



Planning Committee

Wednesday 8 February 2023 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
Rajan-Seelan

Substitute Members

Councillors:

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

Councillors

Kansagra and J Patel

For further information contact: Natalie Connor, Governance Officer
natalie.connor@brent.gov.uk, 0208 937 1506

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

democracy.brent.gov.uk

Members' virtual briefing will take place at 12.00 noon.

Notes for Members - Declarations of Interest:

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

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

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

***Disclosable Pecuniary Interests:**

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

****Personal Interests:**

The business relates to or affects:

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

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

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

or

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

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

Agenda

Introductions, if appropriate.

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 or personal 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 14 December 2022 as a correct record.		1 - 12
APPLICATIONS FOR DECISION		
4. 22/3256 - 646C Kingsbury Road, London, NW9 9HN	Queensbury	17 - 32
5. 21/2290 - 30,30a and 31 Stilecroft Gardens, HA0 3HD	Northwick Park	33 - 56
6. 22/3273 - 5 Stanley Avenue, HA0 4JA	Wembley Central	57 - 70
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: Wednesday 15 March 2023

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 14 December 2022 at 6.00 pm

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

1. Apologies for absence and clarification of alternative members

None.

2. Declarations of interests

None.

3. Minutes of the previous meeting

RESOLVED that the minutes of the previous meeting held on Wednesday 16 November 2022 be approved as an accurate record of the meeting.

4. Order of Business

At this stage in proceedings the Chair advised that he had agreed to vary the order of business on the agenda. This was to enable the consideration of Agenda Item 5 (Application 5 22/2531- Broadview Garages, Broadview, London, NW9) as the first item given the number of speakers registered on the application. The minutes reflect the order in which the items were considered at the meeting.

5. 22/2531- Broadview Garages, Broadview, London, NW9

PROPOSAL

Demolition of garages and erection of two dwelling houses with car parking, cycle storage, amenity space and associated landscaping.

RECOMMENDATION~:

That the Committee resolve to GRANT planning permission subject to:

- (1) That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives as detailed in the report.
- (2) 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

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that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

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

Victoria McDonagh, Team Leader, North Area Planning Team introduced the report and set out the key issues. In introducing the application, the Committee were advised the application sought the demolition of garages and the erection of a two dwelling houses with car parking, cycle storage, amenity space and associated landscaping, members were advised that the site had been identified within the New Council Homes Programme to build on land already owned by the Council. The site was in an area of development to the west of Broadview, Fryent Way and currently comprised of an existing garage site that contained two blocks of garages that served properties along Broadview. To the east, the site shared a boundary with residential properties ranging from two to three storeys tall, with the Jubilee Line running to the west of the site. The majority of the site was within recognised Site of Importance to Nature Conservation (SINC) Grade 1, and the railway line was designated as a wildlife corridor and SINC Grade 1. Fryent Country Park, which was located to the south of the application site and recognised as a designated Open Space and Metropolitan Open Land (MOL). It was also a local nature reserve. The site did not fall within a conservation area, nor did it contain any listed buildings, although Fryent Country Park was designated as a locally listed park.

The Committee's attention was drawn to the supplementary agenda that provided information regarding additional objections received with particular regard to the homes being provided at affordable rent and to seek clarity on whether the tree T1 was growing within the application site. Concerns was also raised that any replacement tree would not be of a sufficient size and quality to replace the tree(s) lost as part of the development.

As no Committee questions were raised at this point, the Chair invited the first speaker, Alastair Mellon (objector) to address the Committee (in person) in relation to the application, the second speaker, Alnoor Najak also indicated that Mr Mellon would be speaking on his behalf. As such Mr Mellon was allocated 6 minutes covering both his and Mr Najak's allocated times to address the Committee. Mr Mellon proceeded to draw the Committee's attention to the following key points:

- Mr Mellon introduced himself to the Committee as a representative of the objectors to the application. In doing so he shared the objector's frustrations that it was felt the communication throughout the consultation period had been unsatisfactory due to requests for further meetings with officers being denied, difficulties obtaining updated reports and website accessibility issues that hindered further up to date information being readily available.
- A major concern for objectors was in relation to seeking clarity on whether trees T1 and T2 fell within the boundary site or not. Mr Mellon drew

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member's attention to the Architectural Report that stated the trees were outside of the boundary line, whereas the Waterman Report stated that one tree was on the boundary line. It was felt that until absolute clarity had been confirmed as to whether the trees fell within the site boundary or not a decision should not be made.

- It was felt that the EB7 report that addressed the daylight/sunlight impacts were completed on the basis that both T1 and T2 were going to be removed. However following amendments to the report that now stated that T2 was going to be retained, the EB7 report was out of date and would need to be repeated to explore the true impact, as the retention of the tree was likely to affect the results of the assessment.
- Mr Mellon reported that consultees had not been made aware and kept up to date with the amendments to retaining tree T2.
- Mr Mellon queried whether root protection in the area of T2 had been considered as this was not clear from the report, it was suggested that it should be conditioned if T2 did fall within the site boundary.
- Local residents had raised concerns that the car park on the proposed site was vulnerable to flooding, reporting that this was further impacted by a stream running approximately 7-8 metres to the rear of the site however the flood risk assessment stated that the area was not liable to flooding. This statement was contested by objectors, therefore it was felt the matter should be further explored as a material planning issue. Sketches were shown to members to inform greater insight in to the distance of the site to the stream.

In response to the concerns raised by Mr Mellon and Mr Najak, Committee members sought some points of clarity on the flooding issues raised and what objectors felt would be acceptable on the proposed site. In response the Committee were advised that there had been significant flooding issues, confirmed by Mr Najak who recalled an event whereby visitors to his home were not able park due to the flooding of the car park. In terms of what would be an acceptable scheme, Mr Mellon felt that refurbishing of the garages would be more suitable rather than trying to develop homes on the site, whilst acknowledging the need for family homes, it was felt that this particular site was not suitable.

As the Committee had no further questions for Mr Kakar, the Chair invited the next speaker on the application, Councillor J Patel (Ward Councillor) to address the Committee (in person) in relation to the application. Councillor J Patel proceeded to share his concerns as follows:

- Following concerns raised by residents, Councillor J Patel confirmed that he had undertaken a site visit and seen first-hand the issues raised by residents, including the ambiguity of where trees T1 and T2 fell in terms of the boundary line. It was also noted that it would not be feasible to plant a replacement tree of similar size and maturity in place of any trees that were lost to accommodate the development.
- Concerns were raised that given the small space the homes would be built upon there would not be adequate room for refuse and fire vehicles to access the homes, as a result the new homes refuse bins would be located near Broadview Road, Councillor J Patel queried whether this may increase the likelihood of rubbish being dumped on the road.

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- Councillor J Patel raised the lack of parity with regard to the Council's approach to tree removal as he noted that residents in his ward had been refused permission to make a dropped kerb as it could damage nearby tree roots, however whole mature trees were being considered for removal as part of the proposed scheme.
- In summarising his concerns Councillor J Patel re-iterated the issues raised as areas of concern adding that he felt there would be a detrimental ecological impact to the local environment as a result of the development. In addition to this he did not support the building of new homes in close proximity to the Kingsbury curve section of track as the noise created from the train line was already causing problems for local residents. Overall, he felt that the application represented poor planning and should be refused.

As there were no further queries raised the Chair thanked Councillor J Patel for his contribution and moved on to invite Lucy Howes (agent, Maddox Associates) to address the Committee (online) supported by Sam Rafferty (architect, FBM Architects) (online) in relation to the application, drawing the Committee's attention to the following key points.

- The current site comprised of brownfield land containing eight underutilised garages as illustrated on the submitted drawings in the Committee's agenda pack.
- Fryent Country Park was located to the south of the site with Kingsbury Underground Station located a short walk to the north east of the site. The surrounding area was residential in character and comprised a mix of two to three storey houses.
- The proposed development sought to complement the character of the area through the provision of 2 new high-quality, 4 bedroom, affordable family homes whilst significantly enhancing the existing appearance of the site.
- The site was situated within close proximity to Kingsbury Town Centre further supporting the principle of redevelopment in line with Brent's Local Plan, London Plan, and the NPPF.
- In terms of design, the applicant had engaged in extensive discussions with Officers in evolving the proposed scheme. As a result the homes were designed to meet and exceed key housing design standards, being dual-aspect whilst meeting M4(2) compliance to ensure inclusivity for all.
- The houses also included high-quality, private amenity space for the enjoyment of future occupiers.
- The scheme had been carefully considered to be respectful of the existing context, using the Brent Design Guide SPD1 as its founding principles. The facades had been specifically designed to complement the surrounding homes, whilst the profile and window placement design had been informed by and complied with relevant principles within the SPD, with regard to overlooking and privacy.
- It was felt that the design of the homes would enhance the setting of Fryent Country Park.
- The applicant had submitted a Daylight and Sunlight assessment in support of the application which confirmed that the proposals were fully compliant with the BRE guidelines in terms of impacts on the daylight and sunlight levels received by the surrounding properties.
- The proposal would provide two off-street car parking spaces, in line with planning policy requirements.

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- One unprotected tree would be removed to facilitate the proposals. Three new trees were proposed on site, with a further additional tree proposed off-site, resulting in an overall uplift. A landscape buffer was also included along the frontage and rear gardens to further enhance opportunities for biodiversity
- In closing remarks it was felt that the proposal was considered to align with the Development Plan as a whole, particularly in terms of achieving the overarching objective of delivering new, affordable, family homes at sustainable locations in the borough.

The Chair thanked Ms Howes for her representation and invited Committee members to raise any queries or clarifying points they may have. Queries were raised with regard to the boundary line of the development, tree removal, flooding, refuse and noise. Responses were provided as follows –

- It was confirmed that the boundary illustrated in the plans with a red line was bound by fences on the actual site.
- Clarification was provided that T1 that sat on the site boundary would be removed. There would be three additional trees planted on site and one further tree would be planted off site.
- Committee members were advised that although a refuse vehicle could not directly access the proposed homes, additional bins would be located near 14 Broadview Road, residents of the new development would need to bring their refuse there in order for their refuse to be collected.
- It was confirmed that a flood risk strategy was in place that included permeable paving that minimised surface run off water and an attenuation tank would be fitted to collect excess water.
- Committee members were reassured that internal modifications to the windows design would be secured by planning condition to minimise excess noise created from the close proximity to the train line.

As members had no further questions for the agent, the Chair invited members to ask officers any questions or points of clarification they may have in relation to the application. The Committee raised queries in relation to whether trees T1 and T2 fell within the boundary line, refuse and fire vehicle access, flooding and the ecological impact of the proposed development. In response to the issues raised by the Committee the following responses were provided:

- In response to a Committee query seeking clarity on the issue of the boundary lines and tree location in relation to the removal of the tree T1, the Committee were advised that written approval had been received from the park team following their site visit to confirm that they agreed that T1 was on the boundary and were satisfied with the plan to remove T1 and the replacement planting, with the caveat that the grounds would require a survey as accurate boundary lines were often difficult to establish. On the basis of the confirmation from the parks officer it was deemed acceptable to proceed with the application.
- Officers confirmed that due to the narrow width of the road to the proposed dwellings it was not possible for a refuse vehicle or fire vehicle to directly access the properties. However this had been mitigated by the provision of shared bin storage alongside the access drive, approximately 30m from the

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turning circle on Broadview, it was recognised that this was slightly beyond the usual 20m distance, however the distance was in line with the existing houses at 9-14 Broadview.

- It was acknowledged that the maximum 45 m access distance for fire appliances would be exceeded, however British Standards allowed for a 90 m access distance for two-storey dwellings, provided that a sprinkler system was installed. Based upon the proposal to install the new homes with a sprinkler system it was considered that adequate measures were in place to meet Building Regulation Guidance and London Fire Brigade Guidance and as such was compliant with policy D12A of London Plan 2021.
- Officers confirmed that the proposed new homes would have 2 parking spaces in line with the London Plan, due to the small scale of the scheme there was no requirement to have Electric Vehicle Charging points or allocated disabled parking bays included as part of the scheme,
- Following a Committee query regarding concerns objectors raised in relation to flooding, officers advised that the site did not lie within a flood risk area, however in line with BSUI4 (On Site Water Management and Surface Water Attenuation) whereby it was stated that minor schemes should make provision of an appropriate SuDS scheme to achieve greenfield run off rates and ensure that surface water run off was managed as close to its source as possible, a drainage strategy would be in place and would provide a betterment to the current sites drainage. The Drainage Strategy included the use of permeable surfacing across the terrace within the development and underground storage tanks to reduce the risk of flooding and control the discharge of water runoff on site, small rain gardens, green/brown roofing and the use of water butts would see a reduction of 0.7l/s.
- In response to a Committee query regarding the impact of the proposed scheme on bio diversity of the site particularly within the context of part of the proposal being on the boundary of a Grade 1 Site of Importance to Nature Conservation Fryent Country Park and also next to the SINC Grade 1 railway line and a wildlife corridor, officers advised that consideration had been given to the ecological value of these sites and mitigations would be in place following recommendations from the Ecological Impact Assessment. Measures to protect the ecology in and around the site included a Construction Environmental Management Plan to be in place in advance of the proposed construction and to avoid light spill in to the neighbouring SINCS's a light strategy would be followed to mitigate the potential impact to the wildlife corridor and SINCS close to the site.

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

DECISION: Granted planning permission subject to the conditions and informatives set out in the Committee report and supplementary report.

(Voting on the recommendation was as follows: For 6 & Against 1

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PROPOSAL

Demolition of No. 421 and 423 (Symal House) Edgware Road and erection of a building of up to 20 storeys (plus basement) to provide residential dwellings, with convenience food store and flexible commercial units at ground floor, together with associated car / cycle parking (basement and ground floor); vehicular access (Carlisle Road / Holmstall Avenue) and highways works (including provision of delivery bay to Carlisle Road / Holmstall Avenue); private amenity space; public realm and landscaping

RECOMMENDATION~:

That the Committee resolve to GRANT planning permission subject to application's referral to the Mayor of London (stage 2 referral) and the prior completion of a legal agreement to secure the planning obligations as set out in the Committee report and any other planning obligation(s) considered necessary by the Head of Planning.

Nicola Blake, Principal Planning Officer, North Area Planning Team, introduced the report and set out the key issues. In introducing the report members were advised that the application site was approximately 0.5 hectares in size and fronted on to Holmstall Avenue, Edgware Road and Carlisle Road, it contained the three storey office building of Symal House on its northern side. The site was located within the Burnt Oak and Colindale Growth Area, adjacent to a Locally Significant Industrial Site and close to the edge of Burnt Oak Town Centre. The application proposed the demolition of Symal House (a locally listed building) and 421 Edgware Road, the petrol station and tyre, exhaust and brake centre to allow for the redevelopment of the site to construct three new blocks ranging from 3 storeys to 20 storeys in height to provide a total of 252 residential flats and industrial workspace.

The Committee's attention was drawn to the supplementary agenda that set out some additional objections received, however these objections raised no new concerns and had already been assessed within the Committee report.

As no Committee questions were raised at this point, the Chair invited Henry Courtier (agent), Pegasus Group, supported by Andrew Cooper, (applicant) Sheen Lane Developments and Shahmeer Khan, (architect) Base Associates to address the Committee (in person) in relation to the application, drawing the Committee's attention to the following key points:

- The Committee were advised that the applicant, Sheen Lane Developments were a London based developer with a proven track record of housing delivery across Greater London and specifically within the borough of Brent, most notably in the delivery of 346 apartments and ground floor commercial space within their scheme at 1 Olympic Way in Wembley.
- With the site identified as part of the Burnt Oak and Colindale Growth Area, it was felt the development would make optimum and efficient use of brownfield land that would sit amongst a number of other new buildings on a stretch of the Edgware Road which was also undergoing transformation.

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- The proposed development would provide 252 much needed homes, along with ground floor retail space and the associated employment opportunities to serve the local area.
- As well as providing a convenience food store, smaller independent commercial units and market housing, the scheme would deliver 51 affordable homes, equating to 24% when measured by habitable room. These units would all be provided as London Affordable Rent and included a mix of 1, 2 and 3 bedroom properties. This level of affordable housing had been agreed with the Council's viability consultant and the S106 agreement would be subject of both early and late stage reviews to capture any future uplift.
- The design of the scheme formed three distinct blocks of accommodation centred around a shared podium terrace, with the tallest block being 20 storeys in height. This element of the site was located within the Council's designated tall building zone where there were already a cluster of tall buildings. The height and building form had been rigorously assessed through Townscape Visual Impact analysis and deemed acceptable.
- A key benefit of the proposal was the opportunity to create an active frontage onto Edgware Road through the inclusion of the retail and employment units, which would generate pedestrian activity throughout the day and evening.
- The generous and increased pavement widths of the scheme allowed opportunities for public realm and landscaping enhancements, with over 100 trees to be planted across the site.
- Urban greening had been optimised and the scheme had been assessed as having a biodiversity net gain of over 300%.

Committee members raised a number of queries in response to the agent's presentation, regarding tenure mix, employment opportunities, parking and affordable housing, with the following responses provided:

- Mr Courtier clarified that although Block C had been allocated as the block that would contain the affordable units of accommodation, the scheme was tenure blind, therefore would be built to the same specifications as Blocks A and B. All blocks regardless of tenure would have access to shared amenity space at podium level.
- It was confirmed that there were no specific figures on how many employment opportunities would be created yet as part of the scheme, however given the volume of retail space, smaller commercial units and job creation through the construction phase there would undoubtedly be increased opportunities for employment within the community. Further assurances regarding the training and employment offer to Brent residents as a result of the scheme were secured within the S106 agreement.
- In response to a Committee query regarding the impact of introducing a supermarket retail unit as part of the scheme whilst there was already a similar supermarket in close proximity, it was confirmed that officers had found this to be acceptable as retail competition in retail was seen positively in planning term as prices may decrease for customers.
- Following a Committee question regarding parking spaces, Mr Courtier confirmed that 32 parking spaces would be available on the ground floor for retail customers with a further 4 staff parking spaces in the basement. As the residential element of the scheme was "car free" the additional 16

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residential disabled parking bays at basement level that accounted for 6% of total provision for the units exceeded London Plan minimum requirements of 3% of disabled parking.

- The Committee queried why the affordable housing offer appeared low at 24%, given that the Brent target is that 50% of new homes within a new scheme would be affordable. In response Mr Courtier explained that viability assessments had been completed and officers had agreed that 24% was the maximum viable amount of affordable housing that could be provided on this particular scheme.

As members had no further questions the Chair invited members to ask officers any questions or points of clarification they may have in relation to the application. The Committee raised a number of queries in relation to the Tall Building Zone (TBZ), transport considerations, bio diversity and urban greening, daylight/sunlight assessments, and a healthy street assessment. In response to the issues raised the following responses were provided:

- The Committee required clarity regarding which parts of the development fell within a TBZ. Officers confirmed that Block A was not located within the TBZ, however it was situated between the TBZ and a designated town centre where the policy stipulated that the general height of buildings can be up to 15m high. Blocks B and C were located within the TBZ and in line with the Local Plan Policy for building height to step down towards the edge of a TBZ, Block B would go down to 10 storeys to bridge the gap between the town centre and TBZ, this ensured the scheme was policy compliant.
- In response to a number of queries regarding transport considerations, officers confirmed that the site had a PTAL rating between 3 and 4 and was well served by local bus routes.
- Officers advised that there would be 504 cycle spaces provided for the site as a whole at both ground floor and basement level. In terms of car parking, in line with the residential part of the development being car free with the exception of the 16 disabled bays it was deemed that the amount of residential parking proposed was acceptable as the site had good access to public transport and was within a Controlled Parking Zone (CPZ). There were nearby streets that were not covered by a CPZ, however as they were not residential roads, overspill parking from the proposed development was unlikely to cause an issue. Additionally officers confirmed that through the S106 agreement the right for residents of the new development to be entitled to parking permits that would cover existing and any future CPZ's operating within the locality would be removed in order to minimise the impact of overspill parking.
- It was confirmed that 20% of the residential parking spaces would have active electric vehicle charging points, with the remaining spaces having passive provision.
- Officers confirmed that in line with the Mayor's Healthy Streets approach, outlined by London Plan Policy T2 the proposed public realm enhancements as part of the scheme included wider footways, planting, seating and short stay cycle parking. Officers went on to advise that following a Healthy Streets Assessment that found damaged footway and tactile paving, a new footway was proposed along the entire site frontage, as well as a new pedestrian crossing secured via S278 works.

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- The Committee queried whether there would be adequate room for vehicles to turn left out of Lidl on to Holmstall Avenue through to the width restriction and whether consideration had been given to measures to mitigate hold ups created from vehicles needing to complete multiple manoeuvres to get through the restriction, such as a no left turn restriction being put in place. In response officers advised that this would be explored further in the S278 works and would include a review of the location and design of the speed restrictions situated within Holmstall Avenue adjacent to the site and to remedy any identified issues.
- Officers advised that although the Urban Greening Factor (UGF) achieved a score of 0.38, which was marginally below the London Plan requirement of 0.4, officers felt that the level of urban greening had been optimised as much as possible given the constrained nature of the site, however further exploration would be undertaken to see if there were further options to improve the UGF through the use of permeable paving, landscaping and air source heat pumps. The Committee noted that despite the low UGF rating, the scheme achieved a bio diversity net gain of +307.1% through a number of measures that included the provision of two bat boxes, species rich flowering lawn and deciduous and evergreen trees.
- It was confirmed that as part of the redevelopment of the site six trees in total would need to be removed, however the replacement tree planting scheme would see 109 new trees being planted, which was recognised as a significant uplift on the current situation.
- Officers confirmed that the scheme had been assessed as air quality positive therefore no further mitigations were needed to manage the air quality of the scheme.
- In response to a Committee query regarding the maximum number of affordable housing that could be achieved through the scheme, officers advised that the applicant had submitted their financial viability assessment that indicated the figure of 24% affordable housing, this was reviewed independently by the Council and BNP Paribas whose conclusions were in line with the applicant's, the Committee noted that through the early and late stage review mechanism any potential uplift in affordable housing could be identified and secured within the Section 106 agreement.
- Following a Committee query regarding the impact of the height of the buildings in terms of daylight/sunlight it was confirmed that given the scale of the development and the number of windows affected, it was considered that the impacts on existing windows were acceptable with the high density urban context of the scheme. On balance it was considered that the planning benefits of the scheme outweighed the limited amount of harm to neighbouring amenities.
- In response to a Committee concern that 66 out of the 156 rooms tested in Block C would fall short of BRE recommendations, it was clarified that of these 66 rooms, 29 were living/kitchen/dining rooms and as such they were larger than average and would be fitted with artificial task lighting. It was therefore considered that a more appropriate target for these type of rooms would be 150 lux rather than 200 lux, when applying the 150 lux target a further seven rooms would meet the BRE guidelines.
- Officers acknowledged that there were some shortfalls in the new homes achieving full BRE compliance however the shortfalls were considered acceptable in the urban context with the scheme providing good quality

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accommodation in line with policy D6 of London Plan and policy DMP1 of Brent's Local Plan.

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

DECISION: Granted planning permission subject to the Mayor of London (stage 2 referral) and the prior completion of a legal agreement to secure the planning obligations as set out in the Committee report and supplementary report subject to the inclusion of the following highways works within the planning obligations referred to in paragraph 12 of the Recommendation section of the report: the review of the location and design of the speed restrictions situated within Holmstall Avenue adjacent to the site and any required changes to those restrictions.

(Voting on the recommendation was unanimous)

7. Any Other Urgent Business

None.

The meeting closed at 7:54pm.

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

8 February, 2023
04
22/3256

SITE INFORMATION

RECEIVED	20 September, 2022
WARD	Queensbury
PLANNING AREA	Brent Connects Kingsbury & Kenton
LOCATION	646C Kingsbury Road, London, NW9 9HN
PROPOSAL	Change of use of the ground floor from professional services to place of worship (Use Class F1(f)) and community hall (Use Class F2(b)) and replacement of windows with doors to front elevation
PLAN NO'S	Please refer to 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_161943</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 "22/3256" (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. Parking and Cycling
4. No amplified equipment
5. Use class restriction
6. Hours of Operation
7. Car Management Plan
8. Noise impact assessment

Informatives

1. Fire Statements

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.

SITE MAP

**Brent**
Planning Committee Map
Site address: 646C Kingsbury Road, London, NW9 9HN
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This map is indicative only.

PROPOSAL IN DETAIL

Change of use of the ground floor from professional services to place of worship (Use Class F1(f)) and community hall (Use Class F2(b)) and replacement of windows with doors to front elevation.

EXISTING

The site is 2 storey commercial building located at the rear of 642 to 660 Kingsbury Road. The site is within the boundary of Kingsbury Town Centre but lies outside the Primary Shopping Frontage. The site is not located within a conservation area and there are no listed buildings within the sites curtilage. The site is located within an Air Quality Management Area.

AMENDMENTS SINCE SUBMISSION

Amendments sought during the course of this application are as follow

- The proposed car park and fire exist doors open inwards rather than outwards based on the initial drawings.
- The Ownership Certificate of the site has been changed from A to B which are not the sole owners and 21 day notices were served to all the freeholders/owners of the site within the red edge boundary.

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: A significant number of representations have been received. These include 125 objections, 1 neutral comment and 27 support comments. In summary the nature of the objections relates to impact on neighbouring amenity, parking demand, traffic congestion and highway safety concerns, negative impact on business within Kingsbury Town Centre, and already sufficient number of place of worship in the locality. The support comments highlight the need for a place of worship and that this would be a good location within a town centre that is within a sustainable location. These are set out below and discussed in the report.

Principle of Development: The site is within Kingsbury Town Centre, however not primary shopping frontage. The general principle of change of use is supported in this location, contributing towards the Brent's Social infrastructure.

Highway impacts: The proposed place of worship would retain the existing 6 parking spaces and cycle parking on the service road adjacent to the site, meeting parking and cycling standards. Consideration has also been given to submission of a car park management plan on site and car park enforcement measures to ensure parking associated with the proposed use does not result in highway safety problems in the area. Moreover, the town centre location and the good access to public transport services means that the site is well located in transport terms, with plenty of alternatives to car use. Overall it is not considered likely that the proposal would result in significant transport impacts.

Residential amenity: The proposal would be within a Town Centre location, however the building is near to the flats above the commercial premises fronting Kingsbury Road and a condition is attached to this application for a noise impact assessment to the nearby residential units and any mitigation measures that would need to be carried out to minimise any disturbance that can arise from the use.

Design and appearance: The proposal is considered not to result in harmful impact on the character and appearance of the local area.

RELEVANT SITE HISTORY

21/4171 - Refused on 07/01/2022

Change of use of the ground floor from professional services to place of worship (Use Class F1(f)) and meeting hall (Use Class F2(b)) and replacement of window with entrance door to front elevation

CONSULTATIONS

140 nearby properties were consulted on 23rd of September 2022.

125 objections were received along with 27 support comments and 1 neutral comment. A summary of the comments received is discussed below:

Reference is made in some comments to a letter which was circulated. Officers are not aware of any pamphlets that has been circulated / posted to residents within Kingsbury and cannot comment on this point. This was not a part of the formal planning application consultation.

Nature of Objection	Officer response
Overspill of parking within the area and neighbouring streets. The parking availability on the roads in the surrounding area is at capacity at all times. On Kingsbury Road people regularly park on the pavement illegally.	This is discussed within paragraphs 15-27 within the remarks section below.
No adequate parking proposed on site for 40 worshipers. Other comments refer to 60 or 100 visitors	This is discussed within paragraph 15-18 within the remarks section below.
This would have negative impact on the businesses and their livelihood in long term as it would not be a convenient shopping place for people due to lack of parking and additional traffic.	The premises has 6 parking spaces and there would be parking management condition attached to this application for managing car park for the proposal. Moreover, the proposal is within Town Centre with good public transport rating of 4
Given the population the attendees will exceed the 41 people within the application and there is no ways to restrict the flow of worshipers especially at prayer times and Fridays	It is set out within the submission that maximum occupancy would be 41 people and the submitted drawings show the extent of the main room that would be used with this number of people. A condition to restrict the maximum level of occupancy would be difficult to enforce. However, the size of the rooms is such that the level of occupancy is not likely to be excessive for a town centre location even if the specified maximum level was exceeded.
Generate more traffic especially at the Kingsbury Circle	The proposal is within Town Centre with good public transport and attendees can access the centre via foot and public transport.
The traffic generated would slow down the emergency vehicles such as ambulances	It is not considered likely that the proposal would lead to a material increase in traffic congestion.
The entrance of the flats to the rear and service driveways for the shops can be blocked by the additional influx of the cars	This is an existing situation on site with the 6 parking spaces, however a car parking management would be secured through condition.
Emergency fire or ambulance access to the shops and residential flats to the rear would be a problem by the parking. Moreover, the rear Aldi car park can be blocked by shoppers and gym users effecting the fire service access to the premises. The dustbin collection 2-3 times a week would also create hazard for flats and emergency service access.	This is also the existing situation of site and the 6 parking spaces are present and no additional parking space has been proposed on site.
The assembly point shown on the Fire Map on Kingsbury can have potential hazard with large number of people on busy street compromising the pedestrian safety.	The wide pavements within Kingsbury Road are likely to be sufficient for the anticipated number of users.
The narrow passage for access would be congested with additional footfall making safety issue and COVID-19 issues especially for elderly population.	The passage currently serves customers using the car park and is an existing situation on site. The passage narrowest point is only a short section at the start which widens towards the car park and the premises entrance.
The attendees should share the facility with other	The applicant has provided a statement stating that,

places of worship within the area. There are mosques within Hendon or Fatwa mosque or other centres.	<p>there are no communal prayer facilities or community halls for the wider public and surrounding residents. The closest places of Islamic worship and community halls to the application site are at the following locations:</p> <ul style="list-style-type: none"> - Hendon Mosque and Islamic Centre – 2.1 Miles or a 42 minutes walk. - Fatwa Council Mosque – 1.4 Miles or a 29 minutes walk. - Kingsbury Islamic Centre – 1.3 Miles or a 28 minutes walk. <p>It was stated that the local Muslim population are in need for a place of worship and community hall facility as the closest facilities are situated a significant away and would require a sizeable commute.</p> <p>This has been reviewed by Brent's policy team and is discussed within paragraph 7.</p>
The places of worship should not be within Town centres and should be within areas of ample parking or proximity and as such inappropriate location.	Brent's Local Plan policy BSI1 required community centres to be within town centres. This is discussed under paragraph 4-9.
More pollution and chaos as part of the traffic and attendees	The proposal is within Town Centre with good public transport and has been stated that most of the attendees are within proximity of the site and would access the site by foot.
Would Cause noise and disturbances to the residents and shoppers in the vicinity	This is discussed within paragraph 29-30 within the remarks section below.
The plans does not show women facilities such as toilets or babies children changing area	The plans show two toilets, including one disabled WC. Planning policy does not require separate facilities for women and children.

The 27 support comments has been summarised as below

Nature of Support	Officer comments
The majority of the worshippers live within proximity and walking distance of Kingsbury and most shop keepers are Muslim that can use this facility by foot.	Noted
The traffic in Kingsbury is an existing situation and a place of worship would not make this substantially worse.	Noted
Kingsbury has several halal shops, restaurants, takeaways and businesses therefore already attracts a large population of Muslims. Having a mosque in Kingsbury would be a convenient spot for those people to pray locally and not having to travel to faraway mosques.	Noted
Kingsbury has good public transport with several buses and transport links	Noted
Local businesses will only benefit from more people coming to the High Street, hence can be positive traffic to the businesses. In fact the parking space of 6 should be dedicated to disabled badge holders.	Noted
A mosque will create local diversity of culture as there are temples, synagogues and churches at close proximity but no mosques.	Noted
The facility can bring peace in community and positive changes on the youths and children.	Noted
The proposal is like airport style prayer room and	.Noted

slightly bigger and not a multi story mosque to be of concern.	
The are no mosque within Kingsbury and local residents would have to travel to Harrow or Hendon for such facilities.	Noted
If people chose to live above shops in town centre there are likely to experience more noise and activity than normal residential street. Town centre by nature meant to be busy till late due to pubs and restaurants etc. The proposed mosque would be much less quite the other late night uses allowed in town centre	Noted

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

S1: Developing London's Social Infrastructure
D12: Fire Safety
T5: Cycle Standards

Brent Local Plan 2019-2041

DMP1: Development Management General Policy
BD1: Leading the Way in Good Design
BSI1: Social Infrastructure and Community Facilities
BE3: Local employment sites and work-live
BSUI4: On Site Water Management and Surface Water Attenuation
BGI1: Green and Blue Infrastructure
BT1: Sustainable Travel Choice
BT2: Parking and Car Free Development
BT3: Freight and Servicing

Other material considerations include:

National Planning Policy Framework 2021
Supplementary Planning Document 1 "Brent's Design Guide" 2018

DETAILED CONSIDERATIONS

Context:

1. The application proposes the change of use of the ground floor of 646C Kingsbury Road from financial and professional services (E(c)(ii)) use class order September 2020 to a place of worship (F1(f)) and F2(b) and community hall for locals. The application identifies the existing use as being a professional services (A2 use class), and therefore falling under use class (E(c)(ii)), however, the only granted relevant planning history (02/1245) for changes to the office building in B1 use class. This would consequently result in the change of use from an office within use class (E(g)(i)) instead rather than the professional services the application form refers to. Nevertheless, the applicant refers to offices within parts of their statement.

2. Furthermore, based on google 2021, the building is likely to be an office as was confirmed to be previously in use by an accountancy firm. As such this application would be assessed based on the change of use from an office space use class E(g)(i) based on September 2021 use class order changes and as stated within their application form under section 'existing and proposed uses'.

Background:

3. Previous application for similar proposal was refused under planning reference 21/4171 on 4 grounds as below. The applicant has resubmitted in an effort to overcome and remedy these reasons for refusal.

1. *The proposal due to lack of information and additional evidence as to the local need, and consideration for the potential use of facility more intensively outside of the identified hours by the local community and lack of drafting a Community Use Agreement for a wider use of the building would be contrary to BS11 of Brent's Local Plan.*

2. *The proposal would result in increased pedestrian activity to the site with inadequate provision of safe pedestrian and cyclist access to the premises to the rear of the service road to the detriment of pedestrian and highway safety contrary to policy T5 of London Plan 2021, policies DMP1 and BT1 of Brent's Local Plan.*

3. *Due to insufficient information on the maximum capacity of the site including number of staff and attendees and lack of travel plan to help mitigate any overspill of parking in the area as well as any potential loss of access to existing servicing provision for the retail units along this service road would also be contrary to DMP 1, BT2 and BT3 of Brent's Local Plan.*

4. *The submission fails to demonstrate that the proposed development will achieve an appropriate standard of fire safety and the proposal is therefore contrary to Policy D12A of the London Plan (2021).*

Principle of development:

4. Policy S1 of the London Plan 2021 states that development proposals that provide high quality, inclusive social infrastructure that addresses a local or strategic need and supports service delivery strategies should be supported. New facilities should be easily accessible by public transport, cycling and walking. It recognises that social infrastructure plays an important role in developing strong and inclusive communities and it can provide opportunities to bring different groups of people together, contributing to social integration and the desirability of a place. Shared use and co-location of facilities should be encouraged, in order to align service provision, use land more efficiently and facilitate opportunities for different groups of people to come together, encouraging further inclusion and community participation.
5. As it was identified above, the premises was last in use as an office falling within use class E(g)(ii). Such a use of the site would be considered to be a local employment site, and the proposal would result in the loss of the office floorspace at ground floor level. Policy BE3 requires the protection and enhancement of Local Employment sites. It would be expected that release of these premises for non-employment uses would only be allowed should it be demonstrated that the existing use is no longer wholly viable. The applicant has not submitted any information to demonstrate compliance with this policy. However, the application is for a social infrastructure (a place of worship) and the applicant has demonstrated that there is a need for this type of use within the local area, the benefits associated with this provision is considered to outweigh the absence of information relating to the continued use as an office.
6. The existing unit is located to the rear of 642-660 Kingsbury Road which is part of Kingsbury town centre. The unit is a separate premises which is not ancillary to one of the units within the Kingsbury Road frontage. As such, while it is in the Kingsbury Town Centre, it is not within the designated Primary Shopping Frontage. Therefore its change of use would not compromise the on-going sustainability of the town centres core retail function, and is considered acceptable in principle.
7. Brent's Local Plan policy BS11 requires proposals for new social infrastructure, such as that which is being proposed here, to meet all of the following criteria:

e) easily accessible by public transport, walking and cycling, preferably in town centres or Growth Areas;

The application site is within a town centre and as such is considered to be easily accessible via sustainable transport modes, and is appropriately located along with other infrastructure and amenities.

f) located within the community they are intended to serve;

Developments proposing new social infrastructure will need to provide evidence of its local need. With regards to the lack of evidence towards local need as per previous refusal reason, the applicant has submitted a petition with 465 signatories from the local community to demonstrate the demand for the proposed facility. Alongside this, they have identified the density of the Muslim population, and the relative absence of Islamic prayer facilities compared to facilities for other religious groups. Given the difficulty in demonstrating the need for such facilities due to no 'standard' methodology, it is considered that this presents a strong argument for the need for the proposed facility. As such, the application is considered to satisfy this previously outstanding policy requirement.

g) provided in flexible and adaptable buildings;

The only proposed internal alterations are to insert toilet and ablution facilities. The remainder of the premises will remain as a single room for the purposes of worship. Therefore there is an inherent flexibility in the building's potential use for other community groups.

h) ideally co-located with other social infrastructure uses;

the proposed site is located within a town centre area and as such considered to be acceptable in terms of its location.

(i) maximising wider community benefit, through if necessary, requiring formal community use agreements.

The previous application noted that the premises would be open between 4-8pm and prayer times, however no specific time was given within the application documents or reports and it was assumed that the premises would be closed for most of the day and as a result it was required for the infrastructure to provide opportunities for public access through a Community Use Agreement (CUA). However, in this re-submission, it is set out within the Planning Statement that while the premises is limited in size and would therefore have limited benefit to the wider local community, the applicant would be willing to enter into a Community Use Agreement (CUA) if necessary. It is set out in the noise statement that the use would operate between 12pm to 9pm Monday to Sunday. As such, it is likely that the premises would be used for significant portions of the day each week and as such, there would be limited capacity to secure wider community use through a CUA. The proposed change of use is considered to be appropriate without a Community User Agreement in this instance.

8. In summary, the proposal is considered acceptable in principle and additional evidence as to the local need has been submitted as part of this application and would be in compliant with Brent's BSI1 policy points discusses above.

Character and appearance:

9. DMP 1 asserts that development will be accepted provided it is; 'of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality.
10. The proposal within this application would not alter the massing of the building but would replace one ground floor window to door for fire exist use as well as widening of the existing door that serves as separate access for cyclists and people parking within the service Road. These changes are acceptable in terms of character and appearance given the location at the rear of a service road and overall building appearance.

Security and safety considerations:

11. Chapter 8 'Promoting Healthy and Safe Communities of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life.
12. The proposal on the plan shows two ways of access to the internal ground floor prayer area. The main pedestrian entrance to the place of worship and community hall would be via the covered pedestrian passage from Kingsbury Road next to Aldi that connects the store to its car park. This route provides a safe and convenient link to Kingsbury Road. This information would also alleviate the reason for refusal per previous application due to lack of clarity for access routes which would no longer

be of concern. The secondary access to the southern elevation would provide entry to those arriving by car and bicycle only. As the site will predominantly serve the local community, and combined with the highly accessible location, the vast majority of visitors would travel to the site by foot or public transport using the side passage next to Aldi supermarket. As such, in conclusion the proposal is compliant with DMP 1 paragraph f of Brent's Local Plan policy 2019-2041 providing well-used routes for pedestrian users.

Transport and highways:

13. The site is located with good public transport with rating of PTAL 4 .
14. Parking and servicing standards are stipulated in Appendices 4 and 5 of Brent's adopted Local Plan.
15. For the existing offices, this requires compliance with the standards set out in Table 10.4 of the London Plan, which allow one space per 100m² for offices in Outer London. For servicing, the Local Plan requires access for 8m rigid vans.
16. The existing building would therefore be allowed one parking space and would require an 8m loading bay. The existing provision of six parking spaces exceeds maximum allowances, whilst no space is specifically identified for delivery vans. As the site has a good PTAL rating, any parking for the proposed use of the ground floor as a prayer hall and meeting room would need to be justified through a Transport Assessment.
17. In this case, although a Transport Assessment has not been provided for the application, greater detail on the scale of the use has been provided. This confirms that the prayer hall would be able to accommodate up to 40 worshippers at a time, plus the Imam.
18. The application does not set out detail on likely attendance figures through the week, but it is understood that attendance for a Muslim place of worship tends to be focussed on certain specific times, such as Friday lunchtimes. At those periods, demand for parking can be quite intense.
19. As such, whilst any new parking would be resisted, there would be some justification for retaining the six parking spaces for the building (one of which is proposed to be retained for the first floor office), although public car parking is also available in the area within the pay and display bays along Kingsbury Road and within the public town centre car parks.
20. However, it is also important that parking at peak times is well managed and that worshippers do not park along the private access road and obstruct access to other premises. The centre should be prepared to take action against any persistent offenders in this regard.
21. Based on this a car parking management condition is recommended to be secured to any forthcoming consent. This would require the provision of information on car parking enforcement measures and monitoring the operation of the plans and any further funding for additional signage and parking enforcement in the event that parking problems arise along the rear service road. It should be noted that the car park and access to the car park does not fall within the public highway .
22. Otherwise, the town centre location and the good access to public transport services means that the site is well located in transport terms, with plenty of alternatives to car use. The overall transport impact is not therefore likely to be significant.
23. The London Plan would require a minimum of two bicycle parking spaces for the prayer hall, plus a space for the retained offices on the first floor. A bicycle shelter on the western side of the building for seven bicycles is now proposed and this is more than sufficient to meet standards.
24. Finally, concerns were raised on an earlier application for this use regarding the lack of safe pedestrian access to the site via the rear service road. Pedestrian access arrangements have now been clarified, with the prayer hall to be accessed via the existing footpath for the adjoining supermarket, which links the store to its car park. This route provides a safe and convenient link to Kingsbury Road, so pedestrian access is no longer a concern.
25. A condition limiting the maximum number of users would not be enforceable and this cannot be restricted through condition. Furthermore, the proposal would allow use as a place of worship and a community hall. This is not unusual for places of worship. However, community hall use has the potential to allow

greater levels of occupancy. Nevertheless, given the town centre location and good public transport accessibility, this is not considered to change the conclusions that have been discussed above.

Residential Amenity

26. The proposed place of worship would be within a Town Centre environment and would be operational Monday-Sunday on prayer times and 12:00 to 21:00 p.m daily which appear to be in keeping with the times of use for surrounding units within the town centre. The applicant has provided a noise statement and has mentioned that due to the town centre location of the site and significant number of commercial units that are open substantially later than the use proposed and their associated extraction flues, machinery and plant, the proposed place of worship and community hall would have a considerably lesser noise output. The applicant has also indicated that they would accept a condition requiring a formal noise impact assessment and by further restriction condition, that no amplified sound or machinery/plant to be installed on the site. With these conditions in place, is considered likely that the level of noise generated by site would be nominal.
27. There are residential units above 642,646, 648,650,652,654,656, 658 and 660 Kingsbury Road close to the site at first floors. The proposal to the east would comprise of Aldi supermarket and Gym and seven flats at 632 Kingsbury Road.
28. The statement has been reviewed by Council's Environmental Health officers recommending a condition restricting the operating hours as well as submission of a more detailed noise assessment in line with BS4142 and BS8233 with noise insulation measures if required as a result of the assessment be attached to this consent. The noise impact should consider the noise from proposed activities at the place of worship and community hall on nearby properties.

Fire Safety:

29. Policy D12A of the London Plan now requires all 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.*

30. The applicant has submitted a fire statement addressing the London Plan Policy D12A which includes means of escape, fire equipment and building structural elements. It has been also stated that the fire services can access the building from the rear car park and from Kingsbury Road for laying hose. A Fire Safety Manual would also be produced as part of the requirements as stated within their statement.
31. The information would be acceptable to meet the requirements of policy D12a and that any proposal would still be subject to building regulation approval.

Equalities:

32. 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:

33. The proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions as set out within this report. The proposal would deliver a social infrastructure playing a vital role in supporting Brent's diverse community, helping to promote social inclusion and cultural wellbeing within a sustainable location.



Application No: 22/3256

To: Mr Poptani
Sterling Town Planning
The Backyard Co
23 Oaklands Road
London
NW2 6DL

I refer to your application dated **20/09/2022** proposing the following:

Change of use of the ground floor from professional services to place of worship (Use Class F1(f)) and community hall (Use Class F2(b)) and replacement of windows with doors to front elevation

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

at **646C Kingsbury Road, London, NW9 9HN**

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: 03/02/2023

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):

646C/01/02/03/04 A/05 A/06
646C/07
646C/08

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

- 3 The parking and cycle parking layout hereby approved shall be implemented in full prior to the commencement of the approved use and retained in its approved form thereafter.

Reason: To ensure adequate parking and cycle parking facilities in accordance with Brent's adopted Local Plan Policies.

- 4 The use of amplified sound or music shall not take place within the premises hereby approved at any time.

Reason: In the interests of the amenities of nearby residential occupiers.

- 5 The development hereby approved shall be carried out in accordance with the layout shown on the approved plans, the premises shall not be used for any purposes other than a Place of Worship within Use Class F1 or as a community hall within Use Class F2, 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).

Reason: In the interests of proper planning and to ensure appropriate, to control the operation of the site in the interest of residential amenity and highway safety.

- 6 The premises shall not be used except between the hours of:-

12:00 p.m. and 21:00 p.m.

Reason: To ensure that the proposed development does not prejudice the amenities of nearby neighbouring occupiers.

- 7 The use hereby permitted shall not commence until such time as a Car Parking Management Plan has been submitted to and approved by the Local Planning Authority. The Plan shall set out arrangements for:-
- (i) the booking and allocation of parking spaces within the site, with priority given to Blue Badge holders and car sharers;
 - (ii) car parking enforcement measures for the car parking spaces to ensure they are only used by authorised drivers;
 - (iii) the provision of information to staff and visitors at the site highlighting that only authorised vehicles may use the allocated parking spaces and that other vehicles that have not pre-booked spaces must not access or park in the service road to the rear of 642-660 Kingsbury Road and will run the risk of a parking fine if they do;
 - (iv) the provision of information to staff and visitors highlighting the alternative options for car parking in the area (e.g. Aldi car park, Kingsbury station car park, on-street pay & display parking bays) and alternative options for public transport access;
 - (v) monitoring of the operation of the Plan with a view to funding additional signage and parking enforcement in the event that parking associated within the use results in parking problems along the rear service road.

The use hereby permitted shall not operate other than in full accordance with the Car Park Management Plan.

Reason: To ensure that parking associated with the proposed use does not result in highway safety problems in the area.

- 8 Prior to the first occupation of the premises hereby approved, an assessment of the expected noise levels shall be carried out in accordance with BS8233:2014 and BS4142:2014 and any mitigation measures necessary to achieve the required noise levels shall be submitted to and approved in writing by the Local Planning Authority and all mitigation measures within the approved assessment shall be implemented in full prior to first occupation and maintained in accordance with the approved details for the lifetime of the development.

Reason: To protect neighbours living conditions and ensure acceptable local noise levels, to comply with Policy DMP1.

INFORMATIVES

- 1 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.

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

8 February, 2023
05
21/2290

SITE INFORMATION

RECEIVED	18 June, 2021
WARD	Northwick Park
PLANNING AREA	Brent Connects Wembley
LOCATION	30, 30A & 31 Stilecroft Gardens, Wembley, HA0 3HD
PROPOSAL	Partial demolition of 30 and amalgamation with 30A and erection of 3 terraced houses on the garden space at the rear, creation of a side vehicular access and associated refuse, recycling and cycle parking facilities and 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_155674</p> <p><u>When viewing this as an Hard Copy .</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "21/2290" (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 the prior completion of a legal agreement to secure the following planning obligations::

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
2. Notification of material start 28 days prior to commencement
3. Financial contributions (indexed from the date of committee resolution)
 - a) To Brent Council for enhancement of off-site tree planting within Vale Farm Sports Ground (£17,500).
4. Indexation of contributions in line with inflation
5. Any other planning obligation(s) considered necessary by the Head of Planning.

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

Conditions

1. Three year rule for commencement
2. Approved drawings and documents
3. Obscure Glazed windows
4. Permitted Development Rights removed
5. Access and highways works
6. Provision of access road and parking
7. Tree protection measures
8. Ecological protection measures
9. Flood mitigation
10. Noise and sound insulation
11. Construction Method Statement and Construction Logistics Plan
12. Materials Samples
13. Landscaping Scheme
14. Details of cycle parking and storage
15. Informal parking prevention measures

Informatives

1. Community Infrastructure Levy
2. Party Wall Act
3. Asbestos
4. Fire Safety
5. Hours for noisy works
6. Works to the highway

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

SITE MAP



This map is indicative only.



PROPOSAL IN DETAIL

Partial demolition of 30 and amalgamation with 30A and erection of 3 terraced houses on the garden space at the rear, creation of a side vehicular access and associated refuse, recycling and cycle parking facilities and hard and soft landscaping

EXISTING

The existing site consists of a set of 2 semi-detached houses and 1 detached house on the southern side of Stilecroft Gardens. It is located within the boundaries of the Sudbury Neighbourhood Plan, and also partly lies within land that is liable to surface water flooding. To the south of the site lies Vale Farm which is designated open space and local green space.

AMENDMENTS SINCE SUBMISSION

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

- Scheme was amended to be reduced to 3 new units

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 10 neighbouring properties, and the Sudbury Town Residents Association objecting to the proposal. A summary of the objections relate to the principal of developing within a rear garden, loss of green space, impact on Vale Farm Sports Ground, inappropriate design, quality of accommodation, impact on neighbouring amenity and highway concerns. These are discussed in detail within the consultation section below.

Principle of Development: The principle of residential development is supported in this location and will provide three family sized homes.

Highway impacts: Transport officers have assessed the scheme and advised that the proposal is acceptable. It is not considered to result in a material impact upon the local highway network. Adequate provision would be made for refuse and cycle storage.

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

Design and appearance: The proposal would not result in harmful impact on the character and appearance of the local area including the setting of the nearby Vale Farm Open Space (locally listed park).

Trees and landscaping: Landscaping has been amended to provide a more practical layout with beneficial soft landscaping. 8 trees are to be removed. However, 13 replacement trees are to be secured at the rear of the site together with 5 in the adjoining open space to ensure an acceptable appearance and provide net biodiversity gain.

RELEVANT SITE HISTORY

Relevant planning history

30 Stilecroft Gardens

07/0308: Retention and modification of single storey rear extension to dwellinghouse - Granted, 30/03/2007.

30A Stilecroft Gardens

No relevant planning history but there is a building control record for a loft conversion from 2014.

31 Stilecroft Gardens

06/1063: Erection of two-storey side extension following demolition of garage and part of rear extension, erection of single-storey rear extension and rear dormer window extension to dwellinghouse, with the installation of two front and one side rooflights - Granted, 31/07/2006.

CONSULTATIONS

Public consultation

14 addresses and the Sudbury Town Residents Association were consulted on 22nd June 2021.

A further round of consultation was sent out to the above addresses together with additional addresses who objected to the first round of consultation on 17 January 2022 (a total of 25 addresses were consulted). This consultation letter highlighted that amended plans had been received together with a Fire Statement and Ecology Report.

An additional round of consultation was carried out following receipt of the Flood Risk Assessment on 7th September 2022 (a total of 35 addresses were consulted).

10 objections were received from individual residents and the Sudbury Town Residents Association. These are summarised as follows:

Objection	Response
Principle of Development	
The area is not a growth area designated for housing, nor should it be considered a brownfield site or a small site	Discussed in Principle of Development section.
Loss of green space and impact on ecology	Discussed in Trees and Landscaping section.
Loss of view of open fields	Private views are not protected by planning policy however the impacts on outlook have been assessed and are addressed within Impact upon Locally Listed Vale Farm Sports Ground.
The proposal would set an unwanted precedent	Discussed in Principle of Development.
Loss of green space in Vale Farm/Community football pitch	The proposal would be fully located within existing private gardens. There would be no loss of the adjacent Open Space
Residential amenity concerns	
Overlooking and loss of privacy Loss of light	Discussed in Residential Amenity Section.
Noise and disturbance from new occupants	Discussed in Environmental Health section.
Potential increase in anti-social behaviour or crime	Discussed in paragraph 26
Concerns over dust, noise and pollution from	Discussed in Environmental Health Section.

development	
Design concerns	
The proposal would not be in keeping with the area	Discussed in Design and Appearance Section.
Lack of soft landscaping	Discussed in External Amenity Space.
Highways concerns	
Concerns over damage to roads	Discussed in Highways and Transport.
Overspill parking onto surrounding road network	Discussed in Highways and Transport.
Proposal has failed to take into account the additional traffic from the supermarket approved under reference 18/1149 that is currently under construction	Discussed in Highways and Transport.
Concerns over whether emergency vehicles can access the site	Discussed in Fire Safety and Highways and Transport.
Quality of proposed accommodation	
Lack of disabled parking/unsuitable access arrangements for pedestrians	Discussed in Highways and Transport.
Concerns over impacts of development on traffic and parking	Discussed in Highways and Transport.
Ecological impacts/Loss of green space	
The Council should consult Natural England	There is no statutory requirement to consult Natural England.
Objection to loss of existing trees Impact on existing habitats	Discussed in Trees and Landscaping.
Other issues	
Concerns over flood risk from development in terms of surface water and sewerage. Thames Water and drainage should be consulted	A Flood Risk Assessment has been submitted with the application and this has been discussed in Flood Risk Section.
The proposal would impact the Vale Farm Sports Land via increased flooding. It would be contrary to the Sudbury Neighbourhood Plan that seeks to protect Vale Farm for sporting purposes.	
The gardens will need to be raised in order to install sufficient sewage drains	This is not a material planning consideration and would be covered by Building Regulations, however, the gardens are not proposed to be raised
Concerns over fire safety as it is not clear that a fire engine can turn within the site, and the	Discussed in Fire Safety section.

London Fire Brigade have not been consulted.	
Restrictive covenants on the land	This is not a material planning consideration and the grant of planning permission would not take precedent over any covenants.
Residents were not consulted at pre-application stage	The Local Planning Authority does encourage applicants to engage with the local community prior to submitting an application. However, this is not mandatory.

A survey was submitted from Sudbury Town Residents Association which included the reference numbers for two application including this one, with a yes/no question for each application asking whether they want these development in their Neighbourhood Forum area. Hand written names were provided, but all addresses, signatures and contact details were blanked out. In relation to this application, 79 of the lines indicated that the person did not want this development while 1 indicating that they did want this development. The survey captured a “yes” / “no” answer, and no planning considerations relating to the view were captured in the survey.

Internal Consultees

Environmental Health – No objections received, conditions advised.

Transport - No objections raised subject to conditions requiring revised information regarding the visibility plays and increased soft landscaping to Nos. 30 & 30a Stilecroft Gardens

Flood Officer - No objection raised.

Parks and Vale Farm Sports Centre - No objection raised.

External Consultees

Sport England - No objections raised, subject to the Council being satisfied that noise is not of a concern.

Thames Water - No objection raised.

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
- Sudbury Neighbourhood Plan 2015

Key policies include:

London Plan (2021)

D3 Optimising site capacity through the design-led approach

D4 Delivering good design
D6 Housing quality and standards
D7 Accessible Homes
D12 – Fire Safety
H1 - Increasing housing supply
H2 – Small sites
G5 – Urban Greening
T5 – Cycling
T6 - Car parking

Brent Local Plan 2019-2041

General Policies:

DMP1 – Development Management General Policy

Design Policies:

BD1 – Leading the way in good design

Housing:

BH1 – Increasing Housing Supply

BH2 – Priority Areas for Additional Housing Provision within Brent

BH4: Small Sites and Small Housing Developments in Brent

BH6 – Housing Size Mix

BH10 - Resisting Housing Loss

BH13 – Residential Amenity Space

Green Infrastructure and Natural Environment:

BGI1 – Green and Blue Infrastructure in Brent

BGI2 – Trees and Woodland

Sustainable Infrastructure:

BSUI2 – Air Quality

BSUI3 – Managing Flood Risk

BSUI4 – On-site Water Management and Surface Water Attenuation

Transport:

BT1 – Sustainable Travel Choice

BT2 – Parking and 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)
 - Brent's Waste Guidance (2013)

DRAFT Small Site Design Codes LPG DRAFT Good Quality Homes for All Londoners Guidance LPG

DETAILED CONSIDERATIONS

Principle of Development

Delivery of additional housing

1. Policy H1 of the London Plan identifies a target for Brent's housing stock to be increased by 2,325 dwellings per annum for the period 2019/20-2028/29, reflecting a high demand for the delivery of new homes across London. Brent Local Plan policy BH1 reflects this target.
2. Policy D3 of London Plan requires 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.
3. In response to the strategic policy position above, the Council has set out priority areas for new housing under Brent Local Plan policy BH2. This policy identifies that new housing will be prioritised for delivery in growth areas, site allocations, town centres, edge of town centre sites, areas with higher levels of public transport accessibility and intensification corridors. Policy BH5 requires that developments of between 5-9 dwellings will be required to make a financial contribution for the provision of affordable housing off-site. As the proposal is for 3 dwellings, Policy BH5 is not applicable.
4. The above position is reinforced in policy BH4 of Brent's Local Plan. This policy relates to small housing sites (below 0.25 hectares or 25 dwellings in size) 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. This policy establishes priority locations for new housing, being those with a PTAL (Public Transport Accessibility Level) of 3-6 and those within designated Intensification Corridors or within a town centre boundary.
5. The site does not sit within a priority location and BH4 specifies in such locations that greater weight should be placed on the existing character of the area, access to public transport and the variety of social infrastructure easily accessible on foot when determining the intensity of development that is appropriate. The site is within approx. 270 metres of a neighbourhood parade along Watford Road and has access to public transport links towards Wembley and Harrow. Furthermore, the National Planning Policy Framework highlights that residential gardens are not included within the definition of previously developed land. This does not mean that no development can be carried out within residential gardens but that Local Planning Authorities should include policies that resist inappropriate development of residential gardens, and contain policies on maintaining an area's prevailing character and setting. Whilst there is still support for the intensification of such sites within BH4, these factors will need to more inform the intensity of development that is acceptable.
6. The objection from STRA sets out that the proposal would be contrary to policy CP17 of Brent's Core Strategy. This policy was revoked when the new Local Plan was adopted and the proposal must be considered having regard to the Local Plan 2019-2041.
7. In summary, Local Plan and London Plan policy lend support to the intensification of small sites to provide additional housing recognising their role in meeting housing need. In this instance the site is not within a priority area for housing and in such locations, local plan policy BH4 places weight on the existing character of the area. A discussion of character is set out below.

Design, Appearance and Character

8. Policy BD1 of the 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.

Amalgamation of Nos. 30 and 30 a

9. As part of the scheme no. 30 would be partially demolished and amalgamated into no. 30a. As part of this, a hip to gable extension would be created on no. 30 and the front door would be replaced with fenestration. These alterations would be in keeping with the suburban character of the area and the guidance in SPD2, which generally supports the conversion of a hipped roof to a gabled roof outside of a conservation area. They would be acceptable in terms of appearance.
10. It is acknowledged that as a result of the partial demolition, the two properties 30 and 30a would be wider than other properties along the streetscene. However, the street features a mixed character with different types of semi-detached pairs and single storey bungalows. On balance, the proposed changes would not be harmful to the character of the area and would be acceptable.

New houses

11. The new houses would form a terrace of 3 units featuring a hipped roof design. The massing would be similar to other typical suburban houses within the locality and design cues have been taken from those properties.
12. The proposal would feature front bay windows and small front porches. They would be finished with orange brickwork at ground level which would then transition to lighter stone render for the first floor. The rear dormer of the central house would be of a modest scale and would be subordinate to the main roof and would feature a small gabled roof design.
13. The proposed houses would sit within the rear gardens of the existing dwellings and would not reflect the general patterns of development in the immediate vicinity, which typically are situated within street frontages and follow a typical development pattern with the exception of the suite of buildings within Vale Farm (the sports centre, health centre etc). Nevertheless, the houses benefit from deep gardens and it is considered that the benefits associated with the provision of the family sized homes (for which there is a significant need in the borough) outweighs the impacts associated with the divergence from the general patterns of development in the area with respect to the design and appearance of the development. Please note that potential impacts on the amenities of adjoining occupiers are discussed below.
14. A neighbour has raised concerns that development in this location would set an unwanted precedent in the area. Each application is assessed on its own merits and would need to comply with relevant policies regarding appearance, neighbouring amenity and transport impacts.
15. In this instance the proposal is located in uncharacteristically deep gardens. The proposal represents the opportunity to make a more efficient use of the site, in a design led approach.
16. Overall, the design is considered to be acceptable within context. The proposed houses are sufficiently in keeping with the typical suburban design of the local area and the approach to materiality is considered to be acceptable. While the houses to the rear do not follow the current patterns of development, the degree of harm to the character of the area is considered to be negligible and there are significant benefits associated with the provision of the family sized homes. Subject to conditions to approve the final materials, the new houses are considered acceptable in terms of design.

Impact on Locally Listed Vale Farm Sports Ground and 170-180 Watford Road

17. While the site is not situated within a conservation area, Vale Farm Sports Ground and Nos. 170 - 180 Watford Road are locally listed (non-designated heritage assets). A Heritage Statement has been submitted which sets out the proposed development would not be harmful and would preserve the setting of both these non-designated heritage assets having regard to Paragraph 202 and 203 of the NPPF.
18. The Council's heritage officer has reviewed the heritage statement and advised that whilst they agree that the proposal would not have a harmful impact on the setting of 170 to 180 Watford Road, they consider that the proposal would result in less than substantial harm with regards to the setting of Vale Farm Open Space. This is because this section of Stilecroft Gardens has deeper gardens than the other properties to the west and east and the new homes would appear more prominent. However, to mitigate this a financial contribution for additional tree planting to the immediate rear of the site curtilage within the park would be secured subject of any grant of planning consent to improve the biodiversity and ecological

value of the park, while also improving the number of trees and additional buffering from the residential boundaries within an area that has existing tree planting that currently contributes towards this aim.

19. Sport England have been consulted regarding the proposal and they have raised no objection to the additional tree planting within the open space and confirmed that it would not impact the facilities on site currently, this is discussed in more detail below. Brent's Park's team were also consulted and have also concluded that there would be no harm.

Protected views to Wembley Stadium

20. The proposals would sit within the viewing corridor of the protected view to the arch of Wembley Stadium from Elmwood Park, however, given the scale of the proposed buildings the proposal would not have a detrimental impact on this view.

Residential Amenity

21. 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.

Amalgamation of nos. 30 and 30a

22. The proposed amalgamation would not result in any extension forward of the existing building lines and as such would not result in harm to neighbouring amenity.

New houses

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.

23. The submitted section drawings demonstrate that the new houses would comply with the above guidance. The new houses would also have a distance of 13m from the rear gardens of the houses on Stilecroft Gardens and approximately 24m from the rear facing windows on those units. There would be windows in the side elevations of the new terrace of houses at first floor level which would face neighbouring gardens. However, these would serve secondary rooms such as bathrooms and subject to a condition to ensure they are obscure-glazed and high opening only (1.7m above internal floor level).
24. Given the distance from the houses along Stilecroft Gardens and the relatively low height of the new houses, it is not considered that they would result in any undue impact in terms of loss of daylight or sunlight to those neighbouring properties. Submitted drawings demonstrate that the new dwellings would accord with both the 30 degree and 45 degree lines required within SPD1 as set out above.
25. Objectors have raised concerns that the proposal would result in an increase in anti-social behaviour or crime. The new access road would receive natural surveillance from the new dwellings and the entrances to the new dwellings would be overlooked. As such, it is not considered that the proposal would result in any undue impact in terms of crime or anti-social behaviour

Mix of units and quality of Accommodation

26. The scheme proposes 3 x three bedroom houses and 1 x four bedroom house. Policy BH6 of Brent's Local Plan sets a target of 25% of new homes to be family-sized (3+ bedrooms) it also requires that 1 in 4 homes to be family sized. Exceptions to this can be allowed where the location or characteristics of the development are such that it would not provide a high quality environment for families or where its inclusion would fundamentally undermine the development's delivery of other local plan policies.

27. The proposal would result in the loss of no. 30 with the amalgamation of nos. 30 and 30a into a single dwelling. As part of this there would be a loss of 1 family-sized unit. However, the scheme would provide a total of 4 family units. As such it would exceed the requirements of the above policy and would be acceptable in this regard. Overall there would be no net loss of homes within the site.

Quality of Accommodation

Unit	Size	Proposed GIA	Minimum GIA	Proposed Amenity
Amalgamation of 30 & 301	6 bed 8 person (3 storeys)	203sqm	138sqm	155sqm
New House 1	3 bed 5 person (2 storey)	104.5sqm	93sqm	101sqm
New House 2	4 bed 7 person (3 storeys)	127.2sqm	115sqm	54sqm
New House 3	3 bed 5 person (2 storey)	104.9sqm	93sqm	154sqm

28. All of the proposed units would meet or exceed the minimum space standards and all bedrooms would meet the minimum sizes required by policy D6 of London Plan 2021. All habitable rooms would feature external windows which would provide sufficient daylight and outlook. All units would achieve a minimum of 2.5m floor-to-ceiling height across 75% of the GIA. All units would be dual aspect and well laid out.

29. The access for the three new dwellings is along the new road created adjacent to 30/30A's building line, the 2.6m wide access point allows for passive surveillance from Stilecroft Gardens and towards the dwellings, visibility of the corner is possible. The lighting conditioned to be included within the access road would be sufficient to allow for an area that is welcoming. Additionally, the service road is landscaped on the corners allowing for a buffer, and ensuring there are no redundant corners within the access road according with design principles.

30. Overall, the standard of accommodation is considered to be acceptable.

External Amenity Space

31. Policy BH13 states the following:

"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 will normally be expected to be 50 sqm for family housing (including ground floor flats) and 20sqm in all other cases."

32. The policy requirement in relation to external private amenity space is for it to be "sufficiency of size". Whilst there is a normal "expectation" for 20qm per flat and 50sqm for family housing (including ground floor flats), that is not an absolute policy requirement in all cases. This is reinforced by the supporting text to the policy (para. 10.39) which provides that:

"New development should provide private amenity space to all dwellings, accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight. 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".

33. To summarise the proposed scheme requires a total of 200sqm of external amenity space (4 x 50sqm all units). The scheme would provide a total of 529sqm of external amenity space in the form of private gardens, with all gardens meeting the minimum standards. These would be well laid out and of a practical shape and all would be accessible via ground floor level access. The provision of amenity

space is considered to comply with the requirements of policy BH13 and is acceptable.

Accessibility of the units

34. In line with London Plan policy D7, the new units would all be delivered to an M4(2) level of fit out, as defined within Part M of the Building Regulations. This will ensure that step free access is provided between the street to all flats and that the flats meet the needs of occupants with differing needs, including some older or disabled people and to allow adaptation of the dwelling to meet the changing needs of occupants over time.

Fire Safety

35. Policy D12a of The London Plan (2021) requires all new development to take account of fire safety in design. The applicant has submitted a Fire Statement which sets out passive and active safety measures and identifies escape routes for future occupiers. The statement confirms that residential automatic fire suppression systems will be designed and installed to BS9251 and 9252 standards, thus complying with Policy D12 for the domestic properties. It should be noted that the scheme would still need to obtain building regulation approval.

Highways and Transport

36. Three houses are proposed together with the amalgamation of No. 30 and 30A Stilecroft Gardens.
37. The overall car parking allowance for the development of 3 x properties is three spaces, based on standards set out in the London Plan. The proposal includes the provision of three car parking spaces, one each for the new terraced houses and one for No. 31. Stilecroft Gardens is not defined as a heavily parked street.
38. Access to the new dwellings at the rear would be provided via a 5.2m wide shared driveway on the eastern side of the site, which would require 300mm margins on either side. Its use as a shared surface for vehicles and pedestrians would require surfacing in block paving. These provisions would require the relocation of the two existing car parking bays further west. With these changes to the parking along the front of the site, the existing crossover to 30a would need to be removed and reinstated to footway at the developer's expense as a condition of any approval and for the avoidance of doubt, the footpath to 30/30a entrance should be reduced below 2m in width, so that it is not confused for a car parking space. The changes to the access and parking within the frontage are to be secured through a Grampian condition (Condition 5). With regard to the path width, details of this, including the planted area, are to be secured through the landscaping condition (Condition 11).
39. Two of the spaces for the terraced houses are located in the former turning head. This does allow the amount of soft landscaping in front of the houses to be increased. The applicant has previously submitted tracking diagrams showing fire appliances using the turning head to access the rear properties and turn around. However, it was previously noted that the use of a sprinkler system could avoid the need for fire appliances to enter the site, as all properties will be within 70m of Stilecroft Gardens.
40. Similarly, a bin store along the access road was accepted as being a suitable means of avoiding refuse vehicles needing to access the site. On this basis, the revised parking arrangements and loss of the turning head are acceptable.
41. The provision of a footway crossover across the Stilecroft Gardens footway would be suitable for access, as only cars and vans are expected to need to regularly enter the site. Transport would require adequate pedestrian visibility splays to be provided at this access, and this is to be secured through the

landscaping condition. Secure storage is required for 10 bikes, with details also secured through condition. The Design and Access Statement that cycle lockers would be located in the forecourts of all houses and the new terraced houses do have adequate sized lockers however the existing houses would also require cycle lockers to be installed within their forecourts.

42. Overall, the Transport officer raise no objections to the proposals subject to the redundant crossover to 30a to be removed and reinstated to footway with full height kerbs at the applicant's expense; the relocation of the on-street parking bays to accommodate the access; details of cycle lockers for the existing houses and details of measures to prevent parking on the access road; all of which are to be secured through condition.

Environmental Health

43. The new dwellings proposed are to be built close to the Vale Farm Sports Ground, the proposal is located in a primarily residential area and as such has potential to result in impacts in terms of noise and dust. A condition is attached requiring a Construction Management Plan to be submitted and approved in order to manage the potential impact to the surrounding uses in relation to dust, noise and deliveries during construction. With regard to noise, Environmental Health officers have advised that they do not expect the new homes to be adversely affected by noise from the nearby playing pitches / sports ground, but have recommended that a condition is attached requiring details demonstrating that the specified internal noise levels will be achieved.

Trees and Landscaping

44. Policy DMP1 seeks to ensure that proposals do not result in negative ecological impacts or loss of trees without mitigation. This is supported by London Plan policy G6 which states that developments should seek net biodiversity gains and G5 which sets a target of an Urban Greening Factor of 0.4 for new residential developments. This is also reinforced in policy BH4 of Brent's Local Plan. Additionally policy BGI2 of the local plan required development to retain trees or propose replacement trees where retention is not possible. The submission has demonstrated that there is a net gain of 0.4 for the site in terms of the urban greening factor.
45. The proposal would result in the loss of some existing garden space and therefore a loss of green areas, however, it is considered that these are of low ecological value. The site is not identified as an area of high ecological value and no specific protections are designated on the site and as such a full Ecological Impact Assessment was not considered a requirement for an application of this size and location. Concerns raised by residents requested that Natural England are consulted, however, they are not a statutory consultee for this application.
46. Notwithstanding this, the applicant has provided a Biodiversity Enhancement Strategy. This notes that private gardens tend to provide low ecological value and easily replaced. The main sources of biodiversity in suburban areas comes from trees, native plants and habitats. The document identifies potential habitats for animals which would be lost as a result of the proposal and sets out mitigation measures and biodiversity enhancements which can be secured as part of the development.
47. This would include the use of bird and bat boxes and the inclusion of 13 new trees within the site, in addition to the provision of further native plants and species and a native hedge. Taking into consideration the current low ecological value of the existing gardens, the proposal is considered to result in a net biodiversity gain and would be acceptable in this regard.
48. Brent's Tree officer has advised some recommendations following further assessment on the 8 trees outlined for removal, it is noted that these are Category C trees and their retention is not required, it also noted that there are two trees and one classified as a category B tree located within 15m of the site which

are to be retained. Of these trees the submitted documents include the Root Protection Area (RPA) for the retained trees. Nonetheless, the Tree officer has advised of conditions to require further details on soft landscaping, to safeguard and enhance the character and amenity of the area, in addition to further tree planting which would be secured via an off-site financial contribution in Vale Farm Sports Ground, along with further maintenance for a period of 5 years. The tree species proposed to be installed are as follows.

49. As part of a legal agreement £17,500 for 5 trees of a sufficient size would be secured subject to the grant of the planning application for planting within Vale Farm Sports Ground. The maintenance of these trees would also be secured.
50. Sport England have raised no objection to the planting of trees within the area proposed as trees are currently in existence in this location and it would not have an impact on the ongoing or sports facility within the sports ground.
51. Moreover, a tree retention condition will also be included to ensure the protection of the trees for a period of at least 5 years. As such, the trees on site as proposed and to be retained are considered to be provide ecological, environment and biodiversity benefits which would be secured by way of the conditions noted above.
52. The proposed site plan does not detail the hard and soft landscaping for the existing dwellings. However, the Urban Greening Factor plan shows large areas of soft landscaping within the frontage including hedging and perennial flow rich planting. The plan also shows the majority of the rear gardens to be grassed. Details of hard and soft landscaping within these areas are to be secured through condition.
53. As noted previously, sufficient garden space would remain for the existing and proposed units. Overall, the loss of the garden space is considered to be outweighed by the benefits of the scheme and is considered acceptable.

Flood Risk

54. Part of the site lies within an area of Flood Risk 3a, for surface water. A Flood Risk Assessment has been submitted and Brent's Flood Officer has confirmed that the site is at low risk of tidal, fluvial, surface water, sewer and reservoir flooding. The submitted FRA adheres to the SuDS hierarchy demonstrated within the assessment, resulting in surface water run off reduction by 98% for a 1 in 100 year storm event. Moreover, the implementation of rainwater harvesting tanks and a crate system attenuation tank with 41.6 m³ of storage volume which is considered acceptable.
55. The Flood Officer has also assessed the microdrainage calculations which match with the stated volume therefore it is considered that the proposal accords with Policy BSUI3 and BSUI4 of Brent's Local Plan.

Vale Farm Sports Ground and Open Space

56. The application proposes to erect new residential dwellings closer to the playing field than the existing buildings on the site as a result the proposal could prejudice the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). It is Sport England's view, therefore that the consultation with Sport England is a statutory requirement and Sport England has duly been consulted. Sport England has considered the application in light of the National Planning Policy Framework (NPPF) (in particular Para. 99), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- *all or any part of a playing field, or*

- *land which has been used as a playing field and remains undeveloped, or*
- *land allocated for use as a playing field*

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

57. Sport England expressed some concerns with the Artificial Grass Pitch (AGP) within Vale Farm Sports Ground, and required further clarity that the AGP would not impact the resultant noise levels within the properties. It is worth noting that given it is an open space and noise from ball games would be expected, even if the AGP was not in situ.
58. Sport England have advised that they will raise no objection on the basis that the Local Planning Authority consider the level of noise to the new properties to be of an acceptable level. Additionally, Brent's Park Team have reviewed the proposal and confirmed that the new dwellings would not have an impact upon the existing facilities and the trees proposed to be secured subject to a grant of planning application would not impact upon any future facilities proposed within the centre in the foreseeable future.
59. Brent's Environmental Health Team have reviewed the proposals and confirmed that they do not expect the home to be adversely affected by the noise from the sports ground.
60. The Sudbury Town Neighbourhood Plan seeks Vale Farm to be strengthened as a regional centre for sports excellence, and the loss of green or open space should be resisted. Given the proposal does not sit within land designated for Local Green Space (LSG 3), the proposal would accord with STRA neighbourhood plan and there would be no loss of open space, nor would the proposal prejudice the ongoing sporting provision within Vale Farm.

Equalities

61. 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

62. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions.
63. The proposal will bring forward the provision of three new family sized homes within a part of the Borough that is prioritised for new housing. The benefits of the scheme are considered to outweigh the loss of the existing garden space and the proposal is not considered to result in harm to neighbouring amenity, the character of the area or the local highways network.
64. The application is therefore recommended for approval subject to the conditions set out in this report.



DECISION NOTICE – APPROVAL

Application No: 21/2290

To: Hollins
Hollins Planning Ltd
Tintagel House
92 Albert Embankment
London
SE1 7TY

I refer to your application dated **18/06/2021** proposing the following:

Partial demolition of 30 and amalgamation with 30A and erection of 3 terraced houses on the garden space at the rear, creation of a side vehicular access and associated refuse, recycling and cycle parking facilities and hard and soft landscaping

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

at **30, 30A & 31 Stilecroft Gardens, Wembley, HA0 3HD**

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: 31/01/2023

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 material accordance with the:-
London Plan 2021
Brent Local Plan 2019-2041
The Sudbury Town Neighbourhood Plan 2015

National Planning Policy Framework 2021

- 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):

SJA TCP 21094-011 – Tree Constraints Plan

TR001 Rev B – Swept Path Analysis Fire Tender Vehicle

TR003 (1) Rev B – Swept Path Analysis

TR003 (2) Rev B – Swept Path Analysis

2029/01 A – Existing Ground Floor

2029/02 A – Existing First Floor

2029/03 A – Existing Second Floor

2029/04 A – Existing Roof Plan

2029/05 A – Existing Elevations

2029/06 – Existing Site Plan

2029/07 A – Proposed Elevation

2029/08 A – Proposed Floor Area

2029/09 – Proposed Roof Plans

2029/10 C – Proposed New Houses

2029/11 – Sections of the new houses

2029/12 A – Proposed Elevations

2029/13 A – Proposed Elevations

2029/14 E – Proposed Site Plan

2029/15 A – Proposed Plans

2029/16 A – Proposed Plans
2029/17 A – Proposed Plans
2029/18 A – Proposed Roof Plans
2029/19 A – Proposed Elevations
2029/20 A – Proposed Elevations
2029/21 A – Proposed 3D Views
2029/22 A – Proposed 3D Views
2029/23 – Site Cross Section
2029/24 - Existing Sections

Supporting Documents:

Tree Survey Schedule (Dated March 2021)

Biodiversity Enhancement Strategy (Dated November 2021)

Nimbus Engineering Consultants Flood Risk Assessment and SUDs report (Dated December 2022)

UGF Rev E

- 3 The windows in the first floor bathrooms, hallways and landing on the new houses shall be constructed of obscure-glazing which is un-openable below 1.7m above the internal finished floor levels.

These shall be retained as such unless otherwise agreed in writing by the Council

Reason: To minimise any direct overlooking or loss of privacy to neighbouring properties.

- 4 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.

- 5 Prior to the occupation of the development the works to widen the crossover to the site and the amendment to the off-street parking bay markings as approved are undertaken at the applicant's expense.

Reason: To prevent over-parking of the site and negative impacts on the local parking situation.

- 6 The development hereby approved shall not be occupied unless the access road and parking spaces have been implemented in full the access and spaces shall thereafter be made available to occupants of the approved dwellings, and not used other than for purposes ancillary to the

dwellings.

Reason: To ensure a suitable and satisfactory access is provided to the dwellings within the development.

- 7 The development shall be implemented in strict accordance with the Tree Protection Plan submitted as part of the Tree Constraints Plan (SJA TCP 21094 – 011) or subsequent approved revisions.

Reason: To ensure 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 DMP1 and BGI 2.

- 8 The measures and recommendations set out in the Biodiversity Enhancement Strategy dated November 2021 shall be implemented in full throughout the development.

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

- 9 The measures and recommendations set out in the Nimbus Engineering Consultants Flood Risk Assessment and SUDs report dated December 2022 shall be implemented in full prior to the completion of the development and shall thereafter be maintained in line with the recommendations within the Flood Risk Assessment and SUDS report.

Reason: In order to ensure that any potential effects on surface water and flooding are adequately mitigated.

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

Time	Area	Maximum noise level
Daytime noise 07:00 - 23:00	Living rooms and bedrooms	35 dB LAeq (16hr)
Night time noise 23:00 - 07.00	Bedrooms	30 dB LAeq (8hr)

Prior to first occupation or use of the development, the results of a test carried out to demonstrate that the required internal noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To obtain required sound insulation and prevent noise nuisance

- 11 Prior to the commencement of the development a Construction Method Statement and Construction Logistics Plan shall be submitted to and approved by the Local Planning Authority outlining measures that will be taken to control dust, noise, construction traffic and other environmental impacts of the development.

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: Construction impacts can arise at any time from the commencement of works, and adequate controls need to be in place from this time.

- 12 Prior to the commencement of works (excluding demolition, site clearance, laying of foundations or any other below ground work) details of the following shall be submitted to and approved in writing:

- (a) materials to be used in the external appearance of the development including samples to be pre-arranged to viewed by the Local Planning Authority
- (b) details of window reveals, head and cill details and eaves details to be provided at scale 1:10

The works shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposals would have an acceptable appearance.

- 13 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 a scaled plan showing vegetation to be retained and the provision of a minimum of a net 13 additional trees (minimum size 10-12cm diameter) together with a native hedge along the rear boundary, with the use of native and/or wildlife attracting species as per the recommendations made within the Biodiversity Enhancement Strategy dated November 2021

(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);

(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 Biodiversity Enhancement Strategy dated November 2021

(v) details of lighting within the access road to the site

(vi) details of boundary treatment and soft landscaping to the existing Nos. 30, 30A and 31 Stilecroft Gardens, including a reduced footpath to Nos.30/30A and drawings detailing how adequate visibility splays will be provided to ensure pedestrian safety adjacent to the highway;

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 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 positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area and in the interest of highway safety..

- 14 Prior to the first occupation of the approved units, details of secure and covered cycle parking for 10 spaces shall be submitted and approved in writing by the Council. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Council

Reason: To encourage sustainable methods of transport

- 15 Prior to the commencement of works above ground level (excluding demolition and site clearance), details of measures to prevent informal parking on the access road shall be submitted and approved by the Local Planning Authority and the approved measures shall be implemented prior to first occupation of the development and thereafter retained and maintained.

Reason: In the interest of highway safety and 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 Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.
- 4 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.
- 5 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	
- 6 The applicant is advised to contact Brent's Highways Team in relation to the works for the vehicular crossover, reinstatement of the redundant crossover and relocation of parking spaces.

Any person wishing to inspect the above papers should contact Nicola Blake, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5149

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

8 February, 2023
06
22/3273

SITE INFORMATION

RECEIVED	21 September, 2022
WARD	Wembley Central
PLANNING AREA	Brent Connects Wembley
LOCATION	5 Stanley Avenue, Wembley, HA0 4JA
PROPOSAL	Proposed two first floor rear extensions to building
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_161960</p> <p><u>When viewing this as a 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 "22/3273" (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. External Materials to Match

Informatives

1. Party Wall Act
2. Building Near Boundary
3. Noisy Works
4. Fire Statements

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.

SITE MAP

	Planning Committee Map Site address: 5 Stanley Avenue, Wembley, HA0 4JA © Crown copyright and database rights 2011 Ordnance Survey 100025260
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This map is indicative only.



PROPOSAL IN DETAIL

Proposed two first floor rear extensions to building

EXISTING

The application site consists of a two storey end terraced property located along Stanley Avenue. The application property is not situated within a Conservation Area nor is the building listed. The areas to the east of the site mainly comprises of traditional two storey properties while Ealing Road contains more commercial style properties.

AMENDMENTS SINCE SUBMISSION

During the course of the application an amended drawing was provided to annotate a prayer room at first floor level. Further to this, an additional plan was provided illustrating the existing and proposed southern elevation. Additional drawings were also provided with an updated rear elevation.

SUMMARY OF KEY ISSUES

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

Representations Received

9 objections were received during the course of the application. A summary of the objections have been provided within the consultation section of the report.

Use of the Building

The proposal would not change the use of the building. A Certificate of Lawfulness for existing use was previously considered lawful in relation to the use of the building as a mosque on the ground floor with residential accommodation on the second floor and a mixed use as a mosque and residential accommodation on the first floor was issued on 21/05/2021 (LPA Ref: 20/4093).

Ground Floor Rear Projection

The ground floor structure to the rear of the property is not considered under this application as the proposal is seeking permission for two first floor rear extensions which would remain separate to the ground floor projection. This structure is currently under investigation by the Planning Enforcement Team.

Design, Character and Impact on the Street Scene

The proposed infill extension would contain a suitable roof design and eaves that would match the design of the existing property and complement the roof profile of the neighbouring property. On this basis the application overcomes reason 2 linked to the previously refused application. Given the overall scale and siting of the proposed extensions, there would be no negative impact on the row of Locally Listed Buildings at 1-3 Stanley Avenue to the west of the site. The proposed extensions complement the character of the terrace row of properties located along this part of Stanley Avenue.

Impact on Residential Amenities

The proposed infill extension would not extend beyond the first floor rear wall of No. 7 Stanley Avenue and therefore allow for a suitable relationship with this neighbouring property overcoming the previous reason for refusal. The extension further north west of the property would allow for a suitable relationship with No. 1-3 Stanley Avenue. Furthermore based on the planning history linked to this adjacent site, the subject property No. 1-3 Stanley Avenue occupies a Medical Centre and does not support a residential property.

Transport Considerations

The proposed extensions would not materially alter the number of visitors to the premise given the overall scale of each extension. The location of the site within a CPZ would also help to ensure the proposal has no adverse impact on parking conditions in the area.

Environmental Health Considerations

Officers from Noise Nuisance Control team have previously engaged with the Trustees of the Mosque and provided advice and recommendations on how to manage noise at the premises. The Officer outlined that there is no supporting information to suggest that the proposed rear extensions would not generate any additional noise. The Environmental Health Officer requested additional documents (i.e. An Air Quality Neutral Assessment and Construction Method Statement) to be provided via conditions however these were not considered appropriate given the scale and nature of the minor first floor additions to the rear of the property.

Fire Safety

A Fire Statement was provided during the course of the application which considers the guidelines set out in Policy D12a of the London Plan.

RELEVANT SITE HISTORY

Relevant planning history

22/0802 - Proposed two first floor rear extensions to building – **Refused – 24/05/2022.**

Reasons: _

1. The proposed infill first floor extension due to the excessive depth would have negative impact on the occupiers of No. 7 Stanley by way of an overbearing impact and loss of light. The proposal would therefore fail to comply with Policy DMP1 of the Local Plan 2019-2041 and the guidance set out within Supplementary Planning Document 2 –Residential Extensions Design Guide (2018).

2. Due to inaccuracies within the submission including the failure of the side elevations to clearly show the stepped eaves height of the existing property, the proposal has failed to demonstrate that the first floor infill rear extension would be designed to be in keeping with the character of the host building and wider terrace. As such, the proposal fails to comply with policy DMP1 of Brent's Local Plan 2019-2041 and the guidance set out within SPD2 "Residential Extensions and Alterations" (2018).

3. The application was not accompanied by a Fire Strategy and as a result the proposal has failed to comply with Policy D12a of the London Plan 2021.

E/21/0398 - The alleged erection of a large structure with hazardous materials at the rear of the premises – **Under Investigation**

20/4093 - Certificate of lawfulness for existing use of the building as a mosque on the ground floor, residential accommodation on the second floor and a mixed use as mosque and residential accommodation on the first floor – **Lawful, 21/05/2021.**

CONSULTATIONS

13 properties within the vicinity of the site were notified by letter of this proposal for a 21 day period on 05/10/2022.

9 objections were received during the course of the application.

Summary of Objections	Officers Response
Page 61	

No dimensions are indicated on the plans and the intention is not clear.	The plans indicate the two first floor extensions and the drawings scale correctly. The dimensions are identified within the assessment below.
The neighbourhood has been and will be directly affected by long duration of double parking, traffic congestion, blocked driveways and pavements and congested public footpath.	Refer to paragraphs 19-20 of the report. Any unauthorised parking should be reported to the Highways Team.
Traffic congestion and pollution.	Refer to paragraphs 19-20 of the report. Given the nature of the extensions no further congestion is anticipated when considering the existing situation in the area.
Additional parking issues to the area.	Refer to paragraphs 19-20 of the report.
Loud speakers are currently being used	This is not relevant to the current application. The use of the building has been considered lawful as identified within the background section of the report. The proposed works would not dramatically change the existing situation on site. Noise complaints in relation to the loud speakers are being reviewed by the Council's Nuisance Control Team.
The extensions are not in keeping with other properties in the vicinity.	Refer to paragraphs 6-14 of the report.
Overlooking into neighbouring properties.	Refer to paragraphs 15-18 of the report.
Loss of light and privacy to neighbours.	Refer to paragraphs 15-18 of the report.
The impact the large development on the value of neighbouring properties.	This matter is not a material planning consideration.
It should be highlighted that the development would effectively ensure yet another HMO on Stanley Avenue.	The proposal is not seeking to convert the property to an HMO.
The plans should show bird's-eye view and views of all sides not just one side as the rear of the property is not level it ends at different areas of each floor.	The plans provide an outline of the full extend of the proposed works. During the course of the application an additional side elevation (i.e. south eastern elevation) was provided to help with the assessment.

Internal consultation

Environmental Health - no objections subject to conditions relating to air quality, noise and construction management.

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

D12a: Fire Safety

T4 Assessing and mitigating transport impacts

T6 Car parking

Brent Local Plan 2019-2041

DMP1: Development Management General Policy

BP8: South West

BD1: Leading the Way in Good Urban Design

BSI1: Social Infrastructure and Community Facilities

BHC1: Brent's Heritage Assets

BSUI4: On Site Water Management and Surface Water Attenuation

BGI1: Green and Blue Infrastructure

BT2 Parking and Car Free Development

Other material considerations:

The following are also relevant material considerations:

National Planning Policy Framework 2021

National Planning Practice Guidance

Supplementary Planning Guidance / Documents:

Supplementary Planning Document 2 –Residential Extensions Design Guide (2018)

DETAILED CONSIDERATIONS

Proposal in Detail

1. The application is seeking planning permission to construct two first floor extensions to the rear of the property. A first floor extension would infill the area along the north eastern part of the property. This extension would contain a depth of approximately 1.8m. The proposal would also include an extension to the existing first floor rear projection positioned along the north eastern segment of the property by 1m.
2. The agent has clarified during the course of the application that the infill extension would support prayers and educational use on the first floor. The additional extension would extend the kitchen area serving the residents on the second floor.

Background

3. The lawful use of the building is as a mosque on the ground floor with residential accommodation on the second floor and a mixed use as a mosque and residential accommodation on the first floor and a Certificate of Lawfulness was issued on 21/05/2021 (LPA Ref: 20/4093) confirming this. It is not proposed within this application that the use of the building would change.
4. Application Ref: 22/0802 was previously refused due to the excessive depth of the proposed infill extension resulting in a poor relationship with No. 7 Stanley Avenue by way of an overbearing impact and loss of light. Further to this the plans submitted with the application failed to demonstrate the stepped eaves height of the existing property and therefore the proposal failed to demonstrate that the first floor infill rear extension would be designed to be in keeping with the character of the host building and wider terrace. Additionally, the application was not accompanied by a Fire Strategy in line with Policy D12a of the London Plan. The re-submission is considered to overcome the reasons for refusal of the previous application as discussed in detail below.
5. The ground floor structure to the rear of the property is not considered under this application as the proposal is seeking permission for two first floor rear extensions which would remain separate to the ground floor projection. This structure is currently under investigation by the Planning Enforcement Team.

Design, Character and Impact on the Street Scene

6. Given the nature of the works and traditional residential context of the properties within the direct vicinity of the application site the design guidance set out within Supplementary Planning Document 2 (SPD2) was used to assess the proposed alterations.
7. SPD2 outlines that first floor rear extensions should contain a maximum depth of 3m. Furthermore, the design, shape and materials of the roof must match the original roof. Every effort to retain roof features should be made. It is often not possible to erect a two storey rear extension where there is an existing rear dormer window as this can result in an unacceptable design.
8. The infill extension would contain a depth of approximately 1.8m, width of 2.4m and the extension would contain a slanted roof design to match the profile of the existing roof. Furthermore, the extension would also mirror the eaves of the existing projection along the north western part of the site. The proposed extension to the existing first floor rear projection would have a depth of approximately 1m and contain a width that would mirror that of the existing first floor projection currently occupying this portion of the site. This extension would also feature a flat roof design.
9. It is noted that the extension north west of the property would contain a flat roof design which would not mirror the main roof of the existing property however it is noted that numerous properties further south east of the site contain large two storey rear projections with flat roof features. Given that this relationship is an established design characteristic along this particular portion of Stanley Avenue the proposed flat roof design of the extension on site is considered acceptable on this occasion. The proposed extensions would be constructed in materials to match the host property. Both extensions would not be readily visible from the street scene.
10. The current application has now identified the stepped eaves to the rear elevation. The proposed infill extension would contain an eaves height that would reflect the existing first floor rear projection. This would be acceptable in design terms given the existing relationship to the rear of the property and would overcome this previous reason for refusal associated with application 22/0802.
11. It is noted that the properties directly north west of the site are designated as Locally Listed Buildings i.e. No's 1-3 Stanley Avenue. These properties are not statutory listed or positioned within a Conservation Area and not within area of archaeological interest. Paragraph 189 of the NPPF recognises that heritage

assets are an irreplaceable resource and seeks to conserve them in a manner appropriate to their significance. It is appropriate to consider the desirability of new development making a positive contribution to the local character and distinctiveness. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

12. The Council's Heritage Officer raised no concerns via the previously refused application. It is noted that the Heritage Statement submitted with the application is limited, nevertheless the proposed works would be to the rear of the property. The proposed extensions are considered relatively small and will not be seen in the context with the front or side facades of 1-3 Stanley Avenue which are considered the most significant elements of these heritage assets.
13. It is noted that the extension to the existing projection would be seen in the context from Stanley Close (at the rear) but however it does not extend considerably further than the existing projection to the properties further south east of Stanley Avenue, it would not be seen as harmful to the locally listed building in this respect.
14. Overall it is considered that the proposed extensions would not have a negative impact on the character of the host property nor have a negative impact on the character of the area and street scene.

Impact on Residential Amenities

15. SPD2 generally allows two storey rear extensions where they comply with the 1:2 rule in respect of the nearest first floor habitable room windows on neighbouring properties. The depth of any two storey rear extension is restricted to half the distance between the side wall and the middle of any neighbours nearest habitable room window. This rule ensures that the loss of amenity and light to the neighbouring properties is kept within reasonable limits.
16. The proposed infill extension would mirror the first floor rear building line of No. 7 Stanley Avenue. Therefore this extension would not have a negative impact on the residents of this neighbouring property. Overall the proposal would overcome the previously refused application in this regard.
17. The existing first floor projection contains a similar rear building line to that of No. 3 Stanley Avenue. The proposed 1m extension to this projection would be positioned approximately 4m from the side elevation of No. 3 and therefore would comply with 1:2 rule set out in SPD2. Given the relationship and overall separation distances achieved, this extension would not significantly harm the occupiers of this property or the residents at No. 7. Furthermore, 1-3 Stanley Avenue contains a Medical Centre.
18. The proposed extension would facilitate windows but these would be directed towards the rear of the application site and therefore no harmful overlooking would occur when considering the neighbouring properties surrounding the application site.

Transport Considerations

19. It is noted that a Certificate of Lawfulness was granted under 20/4093 for the continued use of the ground floor of the property as a mosque, with a flat above. This application is a resubmission of recently refused application 22/0802, but with a slightly smaller extension behind each of the rooms identified as a kitchen and living room. Transport implications are therefore similar.
20. The Certificate of Lawfulness application suggests that the ground floor and part of the first floor is used as a mosque, the proposal would result in the extension of the mosque and residential kitchen area at first floor. Nevertheless, this would be unlikely to have a material impact on the number of visitors to the site. The location of the site within a CPZ would also help to ensure the proposal has no adverse impact on parking conditions in the area.

Environmental Health Considerations

21. Under the previous application the Noise Nuisance Control Officer outlined that complaints have been made regarding the amplified calls to prayer and use of a loud speaker in the rear garden area. Officers from Noise Nuisance Control team have previously engaged with the Trustees of the Mosque and provided advice and recommendations on how to manage noise at the premises. The Officer outlined that there was no supporting information within that application to suggest that the proposed rear

extensions would not generate any additional noise.

22. It is noted that Environmental Health Officer originally requested conditions seeking the submission of an Air Quality Neutral Assessment, a noise assessment and a Construction Method Statement to be provided. However, the proposal is for first floor extensions with an area of approximately 8 square metres (Gross External), and therefore is very minor in its scale and nature. The proposal is unlikely to result in significant impacts on air quality whilst the construction of the extension is unlikely to result in a significant degree of impact (with many home extensions being larger than this, and not normally subject to construction method statements. In terms of noise, the proposal would only result in a small increase in the amount of floorspace, and the majority of the relevant rooms would maintain the existing relationship with the adjoining properties. As such, it is not considered proportionate or necessary to require an Air Quality Neutral Assessment, Construction Method Statement or Noise Assessment through condition. An informative has been included to remind the applicant of the required working hours.

Trees & Landscaping

23. There are no significant trees on site or within neighbouring properties that are likely to be affected by the proposal. The application form submitted with the application also outlined that no trees or hedges would be affected by the proposed development.

Flood Risk and Drainage

24. The application site does not fall within a Floodzone, therefore a flood risk assessment (FRA) is not required. The proposed works would not result in additional surface water run off on site.

Fire Safety

25. Policy D12a of the London Plan highlights the importance for all development proposal achieving the highest standards of fire safety. A Fire Statement was provided during the course of the application which covers the objectives of Policy D12a of the London Plan.

Equalities

26. 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

27. Following the above discussion the proposed first floor rear extensions comply with the design objectives set out the Local Plan 2019-2041 and design criteria set out within Supplementary Planning Document 2 -Residential Extensions Design Guide (2018). The application has successfully overcome the reasons for refusal associated with application Ref: 22/0802.
28. To conclude, the first floor extensions would not have a detrimental impact on the character of the existing property or street scene nor would the extensions have a negative impact on the amenities enjoyed by occupiers of the neighbouring properties surrounding the application site. As such the application should be recommended for approval subject to the conditions set out below.



Brent

DECISION NOTICE – APPROVAL

Application No: 22/3273

To: Mr Silverman
David Silverman
70 Mill Hill
Watford
WD17 3BZ

I refer to your application dated **21/09/2022** proposing the following:

Proposed two first floor rear extensions to building

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

at **5 Stanley Avenue, Wembley, HA0 4JA**

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: 31/01/2023

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
The London Plan 2021
Brent's 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):

Plans: _
20/312/1 - Existing Plans and Elevations
20/313/2 B - Proposed Plans and Elevations
20/312/3A - Existing and Proposed Roof Plans
20/313/3 A (Received 30/01/2023)
Proposed Site Plan

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.

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 government website: <https://www.gov.uk/government/publications/preventing-and-resolving-disputes-in-relation-to-party-walls/the-party-wall-etc-act-1996-explanatory-booklet>

- 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 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.

- 4 The submission 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.

Any person wishing to inspect the above papers should contact Denis Toomey, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1620