planning Guidance / Documents:
 - SPD2 Residential Alterations and Extensions 2018
 - SPD1 Brent Design Guide 2018

Local Plan 2019-2041

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

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

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

DETAILED CONSIDERATIONS

1. Background

A planning application 20/2052 for a similar development Proposed conversion of single dwellinghouse into two flats was refused and dismissed at appeal APP/T5150/W/20/3263741 due to the inadequacy of the external amenity space that was proposed. The appeal is a material consideration, being directly related to this site and a comparable development. Within the appeal decision the appeal the inspector reasoned the following in relation to the principle of development:

The Council have indicated that they have an in-principle objection to the proposal based on a conflict with DMP Policy DM17. This states that to maintain family size housing conversion of a family sized home (3 bedrooms or more) to two or more other dwellings will only be allowed where the existing home is 130 square metres or more, and it results in at least a 3 bedroom dwelling, preferably with direct access to a garden/amenity space.

The proposal would provide 3 bedroom dwelling capable of occupation by a family. As I have reasoned above, the living accommodation for this flat would be below minimum space standards but not to a degree that would result in a substandard form of accommodation. Further, Policy DMP17 does not stipulate that garden/amenity space cannot be communal, while indicating that direct access is preferable as opposed to being an absolute requirement. As such, I find that the proposal would not conflict with Policy DMP17. However, the development plan must be read as a whole and my findings with regard to this specific issue is a neutral factor in my overall considerations.

This application will take the appeal inspector's reasoning into consideration.

2. Principle

2.1 The development proposes the conversion of the dwellinghouse into two self-contained flats. Policy BH11 of the Brent Local Plan seeks to maintain family sized housing and outlines that conversion of a family sized home (3 bedrooms or more) to two or more other dwellings will only be allowed where all the following criteria are met:

- a) the existing home is 130 sq.m. or more or could acceptably be extended to be that size;
- b) it results in at least a 3-bedroom dwelling, preferably with direct access to a garden/ amenity space; and
- c) it is within an area of PTAL 3 or above

Exceptions to this will only be allowed where the amenity of the existing family sized home is so deficient that family occupation is unlikely and it could not reasonably be changed to overcome such deficiencies.

2.2 In this case, the existing home is approximately 186.3 sqm. The conversion would create a 3 bedroom flat on the first floor and in the converted roofspace and the property is within an area of PTAL 3. The 3-bedroom dwelling would not have direct access to the garden as this would be accessed at ground floor via the side extension. The inspector within appeal decision APP/T5150/W/20/3263741 deemed that policy DMP17 '*... while indicating that direct access is preferable as opposed to being an absolute requirement. As such the proposal would not conflict with Policy DMP17.*' Policy DMP17 has been superseded by policy BH11 and the policy has the same wording for criterion b). Officers agree that this is not a policy requirement, and that the development plan must be read as whole when considering each development. It is also noted that in this particular instance, the external amenity space for the upper floor flat is accessed directly via the private foyer for the upper floor flat, which differs from most conversion schemes. While this is not directly from a living space of the flat, it is significantly more direct than those schemes which include flats where one must go out the front door, across the frontage and down a side alley. In summary, the inspector's decision on the previous appeal is a material consideration being relevant to the same site and the same relationship between the flat and the amenity space. The wording for DMP17 is the same as the wording for the new policy BH11, and the proposal is considered to accord with this policy.

2.3 Objections have been received to the principle of the development and that a flat conversion is not characteristic of this area. The Council's Local Plan recognises that new homes are required and that some of those will be delivered through the conversion of houses into flats. Specific criteria are set out for this, and the proposal accords with those criteria (as discussed above). The development is considered to accord with Brent policy BH11 and the general principle of the conversion to flats is considered acceptable.

3. Standard of Accommodation

3.1 Local Plan Policy DMP1 states that new development must provide high levels of internal and external amenity. The size of dwellings and rooms should be consistent with London Plan Policy D6 including Table 3.1 'Minimum internal space standards for new dwellings'.

3.2 The proposed 1 bedroom dwelling, Flat 1, at ground floor would have a total floor area of 88.5 sqm and therefore would exceed the minimum space standards for a 1b2p unit. The bedroom would be well-sized exceeding minimum floor standards. All habitable rooms would be served by front or rear window providing good levels of light and outlook. 0.7 sqm of storage space would be provided underneath the staircase. Although this figure is slightly below the 1 sqm stipulated within London Plan policy D6, the 0.3 sqm shortfall would not significantly affect the quality of accommodation. Also, given the generous internal floorspace, it is likely additional storage could be provided within the dwelling.

3.3 The proposed 3 bedroom dwelling, Flat 2, would be set across the first floor and in the converted loftspace and would have a total floor area of 80.2 sqm with an additional 9.2 sqm within the ground floor entrance foyer and staircase. When discounting the ground floor area, the dwelling falls short of the 84 sqm required for a 3b4p dwelling across 2 storeys. When including the area, the dwelling falls slightly short of the 90 sqm required for a 3b5p dwelling across 3 storeys. The appeal inspector reasoned that:

For a 3 bed, 4 person dwelling set over three floors, the space standards require a minimum internal floorspace of 90 square metres.

The proposed 3 bed flat would, according to the Council's own figures, fall short of this requirement by less than 2 metres. This is not a significant amount and I note that the proposed bedrooms and living area would all receive sufficient light and have acceptable outlooks. Consequently, the shortfall in floorspace would not harm the living conditions of future occupants of this flat.

3.4 The Inspector's decision is a material consideration. All bedrooms would adequately sized with front or rear windows providing good levels of outlook and light. Sufficient built-in storage space is indicated under the eaves. As such, the shortfall in internal floorspace is not considered to have a significant impact on the standard of amenity for future occupants.

4. External Amenity Space

4.1 London Plan Policy D6 states where there are no higher local standards, a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings with an extra 1sqm for each additional occupant. The space must achieve a minimum depth and width of 1.5m.

4.2 Policy BH13 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 50sqm per home for family housing (3 bedrooms or more) situated at ground floor level and 20 sqm for all other housing.

4.3 Private amenity space should be accessible to all dwellings from a main living room, ideally without level changes. It should also be planned to take maximum advantage of daylight and sunlight. Where sufficient private amenity space cannot achieve the full requirement of the policy, the remainder should be provided in the form of communal amenity space.

4.4 Flat 1, would have access to the amenity space of 22.2 sqm accesses via the lounge at ground floor. This would meet the 20sqm required under Brent standards of a unit of this size. It would also meet London Plan standards. The area would be suitably private and landscaped to provide amenity for future occupants.

4.5 Flat 2, would have access to an amenity space overall of 59 sqm including the side alley access. The area that exceeds 1.5 sqm in width that would be the most useable would equate to approximately 51.9 sqm. The space would not directly accessed from a main living room and would require a level change. The space would be sufficiently private, landscape with the removal of the rear outbuilding would provide good opportunity for recreation for future occupants.

4.6 The previous appeal was only dismissed (refused) by the Inspector due to the inadequate provision of external amenity space. As discussed above, the proposal now materially accords with policy targets for external amenity space and the proposal is considered to accord with the Council's Local Plan policy BH13.

5. Character and Appearance

5.1 Brent's Policy DMP1 and the Brent Design Guide SPD1, provide further guidance on principles of good design. Local Plan Policy BD1 seeks the highest quality of architectural and urban design, including innovative contemporary design that respects and complements historic character.

5.2 The development involves internal alterations, the removal of the rear outbuilding, subdivision of the rear garden, the partial removal of the side extension, refuse and cycle storage to the front garden, a front boundary treatment and hard and soft landscaping.

5.3. The works would be minor alterations and would improve both the appearance and the setting of the property. The removal of the side extension and outbuilding would create access to the rear garden and provide opportunity for soft landscaping and the front garden alterations would create a more attractive street scene frontage.

6 Impact to Neighbouring Amenity

6.1 Local Plan Policy DMP1 seeks to ensure new development, amongst other things, does not unacceptably increase exposure to noise, light and general disturbance. This is supported by SPD1 and SPD2 which both contain guidance that seeks to protect neighbour amenity.

6.2 It is always necessary for developments to take into account the residential amenity of

neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities. The development would not result in any significant loss of light, outlook or privacy for neighbouring occupiers, nor would it lead to an unacceptable increased sense of enclosure or undue noise and disturbances.

6.3 To the east the site is bordered by No.71 Hardinge Road and to the west the site adjoins No.67 Hardinge Road. To the rear, the garden is border by No.12 and No.14 Irwin Gardens.

6.4 The external changes would reduce impact of the property by reducing the overall footprint of the dwelling and ancillary buildings. The development would not result in significant loss of light or outlook.

6.5 Objectors have raised concern regarding the noise associated with the increase in intensity of the use of the site. While the amount of dwellings would increase on site, there would not be an increase in number of bedrooms, and local plan policy recognises that suburban densities will increase through both conversions and new developments. Therefore, it is unlikely that additional occupancy give rise to a significant and unacceptable rise in neighbour amenity impacts in terms of noise and disturbances.

7 Transport and Highways

7.1 Hardinge Road is a local residential access road. The entire front garden is block paved for 2 cars accessed via 8m wide crossover shared with No.67 and a 5.3 wide opening in boundary fence. The site has moderate access to public transport (PTAL 3).

7.2 As the site has moderate access to public transport services, the existing 5-bedroom house is therefore allowed up to 1 off-street parking spaces and the existing fully paved front garden provides parking in excess of that allowance.

7.3 The proposed conversion of the property to two flats (1-bed & 3-bed) will increase the parking allowance to 1.75 spaces. One space is indicated which would reduce the parking provision from its current level. The retention of the one off-street parking space is therefore considered acceptable and its alignment at 90 degrees to the highway on the eastern side of the site is an improvement on the existing

arrangement, allowing the western side of the front garden to be soft landscaped (46% coverage) to improve the appearance of the property in the streetscene and natural drainage.

7.4 Hardinge Road is not a heavily parked street, so parking for the additional flat can be safely accommodated on-street along the site frontage if desired.

8 Cycling

8.1 The London Plan requires 1.5 secure bicycle parking spaces for the 1-bed flat and two spaces for the 3-bed flat.

8.2 Spaces have been indicated within a locker in the front garden and within the entrance foyer for the upper floor flat. While spaces in the entrance foyer may slightly difficult to access, it would allow for the front garden to be neatly arranged and accommodate a bin store and soft landscaping. As such, the provision in this location is considered acceptable in this case.

9 Refuse

9.1 One 120L wheeled bin, one wheeled bin 240L bin and two kerbside containers have been shown within a bin store within the front garden. This is considered sufficient waste provision for the dwellings and would allow for easy access for collection from the highway.

10 Biodiversity and Greening

10.1 Policy BG11 sets out that all development should achieve a net gain in biodiversity and avoid any detrimental impact on the geodiversity of an area. Brent Local Plan Policy BH4 requires all minor development proposals to achieve an UGF score of 0.4 on site.

10.2 A score table measuring the UGF has not been accompanied with this submission. Nevertheless, the proposal would involve a landscape plan involving, permeable paving, shrub planting,

softscaping and a new native birch tree. Overall, the landscape plan would significantly increase the greening of both the front and rear garden.

11 Sustainable Drainage

11.1 Policy BSUI4 sets out proposals for minor developments, householder development, and conversions should make use of sustainable drainage measures wherever feasible and must ensure separation of surface and foul water systems.

11.2 The proposal would not alter existing drainage systems. The introduction of soft landscape and permeable paving would aid the natural drainage of the site.

12 Fire Safety

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

12.2 The application has not been accompanied with the fire safety information set out within D12a of London Plan. However, formal approval under the Building Regulations will be required if the scheme goes ahead, and therefore given the scale and existing layout and arrangement of the building, the absence of the fire statement does not render the scheme unacceptable.

13 Equalities

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

14 Conclusion

The proposed development is acceptable in principle. The proposed conversion and external alterations are considered to be acceptable in terms of impact to character and appearance of the subject property and the wider streetscene and are not considered to have an adverse impact on the amenities of neighbouring properties. The proposal is considered to accord with the development plan having regard to material considerations.

Approval is accordingly recommended.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 22/0626

To: Ms Vekaria
Saloria Architects
156 High Road
Willesden
NW10 2PB

I refer to your application dated **21/02/2022** proposing the following:

Proposed conversion of single dwellinghouse into two self-contained flats, associated internal alterations, subdivision of rear garden, removal of rear outbuilding, partial removal of side extension, installation of refuse storage and cycle storage in front garden, front boundary treatment, associated hard and soft landscaping.

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

at **69 Hardinge Road, London, NW10 3PN**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 09/08/2022

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with the:-

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

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

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

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

180105-07-P0 Block Plan
180105-00-P0 Location Plan
180105-08-P5 Existing and Proposed Plans and Elevations
180105-09-P4 Proposed Plans and Elevations

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

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

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

- 4 The landscape works and planting shown on the approved plans shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Authority.

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same position, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the area.

- 5 The approved cycle parking, refuse storage and parking arrangements shall be implemented in full prior to first occupation of the development and permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

Reason: To ensure satisfactory facilities for future occupiers.

INFORMATIVES

- 1 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

- 2 The 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

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

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

17 August, 2022
06
22/1177

SITE INFORMATION

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

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

Conditions


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

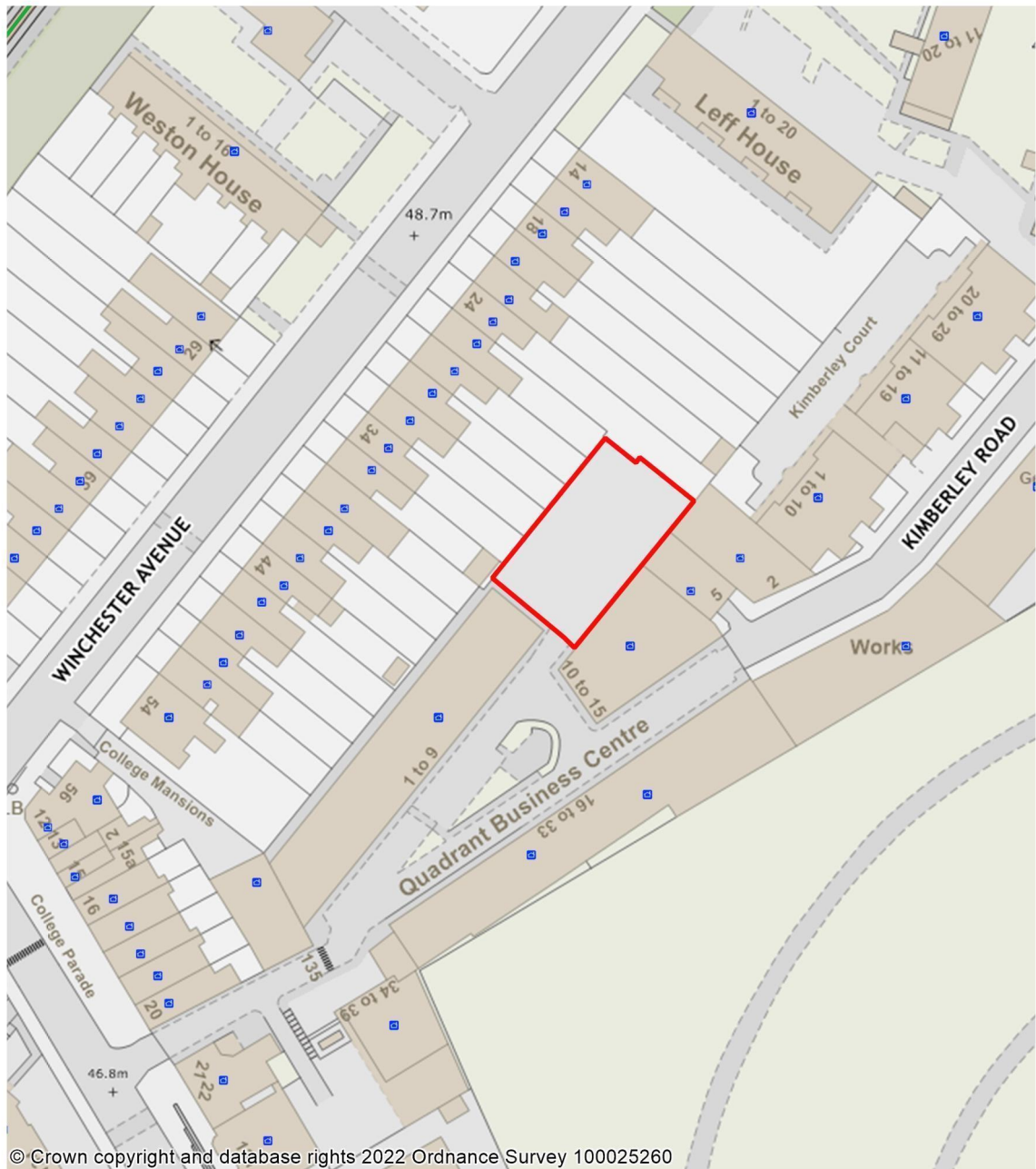
Informative

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

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

SITE MAP

 Brent	<p>Planning Committee Map</p> <p>Site address: 135 Salusbury Road, London, NW6 6RJ</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is indicative only.

PROPOSAL IN DETAIL

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

EXISTING

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

AMENDMENTS SINCE SUBMISSION

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

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

SUMMARY OF KEY ISSUES

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

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

RELEVANT SITE HISTORY

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

CONSULTATIONS

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

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

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

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

POLICY CONSIDERATIONS

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

The development plan is comprised of the

- London Plan 2021
- Brent Local Plan 2019-2041

Relevant policies include:

London Plan 2021

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

Brent Local Plan 2019-2041

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

Other material considerations

The following are also relevant material considerations:

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

Local Plan 2019-2041

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

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

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

DETAILED CONSIDERATIONS

1. Principle

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

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

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

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

2. Design, Character and Appearance

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

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

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

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

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

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

3. Impact to Neighbouring Properties

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

3.2 SPD 1 provides guidance on how new development should be designed in order to minimise the impact on neighbouring properties. The guidance states that the building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from a height of two metres above floor level. Where proposed development adjoins private amenity/garden areas then the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m.

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

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

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

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

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

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

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

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

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

4. Transport and Highways

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

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

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

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

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

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

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

5. Cycle Parking and Refuse

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

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

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

6. Urban Greening and Trees

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

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

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

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

7. Sustainability

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

8. Sustainable Drainage

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

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

9. Fire Safety

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

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

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

10. Equalities

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

11. CONCLUSION

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

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 22/1177

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

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

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

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

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

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 09/08/2022

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with the:-

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

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

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

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

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

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

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

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

Reason: To ensure satisfactory facilities for future occupiers.

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

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

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

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

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

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

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

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

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

Reason: To prevent noise nuisance to nearby residents.

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

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

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

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

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

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

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

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

INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 2 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 3 The submission/approval of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.
- 4 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.

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

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