



## Planning Committee

**Wednesday 19 April 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 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](https://democracy.brent.gov.uk)**

**Members' virtual briefing will take place at 12.00 noon.**

### **Notes for Members - Declarations of Interest:**

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

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

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

#### **\*Disclosable Pecuniary Interests:**

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

#### **\*\*Personal Interests:**

The business relates to or affects:

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

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

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

or

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

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

# Agenda

Introductions, if appropriate.

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 8 February 2023 as a correct record		1 - 12
<b>APPLICATIONS FOR DECISION</b>		
4. 22/2560 - Yates Court Garages, Yates Court, 228 Willesden Lane, London, NW2 5RH	Brondesbury Park	17 - 40
5. 22/4030 - 62 & 62 A-D Salusbury Road, London, NW6	Queens Park	41 - 60
6. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or her representative before the meeting in accordance with Standing Order 60.		

**Date of the next meeting:            Wednesday 10 May 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 8 February  
2023 at 6.00 pm

PRESENT: Councillor Kelcher (Chair), Councillor S Butt (Vice Chair) and Councillors Akram, Begum, Collymore, Mahmood, Maurice

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

Apologies for absence were received from Councillors Dixon and Rajan-Seelan. Councillor Collymore attended as an alternate member.

#### 2. Declarations of interests

None.

#### 3. Minutes of the previous meeting

**RESOLVED** that the minutes of the previous meeting held on Wednesday 14 December 2022 be approved as an accurate record of the meeting.

#### 4. 22/3256 - 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.

##### 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 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.

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Mahya Fatemi, Senior Planning Officer, North Area, Development Planning Team introduced the report and set out the key issues. In introducing the report members were advised that the application sought the change of use of the ground floor of the existing property from professional services to a place of worship (Use Class F1 (f) and community hall (Use Class F2 (b) and replacement of windows with doors to the front elevation. The site was not located within a conservation area and there were no listed buildings within the site's curtilage. It was clarified that the prayer space was limited to 40 worshippers and would serve to meet the needs mainly of local employees who required a designated place to pray during business hours.

The Committee's attention was drawn to the Supplementary Report that responded to further objections made regarding the operational hours, the agent re-confirmed that the hours of use would be 12pm – 9pm and as such the recommendation remained to grant consent as per the Committee report and decision notice.

As no Committee questions were raised at this point, the Chair invited Mr Mohammed Azad (as an objector) to address the Committee (in person) in relation to the application.

Mr Azad introduced himself to the Committee as a local resident and business owner before raising the following key issues:

- Mr Azad advised that his premises where he had conducted his business for the past 24 years was located directly in front of the application site.
- Mr Azad felt that parking issues had increased significantly since the new owners of the application site acquired the premises approximately 4 years ago.
- There were ongoing issues in relation to parking along the access road, Mr Azad explained as there were limited allocated parking spaces, vehicles were frequently double parked and regularly blocked the access road.
- Mr Azad advised that this was a source of frustration for him, as there had been multiple occasions where he had been unable to move his vehicle to collect his children from school as he had been blocked in.
- Mr Azad closed his comments by advising the Committee that he had no objections to the applications proposed use of the premises as a place of worship, his only issue was that he felt the increased number of visitors to the location would undoubtedly exacerbate the existing parking issues.
- Mr Azad sought assurances that the parking would be adequately managed if the proposed application was granted planning permission.

The Chair thanked Mr Azad for his contribution and invited Committee members to ask any questions or points of clarification they may have in relation to the issues raised. Members raised queries regarding the parking issues along the access road. During the discussions it was clarified that the access road was a private road therefore the Council were unable to enforce parking restrictions however there was potential for the space to be managed by a private parking company. The Chair advised that further detailed discussion regarding parking issues would be addressed by officers later in the meeting.

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As no further questions were raised the Chair invited the next speaker Naran Gajparia (objector) to address the Committee (in person) in relation to the application. Mr Gajparia introduced himself as a local resident of 35 years before raising the following concerns:

- Mr Gajparia advised the Committee that the application site's surrounding area of Kingsbury Road was subject to heavy traffic and congestion, he was concerned that if the proposal was approved there would be an increase to visitors in the area which would exacerbate the existing traffic issues.
- Mr Gajparia explained that there was high footfall in the area due to the high numbers of pedestrians using the local supermarket and tube station. He felt that there could be an increased risk to pedestrians trying to cross the busy road because of the increased traffic to the area.
- It was felt that there was not adequate parking provision to manage the increased visitors to the application site.
- Mr Gajparia closed his comments by re-iterating that he was not opposed to the site being used as a place of worship, his issues were related to the increased traffic and safety issues that he felt would be exacerbated if the planning permission was given, as such he felt the proposal would be better suited a different location.

The Chair thanked Mr Gajparia for his representation, the Committee noted that Mr Gajparia's points reinforced the concerns raised by the previous speaker and as such had no further questions.

The Chair moved the meeting on to invite Councillor Kabir in her capacity as Ward Councillor to address the Committee in person as a supporter of the proposed application. Councillor Kabir expressed her support as follows:

- Councillor Kabir advised the Committee that although she was aware that objections had been received, through her work as a Ward Councillor she had heard directly from many residents who were supportive of the proposed application.
- It was highlighted that there were increasing numbers of Islamic based businesses and shoppers visiting Kingsbury Road, therefore it was felt that a local place of worship was accessible to the community of employees and visitors who required a space to worship during the day and evening.
- It was highlighted that the mosque would serve a small number of local worshippers during business hours, therefore it was unlikely to attract additional vehicles to the area and due to its small scale, it was unlikely to create a noise nuisance or negatively impact local residents and businesses.
- It was felt that any parking spaces needed in addition to the facilities 6 parking spaces could be adequately met by available local on street parking, Kingsbury Station car park and the local supermarket car park.
- Concerns were expressed regarding the conditions specified in the report in relation to no amplified noise and the restricted hours of use from 12pm to 9pm. Councillor Kabir felt that worshippers should be able to access prayer facilities flexibly when required, it was also noted that during Summer time sunset prayers would need to take place after 9pm. Additionally it was felt

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that having no scope to use amplified noise at all was an unfair and unnecessary restriction. Councillor Kabir questioned if the applicant had been asked to compromise on timings and amplified noise or if these conditions had been put forward with the original application.

The Chair thanked Councillor Kabir for her contributions and reassured the Committee that the points of concerns raised by Councillor Kabir would be addressed by officers in the latter part of the meeting. The Chair proceeded to invite the final speaker on the item, Mr Murtaza Poptani, Sterling Planning, (agent) to address the Committee (online) in relation to the application. The following key points were shared:

- The Kingsbury town centre was recognised as home to a large and diverse community. As demonstrated in the planning statement, the surrounding area was well served by temples, gurdwaras, churches and synagogues. However, there were no Muslim prayer facilities in the immediate locality. The closest prayer facility was a 30 minute walk away.
- The Kingsbury town centre accommodated a number of Muslim owned businesses, employees and visitors who came to dine and shop. However, there were no local prayer facilities for the Muslim community. This had resulted in people having to pray in unsuitable locations such as within their businesses, restaurants and shops which was impractical.
- The proposed application would not operate as a fully functioning mosque. The main prayer hall covered only 68 square metres and would have a maximum occupancy of 41 people. This could not be exceeded due to its physical size.
- The unit would only be used as a prayer space during work/business hours when people were away from their homes, this was reflected in its opening hours from 12pm to 9pm.
- The site was within a high public transport accessibility zone and within walking distance of the community it would serve. The surrounding area was characterised by businesses that were open to and beyond midnight. The proposed place of worship would not require any external plant or amplified sound and would cause no disturbance to any neighbouring dwellings.
- The planning officers report had already addressed that the principle of a place of worship in this town centre location was acceptable and due to its central location, proximity to public transport and the level of car and cycle parking provided, no highways issues had been raised.
- In summary, the proposal would deliver vital social infrastructure playing an important role in supporting Brent's diverse community, helping to promote social inclusion and cultural wellbeing within a sustainable location.

The Chair thanked Mr Poptani for addressing the Committee and asked the Committee if they had any questions or points of clarification following the information heard. In response the Committee raised queries regarding parking management, managing the number of worshippers, hours of use and amplified sound. The following responses were provided:

- In response to concerns regarding parking management, Mr Poptani reiterated that the proposed application could accurately be described as a



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prayer room rather than a full time mosque. There would be no fulltime Imam and although the capacity was for 41 worshippers, it was unlikely that it would regularly reach full capacity. In addition, the facility would mainly serve local workers in the area, therefore there was not expected to be an increase in cars already in the local area as it was expected that most worshippers would walk to the facility.

- It was highlighted that at busier times a parking marshal would be employed to support the parking management, the Committee noted there were ample local car parks available for use including the Kingsbury Station car park and local supermarket car park.
- Mr Poptani added that communication would take place with neighbouring residents and businesses to avoid issues with parking.
- In relation to the restricted operational hours, Mr Poptani advised that the hours requested reflected the light use of the facility and further illustrated the minimum impact the development would have on the local community.
- Mr Poptani confirmed that amplified sound was not requested as part of the application as it was felt that the small size of the prayer room would not require amplified sounds, additionally the applicant was conscious that they did not want to cause any disturbances for neighbours.

As members had no further questions for Mr Poptani, the Chair thanked Mr Poptani for his contributions before inviting 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 the conditions on restricted hours of use, amplified sound and parking and traffic management. In response to the issues raised by the Committee the following points were discussed:

- The Committee sought clarification on the presentation of the balance of public support and objections in terms of the outcome of the consultation process as laid out in the Committee report. Officers advised that the Committee report aimed to provide a balanced view of the outcome of the public consultations.
- In response to a Committee query regarding the basis of which hours of operation had been agreed, officers confirmed that the hours of use had been suggested by the applicant, additionally the agent has been contacted to clarify the hours ahead of the agenda being published. The Committee were advised that it was not unusual for applicants to initially suggest shorter operational hours for a new facility to minimise the impact felt by the local community. Once a new facility was established the applicant would be able to make an application to extend the operational hours.
- The Committee felt it would be beneficial to adapt Condition 6 – Hours of Operation to provide further flexibility to the hours of operation to allow for administrative and cleaning tasks to take place. The adaptation was agreed by officers to take forward as a revised condition.
- In response to a Committee query regarding the basis of the condition that stated there should be no amplified noise used in the facility, officers confirmed that the applicant had not requested the use of amplified noise as part of their application. The Committee highlighted that although it was not requested by the applicant, it would be helpful to have some flexibility around this condition to allow reasonable amplified

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sound to ensure that if and when necessary a small speaker could be used to play a speech without this constituting a breach in condition. Consequently, officers agreed that Condition 4 could be revised to allow the use of reasonable amplified sound.

- The Committee sought clarification on the Class Use of the premises, officers confirmed that the area of the building that would be used as a place of worship would be Use Class F1(f) and the Community Hall would be Use Class F2(b)
- Following prior concerns raised with the agent regarding parking management, the Committee were reassured that the Car Parking Management Plan set out arrangements for the pre booking of the on site parking spaces, car parking enforcement measures, the provision of information to staff and visitors highlighting alternative options for car parking in the area and full monitoring of the operation of the plan with a view to funding additional signage and parking enforcement if required. Therefore it was felt that adequate mitigations had been put in place to minimise disruption to local residents, businesses and highway safety.

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 as set out in the Committee report and supplementary report, with further amendments to be made to Condition 4 to allow the use of reasonable amplified sound and Condition 6 to allow flexibility to the hours of operation to allow for administrative and cleaning to take place

(Voting on the recommendation was unanimous)

### **5. 21/2290 - 30,30a and 31 Stilecroft Gardens, 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

#### **RECOMMENDATION~:**

That the Committee resolve to GRANT planning permission subject to:

- (1) The prior completion of a legal agreement to secure the planning obligations as detailed in the report.
- (2) That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives as detailed in the report.

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

Victoria McDonagh, Team Leader, North Area Planning Team introduced the report and set out the key issues. In introducing the report members were advised that the existing site consisted of a set of 2 semi detached houses and 1 detached house on the southern side of Stilecroft Gardens, located within the boundaries of the Sudbury Neighbourhood Plan. The site laid partly within land that was liable to surface water flooding. The designated open space and local green space of Vale Farm was located to the south of the site.

The application did not have a supplementary report, however the Committee's attention was drawn to a late objection made by the Sudbury Town Residents Association (STRA) in relation to outbuildings, however this was deemed not applicable as the proposal was for dwelling homes as opposed to outhouses.

The Chair sought clarification on the section of the report that referred to current site having "deep gardens" and as such they were recognised as being more suitable locations for this type of development and if there was a specific measurement of what could be defined as a "deep garden". In response the Committee were advised that there was no specific measurement or policy and that the term was a judgement made by officers.

As no further questions were raised by members at this point, the Chair invited Mr Hallam Moore (objector) to address the Committee (in person) on behalf of the Sudbury Town Residents Association (STRA) in relation to the application. The following key points were highlighted:

- It was not felt that the site was appropriate for the proposed application as the site did not fall within a designated growth area and there was no affordable housing provided as part of the development.
- It was highlighted that the National Planning policy restricted residential gardens being used for the type of development proposed and as such it was felt that this should be given greater consideration by the local authority in this case.
- Gardens in the area were prone to water logging throughout Winter and during periods of heavy rain, the proposed development was across the natural watercourse for the area and would increase the risk of flooding on the proposed development and surrounding properties.
- The STRA felt that the development did not meet the local planning policies BH2 or BH4 and on this basis along with the other concerns raised felt the application should be rejected.

The Chair thanked Mr Moore for his contribution to the meeting, as no questions were raised by the Committee the Chair proceeded to invite Mr Andy Hollins,

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Hollins Planning (agent) to address the Committee (online) in relation to the application, with the following key points highlighted:

- The National Planning Policy Framework, the London Plan and Brent's Local Plan encouraged the development of small windfall sites as they could be built quickly and make a valuable contribution to the borough's housing targets.
- The site was unique in that the gardens were uncharacteristically deep, allowing for the 3 houses to be comfortably accommodated without appearing cramped or harm the living conditions of neighbours, therefore it was felt that the development would not set a precedent for the future development of any other garden land in the vicinity.
- The proposed homes and been designed to be aesthetically in keeping with the area.
- The rear of the site backed onto the locally listed Vale Farm Sports Ground. There was a small belt of trees that separated other gardens from the playing fields, it had been agreed with officers that a financial contribution was provided to extend and supplement this area with additional tree planting to include the planting of semi mature trees to provide a landscape buffer between the proposed homes and the sports ground.
- A minimum gap of 24m would be retained between the front of the proposed houses and the rear of the houses on Stilecroft Gardens to ensure there would be no undue loss of privacy.
- In terms of concerns raised by neighbours regarding anti social behaviour, the Committee were advised that the proposed access would benefit from natural surveillance. In addition to this the applicant was willing to provide a lighting scheme for the access which would be designed to ensure no light spill into neighbouring gardens.
- In summarising the benefits of the proposed development Mr Hollins urged the Committee to approve the application for 3 much needed family sized homes in Brent that were policy compliant.

The Chair thanked Mr Hollins for his representation and invited Committee members to raise any queries or clarifying points they may have. Queries were raised with regard to flood risk, emergency vehicle access and Electric Vehicle Charging Points (EVCP) –

- In response to a Committee query on the inclusion of EVCP's as part of the scheme, Mr Hollins advised that due to the small size of the scheme Electric Vehicle Charging Points were not required, however the applicant would be happy to secure this via condition.
- In relation to a concern raised by the Committee regarding the accessibility of emergency vehicles reaching the site, the Committee were assured that the access road was wide enough for a fire appliance to access the site, however exiting the site would be more challenging. To mitigate this the properties would be fitted with sprinkler systems therefore avoiding the need for fire appliances to enter the site, as all properties would be within 70m of Stilecroft Gardens.
- In response to a Committee concern regarding increased flood risk, Mr Hollins advised that following the applicants submission of a Flood Risk Assessment, Brent's Flood Officer had confirmed that the site was at low

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risk of tidal, fluvial, surface water, sewer and reservoir flooding. Additionally the Committee were informed that SuDS improvements to the site that included the implementation of rainwater harvesting tanks and a crate system attenuation tank would reduce surface water run off on the site by 98% for a 1 in 100 year storm event, therefore providing a significant betterment on the current site.

The Chair thanked Mr Hollins for responding to the Committee's questions. As there were no further questions for Mr Hollins, the Chair invited the Committee to ask officers any further questions they had in relation to the application. The Committee requested further clarity on flood risk, car parking, emergency vehicle access, refuse collection, construction management plan and the future use of the dwellings. The following key points were discussed:

- In relation to the flood risk concerns, the Committee sought assurances that all mitigations had been considered to limit any impact on neighbouring residents. Officers re-iterated the significant betterment the site would benefit from as a result of the SuDS measures that would be put in place, as detailed in the Flood Risk Assessment and Condition 9 of the report. Officers went on to highlight that the Flood Officers were satisfied with the Flood Risk Assessment and the mitigations that would be in place having confirmed that the proposal aligned with Policy BSU13 and BSU14 of Brent's Local Plan. Consequently, officers were satisfied that suitable mitigation had been considered with regard to managing flood risk.
- Given the low PTAL 1 rating of the site, the Committee queried whether there could be demand for additional car parking. Officers advised that the site was served by a local bus route and that the overall car parking allowance for the development of 3x properties was 3x spaces based on standard set out in the London Plan. The Committee noted that Stilecroft Gardens was not defined as a heavily parked street.
- The Committee were advised that to support an access way to the rear of the new dwellings, additional margins of 300mm on each side would be required, this would result in the relocation of the two existing car parking bays to the west of the site. The changes to access and parking with a reinstated footway were secured through Condition 5 and Condition 11 as detailed within the report.
- In response to a Committee question regarding refuse collection for the new properties, it was confirmed that a bin store along the access road was accepted as being a suitable means of avoiding refuse vehicles needing to access the site. It was felt it was acceptable for residents to pull their bins up to the collection point on Stilecroft Gardens.
- The Committee discussed that although the small size of the development meant that it was not a policy requirement for the development to be accompanied by an energy assessment, but it was felt that as previously discussed with the agent a Condition should be sought to provide the Electric Charging Vehicle Points.
- The Committee were advised that a Construction Management Plan would be secured to limit disruption for residents, this would include vehicle access and timings.
- In response to Committee concerns regarding the future use of the proposed dwellings and the potential for any of them to be converted into

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HMO's the Committee heard that an Article 4 direction is in place so that permitted development rights are removed for such conversions. Therefore, the conversion of the property into an HMO would require a separate Planning application.

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

**DECISION:** Granted planning permission subject to the prior completion of a legal agreement to secure the planning obligations as set out in the report and the conditions and informatives as set out in the Committee report with the inclusion of additional conditions to provide details of lighting along the access road and the provision of EVCP for the new homes.

(Voting on the recommendation was as follows – 5 For, Against 2)

### **6. 22/3273 - 5 Stanley Avenue, HA0 4JA**

#### **PROPOSAL**

Proposed two first floor rear extensions to building.

#### **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 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.

Denis Toomey, Principal Planning Officer, North Area Development Team introduced the report and set out the key issues. In introducing the report members were advised that the application sought permission for two first floor rear extensions to the building. The application property consisted of a two storey end of terrace property on Stanley Road, the site was not within a Conservation Area and the property was not listed. The Committee was advised that the proposal would not change the use of the building. A

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Certificate of Lawfulness for the existing use was considered lawful in relation to the use of the building as a mosque on the ground floor with residential accommodation on the first floor.

As there were no registered speakers for the application, the Chair invited Committee members to ask any clarifying questions or raise any concerns they had with the officers in relation to the application. The following points were discussed:

- Following a Committee question in relation to the permitted rights of the homeowner, officers confirmed that this property did not have permitted development rights due to the nature of the use, hence the requirement to submit this application for planning permission.
- Following a Committee question regarding the use of the proposed extension to the property, the Committee were advised that the extension would support both the residential use of the dwelling and provide additional space in the prayer area.

As there were no further questions 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 report

(Voting on the recommendation was unanimous.)

### **7. Any Other Urgent Business**

None.

The meeting closed at 8:16pm.

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

19 April, 2023  
04  
22/2560

## SITE INFORMATION

RECEIVED	18 July, 2022
WARD	Brondesbury Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	Yates Court Garages, Yates Court, 228 Willesden Lane, Willesden, London, NW2 5RH
PROPOSAL	Demolition of existing 17 garages and development of land to provide four new dwellinghouses, parking, refuse and cycle storage and associated landscaping
PLAN NO'S	See condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_161171">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_161171</a></p> <p><b><u>When viewing this as an Hard Copy _</u></b></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "22/2560" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

That the committee resolve to GRANT planning permission subject to conditions.

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

### Conditions

1. Time Limit
2. Approved Plans
3. Obscure glazing
4. Drainage
5. Removal of PD rights (Extensions and Alterations)
6. Car free
7. Cycle and Bin Storage
8. Tree Protection Plan and Arboricultural Method Statement
9. Construction Environmental Management Plan (CEMP)
10. Demolition and Construction Method Statement (CMS)
11. Land Contamination: Site Investigation
12. Land Contamination: Remediation
13. Materials
14. Hard and Soft Landscape
15. Lighting

### Informatives

1. Party Wall Agreement
2. Building Near a Boundary
3. CIL Liability
4. Fire Statement
5. Tree Works
6. Construction Hours

That the Head of Planning and Development Services is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, 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: Yates Court Garages, Yates Court, 228 Willesden Lane, Willesden, London, NW2 5RH

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This map is indicative only.

## PROPOSAL IN DETAIL

The application proposes the demolition of existing 17 garages and development of land to provide four new dwellinghouses (1 x two-bedroom, 2 x three-bedroom, and 1 x four-bedroom), parking, refuse and cycle storage and associated landscaping.

## EXISTING

The site comprises two rows of single storey garages (17 in total) and adjacent hardstanding to the rear of Yates Court to the northern side of Willesden Lane. The site is not within a Conservation area as designated in Brent's Local Plan, nor does it impact a Listed Building.

## AMENDMENTS SINCE SUBMISSION

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

- Revised Site Layouts and Floor Plans to show revised first floor windows, disabled parking bays, EV charge points, amended bin store, block paving surfacing to Houses 01-03, reduced hard landscaping within private amenity areas, provision of an outdoor tap and access shown to shared open space
- Revised Landscape Design Report and Landscape Plan
- Revised Drainage Strategy
- Submission of Weekend Parking Survey Summary

## 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: 19 objections have been received. Officers have considered the comments and the planning merits of the proposal and consider that the proposal is acceptable.
- Principle: The application would create four dwellinghouses including three family dwellinghouses within a residential area with a PTAL of 4 on an intensification corridor. The general principle of the development accords with planning policy and is supported in this location.
- Standard of Accommodation and External Amenity Space: The proposal would provide well proportioned, well lit habitable rooms and generous internal dimensions. Appropriate garden space compliant with Brent policy would be provided in rear gardens.
- Design and Appearance: The proposal is considered to represent a good standard of contemporary design within the infill site and would not result in harmful impact on the character and appearance of the local area.
- Residential Amenity: The proposal would not result in a significant impact on the residential amenities of neighbouring occupiers in terms of daylight and sunlight, overlooking or loss of privacy.
- Highway Impact: The development would result in a loss of 17 garages and retain 21 off street parking spaces of which one active and two passive electric vehicle charging spaces would be provided and two widened disabled parking bays. This would be within the maximum car parking allowance. The scheme would be car-free.
- Urban Greening, Biodiversity, Ecology and Trees: The proposed development would be situated on existing garages and hard landscaping. The proposal would result in a loss of one tree but a net gain of 13 trees. Replacement shrubs green roofs, plants and trees are provided to meet the required urban greening factor. The proposed planting is considered to sufficiently mitigate the loss of biodiversity on site. The development is considered to have no significant impact on protected habitats and species.



## RELEVANT SITE HISTORY

There is no relevant site history.

## CONSULTATIONS

110 neighbouring and nearby properties including Chatsworth Area Residents Organisation were consulted on 21/07/2022 on and later reconsulted on 09/01/2023 following the submission of a weekend parking survey summary, revised landscaping, drainage and amended site plans for a 21-day period.

19 objections were received.

Reasons for objecting	Officer's Comment
Concerns regarding noise, working hours, waste pollution, disturbance, dust and vehicles during construction  Requiring the submission of a Construction Management Plan or Construction Logistics Plan  Concerns regarding the use of garden during construction work  Concerns regarding security during construction  Concerns regarding communication/relationship during construction	Construction and demolition works are essential for the growth and redevelopment of Brent. However the noise and disturbance associated with such works can affect those living and working in close proximity.  The Control of Pollution Act 1974 gives powers to the Council which can restrict working hours and allow conditions to be stipulated on the types of machinery/ plant that are used on construction sites and complaints can be made to the Council's noise team where nuisances occur. Due to there being other primary legislation which controls this work, these issues cannot be considered within the planning assessment.  A Construction Management Plan is recommended to be secured via a condition.
Concerns regarding increased costs for existing residents including service charges and council tax  Costs of planting regime and maintenance	These comments are noted however they are not material planning considerations.
Concerns regarding boundary wall/fence heights	Further detail will be secured via condition.
Concerns regarding location of play space, materials, loss of effect on trees, surveillance	There are no proposed loss of trees as a result of the playspace. The play space is proposed with soft landscape features including stepping stones, wooden balance beams and jumping discs. The play area is overlooked by existing residential windows and windows of proposed House 04 providing natural surveillance.
Concerns regarding proposed landscaping in communal garden	The proposed landscaping details within the application have been assess in sections 7, 8 and 9 of the report.
Concerns regarding lack of parking and parking in undesignated areas  Concerns regarding weekend parking including stress from nearby temple  Concerns regarding turning and road access issues  Concerns regarding traffic	Please see section 5. Transport Considerations within the main report.

Development should be car free	
Request for electric vehicle charging points	
Concerns regarding loss of privacy for residents of Yates Court and neighbouring properties including green space	Please see section 4. Impact to Neighbouring Amenity within the main report.
Concerns regarding overlooking	
Concerns regarding loss of light	
Concerns regarding overdevelopment and overcrowding	Local and National planning policies encourage efficient use of land. The addition of four homes is not considered to be an overdevelopment of the site or significantly result in overcrowding of the area.
Increased risk of infection and reduced health and wellbeing	
Comments on existing unoccupied flats within Yates Court	The planning department must consider the merits and impact of the proposed development.
Loss of green space	The proposed dwellings would not be situated in areas of green space.
Increased noise	All residential premises shall be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'. If approved, Building Regulations will be required to ensure that the construction of the build is suitable to meet recommended internal and external noise levels.
Economic impact of loss of garages and storage space	These comments are noted however they are not material planning considerations.
Concerns regarding inaccuracies with parking survey	The inaccuracies noted from within the Weekday Parking Summary were an incorrect building name and inaccurate road now. This summary was received during the course of the application to accompany the Weekend Parking Summary. The full weekday parking survey was provided at submission. While the mistakes within the summary report are noted, it is clear that the survey relates to Yates Court and the information was available from submission and this has been re-confirmed by the planning agents.
Surfacing/paving should be improved throughout Yates Court	While there is no requirement or indication for surfacing throughout Yates Court. Further detail will be required via condition to ensure that the meeting of paving materials within and accessing the site does not undermine the quality of the development.
Residents have previously requested use of garages	These comments are noted, however, they do not form part of the planning assessment.
Concerns regarding impact on local services including GP services, transport, schools and	Given the scale of the development proposed, the projected occupancy is not considered to

other services in the local area	have a significant impact on local services.
Concerns regarding consultation process and requesting a public meeting	This relates to the applicant's consultation rather than that carried out by the Council as part of this planning application. Flyers/mail drops to interested parties for this scale of development are in accordance with the Council's published Statement of Community Involvement.
Site exceeds 0.25ha misinterpretation of London's small site policy	See discussion within paragraphs 1.3 to 1.6.
Concerns regarding rise of Anti-Social Behaviour and requesting use of gates  Fire risk from enclosing garden/courtyard	Objections received have varying opinions of the installation of security measures.  The proposal does not involve a gate and open access is maintained to the existing garden/courtyard between House 04 and Yates Court with a width of 2.7m . The proposal has been designed to provide natural surveillance of the adjoining spaces which typically decreases risks of anti-social behaviour and security/safety issues.
Impact on bats and natural habitats	Please see section 8. Ecology within the main report.
Concerns regarding loss of trees  Contrary to Brent Climate & Ecological Emergency Strategy	The development proposes the loss of 1 tree and the planting of 14 additional trees. Please see section 9. Trees within the main report.
Devaluation of Yates Court property prices	Loss of value is not a material planning consideration.
Concerns regarding infrastructure for waste and recycling in terms of capacity, cleaning and maintenance  Concerns regarding refuse storage in terms of location, appearance and proximity to existing residential units	Revised refuse details were submitted during the course of the application. Please see paragraph 5.31
Concerns regarding impact to the amenity of existing residents including quality of life and wellbeing	Please see section 4. Impact to Neighbouring Amenity within the main report.
Concerns regarding lack of maintenance for existing block Yates Court	These comments are noted, however, works to the existing building are not covered within the scope of this planning application and maintenance of the existing buildings cannot be considered when evaluating this planning application.
Request for provision of replacement cold water tap	Revised plans have been received including the provision of a tap on the refuse store.
Concerns regarding electricity to new homes/national grid supply	The scale and location of this application is such that it is no expected to result in significant impacts to electricity supply.

Concerns regarding damage to nearby properties	The Party Wall Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings. Due to there being other primary legislation which controls these impacts they do not hold any significant weight in terms of a planning assessment.
Concerns regarding drainage	Please see section 6. Drainage and Flood Risk in the main report.

## 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 relevant policies include:

### London Plan 2021

D1 London's form, character and capacity for growth  
D3 Optimising site capacity through the design-led approach  
D4 Delivering Good Design  
D6 Housing quality and standard  
D12 Fire Safety  
H1 Increasing housing supply  
H2 Small sites  
HC1 Heritage conservation and growth  
G5 Urban greening  
G6 Biodiversity and access to nature  
G7 Trees and woodlands  
SI 1 Improving Air Quality  
SI 12 Flood risk management  
SI 13 Sustainable drainage  
T5 Cycling  
T6 Car Parking  
T6.1 Residential parking

### Brent Local Plan 2019-2041

DMP1 Development Management General Policy  
BD1 Leading the Way in Good Urban Design  
BH1 Increasing Housing Supply in Brent  
BH2 Priority Areas for Additional Housing Provision within Brent  
BH4 Small Sites and Small Housing Developments in Brent  
BH13 Residential Amenity Space  
BGI1 Green and Blue Infrastructure  
BGI2 Trees and Woodlands  
BT1 Sustainable Travel Choice  
BT2 Parking & Car Free Development  
BSUI3 Managing Flood Risk  
BSUI4 On Site Water Management and Surface Water Attenuation

### Other material considerations

The following are also relevant material considerations:

- National Planning Policy Framework

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

## DETAILED CONSIDERATIONS

### 1 Principle

#### 1.1 Delivery of Additional Housing

1.2 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.

1.3 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 which relates to small sites, defined within the policy as sites below 0.25 hectares (Ha) in size. It is noted that the application includes the entire Yates Court site which is 0.42 Ha in size and therefore greater than the size referred to in the policy. Some comments have been made that the small sites policy is not applicable, which is arguable given the total site area. However, the London Plan small sites policy promotes development within "small sites", and does not prevent developments where the application site area is above 0.25 Ha and D3 does continue to promote the best use of land as discussed above. It is also noted that the development is proposed to the rear of the site within an area of the site considerably below 0.25 Ha.

1.4 In response to the strategic policy position above, the Council has set out priority areas for new housing under Brent Local Plan policy BH2 and BH4.

1.5 Policy BH4 relates to small sites and small housing developments in Brent and supports the delivery of small housing developments, where consistent with other policies in the development plan. It acknowledges that in priority locations (of PTAL 3-6), intensification corridors, or a town centre boundary the character may change over the Local Plan period. The policy also notes that development can be through the redevelopment of flats, non-residential buildings and residential garages. The site falls in a priority location as defined by as defined by Policy BH4 in that it has good accessibility with PTAL rating of 4 and sits on an intensification corridor of Willesden Lane. It should be noted that the local plan definition of small sites is those below 0.25 Ha or 25 dwellings. As discussed above, the total site area is above 0.25 Ha (albeit with the proposed development within an area considerably smaller than 0.25 Ha). However, in relation to Brent policy, developments of fewer than 25 dwellings fall within the scope of this policy even where the application site area is above 0.25 Ha.

1.6 To summarise the principle of development is considered acceptable, subject to an assessment of all other planning considerations outlined in the following sections of this report.

### 2. Housing

#### 2.1 Affordable Housing

2.12 Brent Local Plan Policy BH5 Affordable Housing requires development between 5-9 dwellings to make a financial contribution for the provision of affordable housing off-site. Two fixed rates across the borough have been set depending on their land values.

2.13 This application proposes 4 dwellings, as such, a financial contribution for the provision of affordable housing is not required. Nevertheless, all dwellings are proposed for London affordable rent which is welcomed. It is set out within the submission that all dwellings are intended to be provided as London Affordable Rent. This is welcomed, but, not required by Planning Policy and as such, it would not be reasonable to require the provision as London Affordable Rent through planning condition

#### 2.2 Housing Mix

2.21 Local Plan Policy BH6 seeks to deliver a target of 25% of new homes as family sized (3 bedrooms or more) dwellings. For every four dwellings included within developments at least one must be 3 bedrooms or

more.

2.22 The development proposes 1 x two-bedroom, 2 x three-bedroom, and 1 x four-bedroom property. Three of the four dwellings would be family sized which would exceed policy targets.

### *2.3 Accessible Housing*

2.31 London Plan Policy D7 requires 90% of units to meet Building Regulations M4(2) 'accessible and adaptable homes' standards and 10% to meet M4(3) 'wheelchair accessible homes' standards.

2.32 Each of the proposed dwelling will be compliant with part M4(2) which would provide accessible and adaptable dwellings.

### *2.4 Standard of Accommodation*

2.41 Local Plan Policy DMP1 states that new development must provide high levels of internal and external amenity. The size of dwellings and rooms should be consistent with London Plan Policy D6 specifically Table 3.1 'Minimum internal space standards for new dwellings'. Housing development should maximise the provision of dual aspect dwellings.

2.42 London Plan Policy D6 also requires at least 75% of the GIA of each flat to have an internal floor-to-ceiling height of 2.5m. This exceeds the national standard of 2.3m as higher housing and the urban heat island effect are more prevalent in London, and a higher standard is required to ensure adequate quality in terms of daylight penetration, ventilation and cooling, and sense of space.

2.43 House 01 creates a 2b3p dwelling of 62.55 sqm across a single storey that exceeds minimum space standards. Both the single and double bedroom are well sized. Storage space falls marginally short (0.15sqm) of the built-in storage requirement. However, given the unit exceeds a minimum floor area for the proposed occupancy, this is not considered to significantly harm the standard of internal amenity. Habitable rooms are served by northern and western windows. It is noted the aspect for the bedrooms would have an outlook which is close to the fence to the rear of the site (2.35m) which is not an ideal outlook. However, the living/kitchen/dining room would be dual aspect with a larger 4.4m separation to the western boundary of the site. Overall, considering the constraints of the site and the well lit main living space, the proposed fenestration is considered to provide adequate light and outlook.

2.44 Houses 02 and 03 creates a 3b5p dwelling of 110.77 sqm across two storeys that exceeds minimum space standards. Both the single and double bedrooms are well sized. Built in storage exceeds requirements. Habitable rooms are served by northern, southern and western windows which are considered to provide good levels of light and outlook.

2.44 House 04 creates a 5b7p dwelling of 119.56 sqm across two storeys that exceeds minimum space standards. The single, twin and double bedrooms are well sized. Built in storage exceeds requirements. Habitable rooms are served by windows on all elevations which are considered to provide good levels of light and outlook.

2.45 Proposed sections confirm that floor to ceiling heights across the proposed dwellings will achieve 2.5m across 75% of the floor area.

### *2.5 External Amenity Space*

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

2.52 The BH13 requirement is for amenity space to be of a "sufficient size and type". This may be achieved even when the 'normal expectation' of 20 or 50sqm of private space is not achieved. The supporting text to the policy clarifies that where 'sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space'. Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is 'sufficient', even where a shortfall exists in private and/or communal space.

2.53 With regard to quality of the space, the supporting text to policy BH13 specifies that private amenity should be accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight, whilst Brent SPD1 specifies that the minimum depth and width of the space should be 1.5 m.

2.54 London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The minimum depth requirement of 1.5m is reaffirmed in the policy.

2.55 Each of the proposed dwellings will be served by private amenity space in the form of gardens. Houses 01, 02 and 03 provide areas of soft landscaping, patio and planting. House 04 provides a patio and planting. All areas meet Local Plan Policy in terms of quantity proposed. In terms of quality, objections have been raised regarding the extent of hard landscaping. During the course of the application additional areas of soft landscaping in the form of grass lawn has been provided to Houses 01, 02 and 03. The limited depth of the amenity area for House 04 makes the provision of grass more difficult to suitably maintain. The development also includes new landscape works to the existing public open spaces within the site. Overall, the amenity areas are considered sufficient to meet the needs of future occupiers.

### **3. Character and Design**

3.1 The NPPF seeks developments of high quality design that will function well and add to the overall quality of the area, responding to local character and history, reflecting the identity of local surroundings while not discouraging appropriate innovation, establishing or maintaining a strong sense of place, and optimising the potential of the site to accommodate an appropriate amount and mix of development. London Plan Policies D3 and D4 sets out a design-led approach to new development that responds positively to local context and optimises the site's capacity for growth, supporting higher densities in well-connected locations.

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

3.3 The site lies to the rear of Yates Court. The surrounding area contains a mixture of typologies including four storey flatted development, Yates Court; three storey block of flats, No.236 Willesden Lane with a pitched roof and, two and three storey semi-detached and detached houses on Willesden Lane to the south and Chatsworth Road to the north. In terms of massing, the proposed four houses would be compact, distinct and detached aligned east to west in proximity to the rear garden boundaries of No.78 to 86 Chatsworth Road. The dwellings would be angular in form, ranging from a single storey to two storey elements with a mixture of flat roof and pitched roofs to set the property away from neighbouring gardens. The proposed dwellings are well arranged within the site, subordinate to the locality and do not visually compete with the surrounding typologies.

3.4 In terms of materials, the immediate context has a varied materiality. Yates Court features light coloured brick and white details. No.236 Willesden Lane contains yellow brick with orange brick banding details and dark brown window surrounds and roofing. Larger houses on Willesden Lane and Chatsworth Road have brick and render facades. The proposed principal elevations would feature light buff/brown brick with some white brick detailing. Window surrounds would be PPC Aluminium in a beige colour and doors are indicated as red engineered hardwood. Fair faced precast concrete elements are employed in windows sills, low wall coping and entrance canopy. Final details of materials will be secured via a planning condition. However, the proposed palette corresponds well to the existing garages and nearby Yates Court.

### **4. Impact to Neighbouring Amenity**

4.1 SPD1 advises that development should ensure a good level of privacy inside buildings and within private outdoor space. Directly facing habitable room windows will normally require a minimum separation distance of 18m, except where the existing character of the area varies from this. A distance of 9m should be kept between gardens and habitable rooms or balconies.

4.2 Reduced distances between new frontages may be acceptable subject to consideration of overlooking and privacy as well as high quality design and solutions which can sometimes mitigate impacts and allow for efficient use of land.

4.3 The building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from 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.

4.4 The development site is bordered by rear gardens of No. 78 to 90 of Chatsworth Road to the north, rear gardens of No.242 to 236 Willesden Lane to the south and west and Yates Court and its amenity area to the east and south.

#### *4.5 Massing and Height*

4.51 The height and volume of the proposed dwellings sit below a 45 degree line from the edge of the gardens of Chatsworth Road and Willesden Lane. This is indicated in the submitted proposed section. The rear habitable windows of Chatsworth Road are set over 30m away to the boundary and as such the massing complies with a 30 degree line to the north. To the south, the rear windows to Willesden Lane are set over 20m away and given the maximum height, the massing complies with a 30 degree line with regards to these neighbouring properties. With regards to Yates Court, there are no habitable windows on the northern elevation of the building in close proximity to proposed House 04. The massing of House 04 is in close proximity to the shared amenity space of Yates Court. A small portion first floor of House 04 would exceed the 45 degree line, however, given that this courtyard space is shared, within the site and in close proximity to trees, it is not considered that the massing would harm the amenity of the area. The massing of House 04 also broadly aligns with front and rear elevations of the adjacent wing of Yates Court.

4.52 Overall, the massing and height broadly complies with SPD1 guidance and the bulk of the proposed buildings are not considered to detrimental impact the sense of enclosure or outlook of nearby occupiers.

#### *4.6 Privacy and Overlooking*

4.61 For House 01, windows are proposed to the north and west elevations, these are within 9m of the shared boundary however as these are limited to the ground floor, any boundary treatment would prevent direct overlooking. Houses 02, 03 and 04 have ground floor windows that equally face amenity areas protected by boundary treatments or the shared paved area to the frontage. At first floor habitable windows for Houses 02 and 03 are angled away from nearby gardens and windows or obscure glazed. House 04 has two first floor eastward facing windows with a separation of minimum 3.5m towards the shared amenity space of Yates Court. While this would not meet a 9m separation, this is a shared amenity space which is already overlooked by the existing eastward facing windows from Yates Court along the same orientation. As such, the additional two windows are not considered to cause significant harm to privacy over the existing arrangement.

#### *4.7 Daylight and Sunlight*

4.71 The applicant has provided a Daylight & Sunlight Report. For impact to neighbouring buildings, the BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Secondly, the No Sky Contour or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. If this remains at least 0.8 times its former value, the room will not experience a noticeable level of impact.

4.72 To assess impacts on sunlight to existing south-facing windows and amenity spaces, assessment of Annual Probable Sunlight Hours (APSH) is recommended. Adverse impacts occur when the affected window receives less than 25% of total APSH including less than 5% in winter months, or when amenity spaces receive less than two hours sunlight on 21 March or less than 0.8 times their former value.

4.73 However, the BRE also recognise that different criteria for daylight and sunlight may be used in dense urban areas where the expectation of light and outlook would normally be lower than in suburban or rural areas. The NPPF recognises that a flexible approach should be taken when applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site, and the resulting scheme would provide acceptable living standards.

4.74 The assessment has been undertaken using the VSC, NSL, and APSH (sunlight) tests set out within the BRE guidance 'Site layout planning for daylight and sunlight: A guide to good practice' (2011). It is noted that the assessment was undertaken using the 2011 edition rather than the 2022 edition (released in June 2022). However, the assessment does not differ in relation to the impacts on surrounding properties. Given the height and the siting of the scheme, there are no significant effects in daylight / sunlight to the neighbouring



properties. This is confirmed by the full BRE compliance rate to all of the relevant residential windows and rooms neighbouring the scheme. The effects of the proposal are therefore in full accordance with the BRE guidance and the development is not considered to harm neighbouring amenity with regards to daylight and sunlight.

## **5. Transport Considerations**

### *5.1 Overview*

5.11 Willesden Lane is a London distributor road & bus route. On street parking is restricted on weekdays with the wider area within a controlled parking zone. There are garages and a parking court to the rear of Yates Court containing 11 hardstanding spaces and 17 garages. Access is from Willesden Lane with two crossovers.

### **5.2 Car Parking and Access**

5.21 Car parking allowances in Brent are set out in Appendix 4 of the adopted Local Plan and for residential development, this requires compliance with the standards set out in Table 10.3 of the London Plan. As the site has good access to public transport services (PTAL 4), the maximum parking standards allow up to 0.5-0.75 spaces per dwelling. It is specified that the lower standard applies for development proposals that are higher density or in more accessible locations.

5.22 The sizes of the 36 existing flats are not known, but the maximum parking standards allow the same number of spaces per dwelling for 1-2 bedroom homes as they do for 3+ bedroom homes. On this basis, up to 18 / 27 off-street parking spaces would be allowed for the existing homes and the existing provision of 46 spaces exceeds the maximum allowance.

5.23 This proposal would increase the parking allowance by 2-3 spaces to 20/ 30 spaces. At the same time, the off-street parking provision would be reduced to 21 spaces through the demolition of the rear garage court and removal of most of the rear car park. The site would therefore be brought into line with current maximum standards as a result of this proposal.

5.24 Policy BT2 also requires that any overspill parking that is generated can be safely accommodated on-street. In this case, the site fronts a major London distributor road and bus route which needs to be kept clear to cater for high volumes of traffic. The street frontage does not therefore offer scope to accommodate parking from this site. It is therefore considered desirable that the site continues to provide sufficient off-street parking to meet existing demand. In this respect, 2011 Census data records car ownership for flats in the immediate area as averaging 0.57 cars/flat, which would suggest existing parking demand of about 21 cars. However, site photographs suggest that parking numbers in the site generally vary between 10-15 cars during the day. The applicant has undertaken two overnight parking surveys on consecutive nights in December 2021 which also showed parking demand of 14-15 cars at night. On this basis, the retention of 21 spaces within Yates Court would be sufficient to satisfy demand from both the existing flats and the new houses and overspill parking appears unlikely to be generated as a result of this proposal. The applicant has also confirmed that of the seventeen existing garages, eight are currently unused and none of the remainder are used for car parking.

5.25 During the course of the application, weekend surveys were also taken on Saturday and Sunday to coincide with prayer times and temple activities at the nearby Shree Swaminarayan Temple. The results of the survey show that the worst-case parking stress reached 12 spaces occupied. The information demonstrates that there is sufficient capacity to meet any additional demand caused by the development.

5.26 During the course of the application, of the spaces that are to be retained, two spaces have been widened and marked for disabled persons.

5.27 One active and two passive electric vehicle charging spaces have also now been indicated on the submitted site plan. Initially, 20% of spaces (five spaces) were requested with active electric vehicle (EV) charging points. However, on balance, whilst the demand for EV chargers is increasing, it is considered that this requirement can be applied uniquely to the new spaces as opposed to the existing.

5.28 Access for fire appliances, refuse and service vehicles will be retained via the existing driveway to the side of Yates Court. A turning head needs to be retained in the vicinity of the new houses to allow such vehicles to enter and leave the site in a forward gear. In this respect, service vehicles are able to reverse onto the proposed block paved area fronting House 03, using sufficient turning space available. This is

demonstrated in tracking diagrams provided.

5.29 Finally, a pedestrian footway is already provided through to the rear of the site to serve the rear entrance to Yates Court and this will link into the proposed block paved footway serving House 04. Revised plans also include the extension of the block paved surfacing to provide a shared surface; extending from the existing block to Houses 01-03 welcomed in terms of improving pedestrian access.

### **5.3 Cycle and Refuse Storage**

5.31 The London Plan requires each dwelling to be provided with two secure bicycle parking spaces. Double bike lockers are proposed within the curtilage of each house to meet this requirement. In addition, a new secure store for eight bicycles is proposed at the northern end of the existing flats for existing residents, which is also welcomed.

5.31 A shared bin store is proposed on the western side of the access drive to allow easy access for collection. The bin store has been amended to reprovide for the existing tenants in Yates Court. Objections have been raised about the location and appearance of the bin store. The bin store is located 15m from west facing windows of the rear wing of Yates Court. The bin store is set along the boundary and also includes the physical separation of the existing parking spaces. As such, the location is not considered to be of detriment to the outlook of these occupiers. In terms of appearance, the bin store would be constructed in facing brick, high quality light buff/brown brick with galvanised steel doors powder coated to match aluminium windows and other metal work elements. As such, the bin store would suitably match the proposed development and existing buildings.

## **6. Drainage and Flood Risk**

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

6.2 The site is in flood zone 1 with a low risk of flooding. The site is not within a critical drainage area.

6.3 The applicant has submitted a Drainage Strategy. The strategy employs the London Plan Policy SI 13 surface water hierarchy. Rainwater harvesting is proposed on site in the form of water butts which can be used for irrigation. As the underlying geology is London Clay, infiltration rates on site are expected to be very low, therefore it is not considered feasible to discharge the site to ground. Small rain gardens are proposed within the site with green/brown roofs proposed on top of areas of flat roof on the houses and individual bin and cycle store areas. Finally, discharge to surface water body is not feasible, therefore it is proposed to discharge to the private surface sewer which serves Yates Court.

6.4 The greenfield runoff rate has been calculated for this development for a range of return period events to be <0.2l/s for the 1 in 1 year event, 0.6 l/s for the 1 in 30 year event and 0.8l/s for the 1 in 100 year event. This would represent a 91.4% reduction. Officers consider the strategy to be acceptable in principle with acceptable reduction rates. The strategy also includes maintenance plans for SuDS. These measures will be conditioned to ensure compliance.

## **7. Urban Greening and Biodiversity**

7.1 Brent Local Plan Policy BGI1 Green and Blue Infrastructure and the London Plan Policy G6 sets out that development should aim to secure a net biodiversity gain. Brent Local Plan Policy BH4 in line with London Plan Policy G5 requires all minor development proposals to achieve an UGF score of 0.4 on site. This score needs to be demonstrated through a landscape masterplan that incorporates green cover into the design proposal. It should be accompanied by a score table measuring the UGF leading to better quality green cover on site.

7.2 The applicant has provided a Landscape Design Report. The plan includes proposed boundary/hedge planting, amenity lawn, proposed trees and plants, green roofs and a play area. The UGF score has been calculated as 0.44 which would meet policy requirements.

7.3 Objections have been raised regarding the play space. The play space is situated in an existing amenity area and will be integrated with the soft landscape with key features to include stepping stones, robust wooden balance beams and jumping discs. This is not considered to harm the amenity value of the green

area.

## **8. Ecology**

8.1 The applicant has submitted an Ecological Impact Assessment prepared by Waterman dated July 2022.

8.2 The site is not located within or adjacent to any statutory designated sites. Westbere Copse Local Nature Reserve is located within 1 km of the site. The site is located within an urban environment, bordered by residential houses and gardens to the north, west and south east together with garden spaces of the Shree Swaminarayan Temple to the east and the A4003 Willesden Lane to the south. Beyond this are further areas of predominantly residential development together with an active railway line which forms the Metropolitan Line Between Kilburn and Neasden Site of Importance for Nature Conservation (SINC), which is the closest non-statutory designated site.

8.3 The Ecological Impact Assessment includes the results of an ecological desk study, comprising an ecological data search and review of existing information; a UK Habitat Classification (UKHab) Field Survey; a Preliminary Roost Assessment (PRA) at buildings and trees (external and ground based) for bats; evening emergence surveys for bats at buildings; and a survey for common invasive non-native plant species.

8.4 No significant impact is anticipated from the proposed development on off-site and on-site habitats. With regards to birds, the site provides foraging and nesting opportunities for common species of urban bird only and no significant nesting bird assemblages are considered likely to be present. No significant impact is anticipated from the development on invertebrates and other protected fauna and flora. The assessment provides suggested measures during the construction including a Construction Environmental Management Plan, to ensure the proposed development minimises impact on any retained habitations within the site. This is will secured via a condition.

8.5 With regards to bats, no roosting bats were recorded emerging from buildings or Trees T1 and T2 during the evening emergence survey undertaken at the site. Consequently, roosting bats are considered likely to be absent from the site. Given that the earliest recording time for common pipistrelle occurred within the typically emergence time for this species, it is also likely that further common pipistrelle roost is present within the vicinity of the site. Habitats adjacent to and within proximity of the site including private residential gardens and urban trees also provide suitable foraging and commuting opportunities for bats to a greater extent than that provided by the site itself. Low levels of activity by common pipistrelle bats were recorded during the evening emergence survey. The site is highly unlikely to comprise an area upon which the local bat population would be dependent. Should roosting bats be discovered during the course of works, all works should immediately cease as specified in the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2017 (as amended). An appropriate lighting strategy during construction and operation will minimise impact on foraging and commuting bats.

## **9. Trees**

9.1 Brent Local Plan Policy BG12 requires submission of a BS5837 or equivalent tree survey detailing all trees that are on, or adjoining the development site. Existing trees are to be retained on site as far as possible. Where it is agreed retention is not possible, appropriate replacement trees will need to be provided on-site.

9.2 The applicant has provided an Arboricultural Impact Assessment (AIA) prepared by waterman dated July 2023. The assessment identifies 11 individual trees, 2 groups of trees and 1 hedge row on or close to the site. None of which would be Category A (high amenity value), 2 of which would be Category B (moderate amenity value) and the remaining would be Category C (low amenity value) and Category U (poor condition) trees. It is stated that the U grade tree could be removed for Arboricultural reasons irrespective of any development proposals. The site is affected by TPO 43.10/149 which protects on Bay tree (T6) to the rear of 240 Willesden Lane. This tree may sit within G2 of the surveyed trees in the AIA.

9.3 The applicants propose to remove 1 Category C hedgerow, however a further 2 Category B trees and 8 Category C individual and group of trees will be retained but require additional protection. To mitigate for the loss of the hedgerow, 15 new trees will be planted within the gardens and public spaces of the development and hedging is proposed in the location of the removed.

9.4 These proposals have been reviewed by Brent's Principal Tree Officer who notes that the four new dwellings are all situated very close to trees, both impacting the RPA of trees and sited beneath the canopies to a significant extent. The limited amenity space is mostly laid patio and the site is surrounded by large trees. The RPA of these trees is likely to be significantly affected and the construction within these areas will also

result in necessary pruning which will then need to be repeated at intervals.

9.5 The tree planting indicated in the submitted strategy is considered an appropriate level for the loss of trees. However, in order to minimise any impact on trees, careful consideration will be required with regards to the construction of the proposed dwellings. Conditions are required with regards to tree protection and further landscaping details.

9.6 Overall, while the potential impact to existing trees is noted, having regard to the replacement tree cover, with careful consideration to tree protection measures and details of hardsurfacing and soft landscape works prior to the commencement of the development, it is considered that sufficient amenity will be maintained on site.

## **10. Fire Safety**

10.1 Policy D12A of the London Plan (as well as the draft London Plan Fire Safety Guidance) 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 fire fighting which is appropriate for the size and use of the development.

10.2 The applicant has provided a fire statement which has addressed the above requirement, in accordance with policy D12A of the London Plan.

## **11. Environmental Health Considerations**

11.1 Environmental Health officers have recommended that the standard conditions are attached regarding land contamination due to the previous use of the site for parking. A condition is also recommended requiring the approval of a Construction Method Statement in relation to demolition and construction. It is recommended that permission is granted subject to these conditions. A condition was also recommended regarding noise levels for the proposed dwellings. However, the proposed dwellings would be situated some distance from noise sources (approximately 130 m from the railway with two rows of houses between the railway and the site, and not fronting a busy road) and this is not considered to be necessary to make the development acceptable in planning terms.

## **12. Equalities**

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

## **13. CONCLUSION**

13.1 Whilst proposal would result in the construction of dwellings within the RPA of existing retained trees on site, having regard to the replacement tree cover, in addition to proposed quality of accommodation, provision of family homes and proposed amenity spaces, the proposal is considered to respond well to design policies without compromising neighbouring amenity. The proposal therefore complies with the Development Plan and guidelines set out within SPD1.

Approval is accordingly recommended.



## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 22/2560

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

I refer to your application dated **18/07/2022** proposing the following:

Demolition of existing 17 garages and development of land to provide four new dwellinghouses, parking, refuse and cycle storage and associated landscaping

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

at **Yates Court Garages, Yates Court, 228 Willesden Lane, Willesden, London, NW2 5RH**

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: 11/04/2023

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 drawings and documents:

P 0001 Existing Site Location Plan  
P 0010 Existing Site Plan  
P 0200 Existing Context Elevations  
P 0201 Existing South Elevation  
P 0202 Existing North Elevation  
P 0203 Existing West Elevation - Garages  
P 0204 Existing West Elevation - Yates Court  
P 0205 Existing East Elevation  
P 2000 Proposed Context - South Elevation  
P 2001 Proposed Context East & West Elevations  
P 2010 Proposed South Elevation Houses 01-04  
P 2011 Proposed North Elevation Houses 01-04  
P 2012 Proposed East and West Elevations House 01  
P 2013 Proposed West and East Elevations House 02/03  
P 2014 Proposed West and East Elevations House 04  
P 3000 Proposed Long Section A-A House 01-04  
P 3001 Proposed Section B-B, C-C and D-D House 01, 02 and 04  
P 1000 Rev B Proposed Ground and Landscape Plan  
P 1001 Rev B Proposed Site Plan  
P 1002 Rev B Proposed Ground Floor Plan  
P 1003 Rev B Proposed First Floor Plan  
P 1004 Rev B Proposed Roof Plan  
L-100 P04 General Arrangement Plan

WIE-18009-SA-95-0012-A01 A01 Yates Court Brent Infills (Tracking Diagrams)  
Landscape Design Report November 2022 Revision 004  
Drainage Strategy dated October 2022 prepared by waterman  
Planning Statement dated July 2022  
Brent Infill - Yates Court Site Stage 3 Fire Strategy July 2022  
Daylight & Sunlight Report prepared by eb7 dated July 2022  
Ecological Impact Assessment dated July 2022 prepared by waterman  
Arboricultural Impact Assessment dated July 2022 prepared by waterman  
Design and Access Statement July 2022  
Parking Survey Wednesday 15th December 2021, Thursday 16th December 2021 prepared by tss  
Yates Court - Weekday Survey  
Yates Court - Weekend Survey

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

- 3 Prior to the first occupation of the development, the obscure glazing to the first floor windows shall be installed in accordance with the annotations provided within drawing P1003 Rev B hereby approved. The obscurity of the windows shall then be permanently retained for the lifetime of the development.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- 4 The measured within the Drainage Strategy prepared by Waterman dated October 2022 shall be adhered to and implemented in full prior to the completion of the development hereby approved.

Reason: To implement and manage sustainable drainage systems on site.

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

Reason: 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.

- 6 Occupiers of the residential units, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

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

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

Reason: To ensure satisfactory facilities for future occupiers.

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

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/utilities/drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS5837: 2012) of the retained trees
- c) Details of construction within the RPA that may impact on the retained trees (both on and off site)
- d) A full specification for the installation of boundary treatment works
- e) A full specification of the construction of any roads, parking areas and driveways to be



- constructed using a no-dig specification including the extent, they should also be permeable.
- f) Detailed levels and cross sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within the RPS is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities. Loading, unloading and storage of equipment, materials, fuels and waste, as well as concrete mixing and use of fires
- k) Arboricultural supervision and inspection by a suitably qualified tree consultant

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

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with local plan policies DMP1 and BGI 2.

Reason for pre-commencement condition: Impacts on trees can arise at any time from the commencement of works, and adequate controls need to be in place from this time.

- 9 Prior to the commencement of the development a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to protect ecology including the implementation of mitigation measures set out in the approved Ecological Impact Assessment, the works shall then be carried out in accordance with approved details.

Reason: To protect the ecology of the site during the construction of the development.

Reason for pre-commencement condition: Construction impacts on ecology and protected species can arise at any time from the commencement of works, and adequate controls need to be in place from this time.

- 10 Prior to the commencement of the development a Demolition and Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Detailed information shall include:

- measures that will be taken to control dust, noise and other environmental impacts of the development
- parking and servicing arrangements during construction
- schedule/timetable of works
- management and security of construction site

The approved measures shall be adhered to during all phases of the development and construction.

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

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.

- 11 Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011 + A2:2017 and the Environment Agency's current Land Contamination Risk Management Guidance. A report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works (excluding demolition and site clearance), that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall

include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.

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

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

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

- 13 Details of materials for all external work, including specification and technical sections illustrating how specific elements of the façade may be constructed and including samples of key materials which shall be made available on-site or in another location as agreed, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced (excluding demolition, site clearance and the laying of foundations). The work shall be carried out in accordance with the approved details.

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

- 14 Prior to the commencement of development (excluding demolition and site clearance), details of hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:

- i) Earthworks showing existing and proposed finished levels of contours;
- ii) Hard surfacing materials including details of permeable paving, intersection with existing surfacing, tree pit design, underground modular systems, sustainable urban drainage systems, etc.;
- iii) Minor artefacts and structures, e.g. furniture, play equipment, refuse or other storage units, signs, etc;
- iv) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc.);
- v) Details of soft landscape works shall include planting plans, written specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, plant supply sizes and proposed numbers/densities where appropriate;
- vi) Details of all fencing, walls, boundaries and means of enclosure to the site and amenity areas;
- v) An implementation programme and maintenance plan;

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied or in accordance with an approved implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

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: Required to protect and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with the local plan policies DMP1, BGI1 and BGI2.

- 15 Details of external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development (excluding demolition, site clearance and any below ground works). The approved details shall be fully implemented prior to first

occupation.

Reason: In the interests of safety, amenity and ecology.

## 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 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 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 The following British Standards should be referred to:
  - a) BS: 3998:2010 Tree work – Recommendations
  - b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- 6 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	

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

## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

19 April, 2023  
05  
22/4030

## SITE INFORMATION

RECEIVED	29 November, 2022
WARD	Queens Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	62 & 62A-D, Salusbury Road, London, NW6
PROPOSAL	Change of use of ground floor residential unit to commercial (Use Class E) with single storey rear and side extension, rear dormer windows and 3 front rooflights to convert loft into a self-contained dwelling, alteration to shop front and provision for cycle storage
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_162820">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_162820</a></p> <p><b><u>When viewing this as an Hard Copy _</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "22/4030" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

That the committee resolve to GRANT planning permission subject to conditions.

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

### Conditions


1. Time Limit
2. Approved Plans
3. Refuse and Bicycle Storage
4. Restriction of Use Class
5. Use of External Amenity Space
6. Approval of Materials
7. Approval of Landscaping
8. Air Source Heat Pump

### Informatives

1. Party Wall Agreement
2. Building Near a Boundary
3. CIL Liability
4. Fire Statement

That the Head of Planning and Development Services is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, 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

 <b>Brent</b>	<p><b>Planning Committee Map</b></p> <p>Site address: 62 &amp; 62A-D, Salusbury Road, London, NW6</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is indicative only.

## PROPOSAL IN DETAIL

The application proposes the change of use of ground floor residential unit to commercial (Use Class E) with single storey rear and side extension, rear dormer windows and 3 front rooflights to convert loft into a self-contained dwelling, alteration to shop front and provision for cycle storage.

## EXISTING

The subject property is a two-storey terraced property located on the eastern side of Salusbury Road. The property borders Queens Park Conservation Area as designated in Brent's Local Plan to the rear. It is not a Listed building. The existing property contains residential units and Class E use. The site is within Queens Park Town Centre primary shopping frontage.

## AMENDMENTS SINCE SUBMISSION

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

- Submission of a Fire Strategy Statement
- Submission of proposed section to indicate setbacks of the dormer from both the ridge and eaves
- Revision of width to rear central door to allow cycle access
- Revised Design and Access Statement
- Revised annotations on floor plans from Office to Commercial, front elevation added detail

## 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: 26 objections from neighbouring residents. Officers have considered the comments and the planning merits of the proposal and consider that the proposal accords with adopted policies and guidance.
- Principle: There is no net loss of dwellings and the introduction of a commercial frontage within the primary shopping frontage of Queens Park Town Centre is supported.
- Character and Appearance: The rear ground floor extensions, roof extensions and shopfront alterations are considered acceptable in size, design and materials. The development is not considered to prevent the designation of the proposed extension to the Queens Park Conservation Area.
- Residential Amenity: The proposed external extensions are acceptable in massing to avoid significant impact to neighbouring properties. The proposed commercial use will be restricted within Class E (a), (c), (d), (e) and (g). The noise from the proposed air condensing unit is not likely to cause undue levels of harm.
- Urban Greening, Biodiversity and Trees: The proposed development includes landscaping to the rear garden and will retain existing trees and lawn area. Further landscaping will be secured via condition.
- Drainage: The site is in an area with a low risk of flooding. No additional measures are required

## RELEVANT SITE HISTORY

Reference	Proposal	Decision	Date
15/1996	Alterations to the shop front including replacement of front windows and door	Granted	07/07/2015
14/0139	Single storey rear extension to premises	Granted	13/03/2014
90/0843	Retention of alterations to ground floor, front window,	Refused	08/08/1990



	new fascia & new entrance door		
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## CONSULTATIONS

23 neighbouring and nearby properties were consulted along with Queens Park Area Residents' Association for a 21-day period commencing 04/01/2023.

26 objections were received in this period.

Reasons for objecting	Officers Comment
Concerns regarding visual/heritage impact to Salusbury Road and proposed Conservation Area extension	See paragraph 4.52 and 5.7 of the main report.
Concerns regarding installation of shopfront and loss of existing heritage frontage	
Concerns regarding change from residential to commercial use	See section 1. Principle of the main report.
Concerns regarding change of uses to restaurant/bar/café with an outside terrace/seating area	The application does not propose a restaurant/bar/café use. There will be a condition on the application limiting the proposed Class E uses.
Noise from music/ opening hours and proposed restaurant/bar/café use	
Concerns regarding impact to neighbouring amenity with regards to privacy, noise and disturbance	See section 6. Impact to Neighbouring Amenity of the main report.
Concerns regarding garden privacy and loss of enjoyment to space	Please see section 3. External Amenity Space
Concerns regards loss of outdoor space for residential properties	
Concerns regarding late license	Licensing is covered under separate primary legislation. As above, there will be a condition limiting the commercial unit to selected Class E uses.
Concerns regarding excessive light pollution to neighbouring properties concerns glazed side infill extension	Glazed roofs to side infill extensions are a common building material. There are precedents in the immediate vicinity on Summerfield Avenue and Montrose Avenue. As such, the proposed material choice is not considered likely to cause excessive light pollution or excessive harm to neighbouring amenity.
Concerns regarding additional vehicles, traffic related pollution and parking aggravation	Please see section 10. Transport Considerations.
Concerns regarding an inappropriate location for restaurant	As above, the application does not propose a restaurant.
The area is already oversubscribed with similar commercial uses	The property is within the Primary Frontage of the designated Queens Park centre, where this type of commercial use are expected and supported by planning policy. The existence of other commercial uses nearby does not preclude similar development.

<p>Loss of greenery, with detrimental impact on local wildlife and birdlife</p> <p>Loss of ivy hedge</p> <p>Increased footfall and impact to wildlife</p>	<p>The proposal seeks to retain existing trees and the lawn area and the application does not significantly increase activity to the rear garden area. The application has been reviewed by the Council's Principal Tree Officer and is considered acceptable. Further details of landscaping will be secured via condition.</p>
<p>Unpleasant odour from proposed extractor / food smells/ smoke</p> <p>Concerns regarding air pollution from new plant equipment</p>	<p>The applicant contains an air condensing unit to the rear of the site to support the operation of the commercial unit. There is no extractor proposed as part of this application.</p>
<p>Concerns regarding noise from heat pump/extraction</p>	<p>A Noise Impact Assessment has been assessed by Environmental Health colleagues and will comply with nearest noise sensitive premises.</p>
<p>Concerns regarding impact of renovation on noise and disturbance</p>	<p>Construction and demolition works are essential for the growth and redevelopment of Brent. However the noise and disturbance associated with such works can affect those living and working in close proximity.</p> <p>The Control of Pollution Act 1974 gives powers to the Council which can restrict working hours and allow conditions to be stipulated on the types of machinery/ plant that are used on construction sites and complaints can be made to the Council's noise team where nuisances occur. Due to there being other primary legislation which controls this work, these issues cannot be considered within the planning assessment.</p>
<p>Loss of property value</p>	<p>These comments are noted, however are not material planning considerations.</p>
<p>Concerns regarding lack of consultation</p>	<p>The consultation undertaken for this application was in line with statutory and local requirements.</p>
<p>Concerns regarding loss of light to residential rooflights</p>	<p>See paragraph 6.32 of the main report.</p>
<p>Concerns regarding leaking pipes and damage to exiting property</p>	<p>These comments are noted, however are not material planning considerations.</p>

## 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 relevant policies include:

## **London Plan 2021**

D1 London's form, character and capacity for growth  
D4 Delivering Good Design  
D6 Housing quality and standard  
D12 Fire Safety  
H1 Increasing housing supply  
T5 Cycling  
T6.1 Residential parking  
T6.3 Retail Parking

## **Brent Local Plan 2019-2041**

DMP1 Development Management General Policy  
BD1 Leading the Way in Good Urban Design  
BH1 Increasing Housing Supply in Brent  
BH2 Priority Areas for Additional Housing Provision within Brent  
BH4 Small Sites and Small Housing Developments in Brent  
BH13 Residential Amenity Space  
BH10 Resisting Housing Loss  
BE4 Supporting Strong Centres  
BE7 Shopfront Design and Forecourt Trading  
BHC1 Brent's Heritage Assets  
BGI1 Green and Blue Infrastructure in Brent  
BGI2 Trees and Woodlands  
BSUI4 On Site Water Management and Surface Water Attenuation  
BT1 Sustainable Travel Choice  
BT2 Parking & Car Free Development

### Other material considerations

The following are also relevant material considerations:

- National Planning Policy Framework
- National Planning Practice Guidance
- Supplementary Planning Guidance / Documents:
  - SPD2 Residential Alterations and Extensions 2018
  - SPD1 Brent Design Guide 2018
  - SPD3 Shopfronts 2018

## **DETAILED CONSIDERATIONS**

### **1. Principle**

1.1 The application concerns the conversion of the ground floor residential unit to a commercial use, with single storey rear and side extension, rear dormer windows and 3 front rooflights to convert loft into a self-contained dwelling, alteration to shop front and provision for cycle storage. The key policy considerations are the impact of the ground floor conversion on town centre vitality, if the loss of the residential flat is justified and the principle of residential intensification.

#### *1.2 Change of use at ground floor*

1.21 The application proposes the conversion of the 2 bedroom flat (62D) into a Class E unit with a shopfront. The existing property is a mixture of part commercial at ground floor (Class E - estate agent) and residential (2 bed flat) and two three to four bedroom flats at first floor level. It is noted that Flat A is denoted with four bedrooms but no living room in the existing and proposed drawings).

1.22 Whilst the ground floor 2-bedroom flat will be lost, the proposal will re-provide a 2-bedroom flat within the loft conversion and as a whole results in no net loss of residential accommodation. On this basis, having regard to Local Plan policy BH10 (Resisting Housing Loss), an alternative use of the existing dwelling is acceptable in principle.

1.23 The premises are in a primary shopping frontage. The applicant has identified that commercial use at ground floor in this building would help complement the remainder of the centre and the offer on Lonsdale

Road, an area of Local Employment Sites and other social facilities which is undergoing a process of public realm and other improvement works. From a policy perspective, there is no objection to the increase in commercial floorspace in use class E at ground floor as the re-activation of the primary shopping area within Class E is supported, and will support the vitality and viability of the town centre consistent with Local Plan policy BE4.

1.24 In light of the introduction of use class E, the Local Plan has removed threshold policies which require a proportion of frontage to be in retail use. As such, while there are no objections to a flexible permission for uses within the E use class with regards to land use, the impact of any potential uses on the existing and proposed residential above and nearby, in terms of noise and nuisance will be discussed below.

1.25 Whilst the information provided states the existing premises is offices, it is important to clarify the existing premises is an estate agent within use class E(c) (former use class A2).

### *1.3 Principle of residential re-provision*

1.31 London Plan Policy H1 proposes a higher target of 23,250 new homes across the ten-year plan period for Brent. London Plan Policy H2 encourages the redevelopment of small residential sites (under 0.25ha) to provide increased housing, setting ten-year targets for the delivery of new homes on such sites, with the target for Brent being 4,330. Brent's Local Plan Policy BH4 reinforces this emphasis on small sites as an additional important source of new housing and supports small housing developments through the more intensive and efficient use of sites, within the priority locations of PTAL 3-6, intensification corridors, or a town centre boundary.

1.32 The site is within town centre location with a PTAL of 5. Therefore, the principle of optimising the site for residential is supported, subject to a suitable level of internal and external amenity being provided and the proposal being sympathetic to the character of the area.

## **2. Standard of Accommodation**

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

2.2 London Plan Policy D6 also requires at least 75% of the GIA of each flat to have an internal floor-to-ceiling height of 2.5m. This exceeds the national standard of 2.3m as higher housing and the urban heat island effect are more prevalent in London, and a higher standard is required to ensure adequate quality in terms of daylight penetration, ventilation and cooling, and sense of space.

2.3 The application proposes one x 2 bedroom 4 person (2b4p) flat in the converted loftspace. The existing three bedroom flats at first floor will be retained as the same layout.

2.4 With regards to the proposed second floor/loft plan, the loft conversion provides a 2b4p unit of 82.2 sqm habitable space. An additional 2.9 sqm is also provided at the entrance door on the first floor plan. The proposed 2 bed 4 person flat exceeds spacing standards for Gross Internal Area (GIA) in London Plan policy D6. Sections have been provided demonstrating that more than 75 % of the minimum floorspace required for a 2b4p flat would achieve a floor to ceiling height of at least 2.5 m.

2.5 Additionally there is an area of 28.16 sqm under the eaves with an area of less than 1.5 used solely for storage. Given that the unit comfortably exceeds minimum space standards, this area has not been added to the GIA.

2.6 Both the front and rear bedroom are indicated with double bedspaces with floor areas that exceed 11.5 sqm. 2 sqm of built-in storage is indicated within the floor area adjacent to the staircase.

2.7 In terms of light and outlook, the main kitchen/living room is well sized with dual aspect served by a rear dormer window and a front rooflight. The double bedroom to the rear is also served by the rear dormer window providing good levels of light and outlook. To the Salusbury Road frontage, the bedroom is served solely by a rooflight. While rooflights are not considered to provide good levels of outlook for future occupants, the overall floor area is oversized and the main living area is well lit and spacious to provide good levels of internal amenity. Furthermore, the unit replaces the existing ground floor 2b3p unit, creating a further

bedspace and more generous internal dimensions.

### **3. External Amenity Space**

3.1 Local Plan Policy BH13 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 50 sqm for family housing (homes with 3 or more bedrooms) at ground floor level and 20 sqm for all other homes. London Plan policy D6 sets a lower standard, which in this case would be 6sqm of external private amenity space per flat, with a minimum depth of 1.5m.

3.2 Private amenity space should be accessible to all dwellings from a main living room, ideally without level changes. It should also be planned to take maximum advantage of daylight and sunlight. Where sufficient private amenity space cannot achieve the full requirement of the policy, the remainder should be provided in the form of communal amenity space. Communal space will need to be particularly high to show it can meet residents' needs.

3.3 The existing rear garden is undivided open space of approximately 125 sqm that can be accessed from the central doorway that provides shared amenity space. This space can be accessed by both the commercial and residential uses currently. The proposed development would create an area of 18 sqm for the new commercial unit at ground floor with a retained communal residential garden of 90 sqm. The proposed dwelling in the roof space does not have any private amenity space as is the case for the existing flats on the ground and first floor. However, the communal residential garden would exceed the minimum amount of space required by Policy BH13 (minimum of 20 sqm per flat, total of 60 sqm for the three flats). It is considered that due to the character and design of the existing building, there are limitations for providing private external amenity through a terrace or balcony. The access to the space is a continuation of the existing arrangement, via the communal corridor which will now solely serve the flats. As such it is considered that the provision of the communal garden which exceeds policy targets for private space mitigates the absence of private amenity space within the scheme and that the external amenity space is of a sufficient size and quality to meet the residents needs.

### **4. Character, Design and Appearance**

4. The application proposes a single storey rear and side extension, a rear dormer window with three front and one rear rooflight, alterations to the shopfront and provision of cycle storage to the rear.

4.1 Brent's Policy DMP1 and the Brent Design Guide SPD1 provide guidance on principles of good design. Local Plan Policy BD1 seeks the highest quality of architectural and urban design, including innovative contemporary design that respects and complements historic character. SPD2 Residential Alterations and Extensions 2018 provides guidance on residential extensions. The ground floor extension would be commercial in its nature, but the ground floor is currently in mixed commercial and residential use. Furthermore, the neighbouring property to the north No.64 at ground floor, and upper floors at No.60 are in use as residential. As such, the proposed ground floor extensions have been discussed in relation to both guidance documents while the roof extensions, which solely serve residential properties, have been discussed in relation to SPD2.

4.2 Local Plan Policy BE7 requires shopfronts to be of high quality design. Brent Shopfronts SPD 3 provides guidance on key design principles to be followed.

#### ***4.3 Single storey rear and side infill extensions***

4.31 SPD2 generally allows for single storey side return extensions to terraced properties that are subservient to the main dwelling and do not have an adverse effect on the living conditions of the neighbouring occupiers. This is provided they have a maximum height of 2m above the adjacent ground level at the side boundary of the plot sloping up to a maximum of 3m in height where the proposed roof meets the side elevation of the outrigger. SPD1 sets out that extensions and alterations should be set under a 45 degree line taken from a height of 2 m at the boundary with adjoining residential gardens, and under a 30 degree line taken from a 2 m height from nearby residential windows.

4.32 These additions may connect to a single storey rear extension and replicate the maximum SPD2

dimensions at this connection. SPD2 generally allows single storey rear extensions on attached houses of up to 3m in depth from the existing rear building line of neighbouring properties. Up to 6m in depth may be acceptable where the extension is set in from the side by 1m for every 1m of additional depth. Roof heights should not exceed 3m for a flat roof including parapets, and an average of 4m for pitched roofs, and infill extensions on side boundaries should be no higher than 2m high on the boundary.

4.33 There is no specific guidance on single storey rear extensions to commercial properties, other than the 30 and 45 degree guidance set out above, however, consideration should be made for the character and appearance of the subject property and wider locality as well as any impact on adjoining occupiers.

4.34 The application proposes a side infill extension to northern side of the side return areas that fills the area meeting a single storey rear extensions. The infill extension has a sloping roof with a height of 2m to the boundary with No. 64, with a height of 3m where the extension meets with flank wall. The rear extension would exceed 3m in depth beyond the rear wall with flat roof and a height of 3m. The extension therefore accords with the dimensions set out in SPD2, and the 30 and 45 degree guidance set out in SPD1.

4.35 The extension features rear double doors and rooflights to the sloped roof element. The extension would be constructed on buff stock brick with light/buff natural stone details around the rear doors. The sloped roof would be finished in slate roof tiles with a dark grey single-ply membrane to the flat roof.

4.36 The extension is considered well designed and is subordinate to the existing appearance the Victorian rear profile of the building. The chosen palette corresponds to the materiality and character of the existing building. Overall the extension is contemporary while respecting the historic character.

#### *4.4 Roof extensions with full width rear dormers, front and rear rooflights*

4.41 SPD2 generally permits rear dormers, which can be the full width of the original roof plane. They should be set down from the ridge by at least 0.3m and set up from the eaves by at least 0.5m. Dormers that project onto or over a rear projection (whether it is original or an extension to the house) will not normally be permitted.

4.42 The proposed roof extensions to the main rear roof would span the width of the two rear roof profiles, retaining the central party ridge. The rear dormer on the rear roof is set down from the main ridge by 0.3m and set up from the rear eaves by 0.5m. The dormer would project partly over the roof of the two-storey "outriggers" to the property and as such would not accord with SPD2 guidance in this respect. However, this would be limited to the area where the outriggers meet the main rear roof plane. Given the siting of the dormer, this is not considered to be harmful to the character of the property or area.

4.43 The dormer would feature three flush front rooflights and one rear rooflight. The dormer would be clad in dark grey/black standing seam cladding. The extension complies with guidance and complements the existing character and appearance of the property and there are precedents of rear dormers in the locality along Salusbury Road and Summerfield Avenue.

#### *4.5 Alterations to the existing shopfront and installation of new shopfront*

4.51 Principle 1 of the Shopfronts SPD3 requires development to consider the quality, style and merit of existing shopfronts. Principle 4 requires shopfronts to relate in scale, proportion and architectural style to the host building and wider streetscene, while Principle 5 should allow safe, easy and convenient access for all users of the building including disabled groups, elderly people and those with prams. Principle 6 requires high quality materials to be used on all shopfronts.

4.52 The application proposes the rationalisation of the existing facade. The existing shopfront is not symmetrical due to the residential unit at ground floor, with the existing signage extending over the central residential entrance located at the frontage. The application creates symmetrical shopfronts, simplifying the design by adding in an additional shopfront and removing two existing ground floor windows. The shopfront addition would be in scale and proportion to the existing design, providing a traditional timber appearance of mullions, transoms and a stallriser with quoin detailing while retaining original features. The fascia would sit below the cornice and would be set in from the party wall, corbel and brick detailing. The shopfront would allow for suitable Town Centre uses to operate from the entirety of the ground floor. The design relates well to the character of Salusbury Road and the provides a high quality design.

4.53 The applicant has indicated that an occupier has not been confirmed for either of the units. The applicant is reminded that advertisement consent may also be required to display any proposed shop

signage.

#### **4.6 Associated rear alterations**

4.61 To the rear garden, the application proposes a subdivision of garden, the provision of cycle storage and landscaping with lawn, planting beds, paving and timber decking.

4.62 These would be subtle alterations at ground floor and would enhance the rear garden area.

### **5. Heritage Considerations**

5.1 Section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990 (as amended) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. National Planning Policy Framework Paragraph 189 recognises that heritage assets are an irreplaceable resource and seeks to conserve them in a manner appropriate to their significance. Brent Local Plan policy BHC1 states that proposals affecting heritage assets must demonstrate a clear understanding of the archaeological, architectural, or historic significance of the wider context to the site.

5.2 The existing property is a two storey, terraced brick building with a pitched roof and a two storey pitched rear outrigger.

5.3 The application site is situated on the boundary of the Queen's Park Conservation Area beginning to the rear of the property. The site is also within the Queens Park Proposed Conservation Area.

5.4 A heritage statement has not been submitted, however there is some detailing the Design and Access Statement and Planning Statement and the application has been considered by the Council's Principal Heritage Officer.

5.5 The side and rear extensions are considered to have limited impact on the Conservation Area given they are single storey set away from the rear boundary and masked by the boundary fences and tree planting.

5.6 With regards to the dormers, the extent of the proposal will not easily be seen by a passer by on any of the roads/streetscene within the Conservation Area. Nevertheless, vantages from surrounding properties as well as the rear gardens also form views within the Conservation Area and therefore have a bearing on its overall quality. The rear dormers are full width and will be seen from within the Conservation Area. However, the rear dormers are contained within the main roof, set down from the existing roofline. The proposal is not considered to result in any harm to the setting of the Conservation Area.

5.7 To the front elevation, the shopfront has been carefully designed to respect the characterful facade of the existing facade. While the proposal would result in the loss of two windows at ground floor, the loss is not considered to be harmful as the proposed development will be read as a continuation of the shopping frontage to the south. As mentioned above, the shopfront will not disturb other historic features on the frontage. The shopfront will restore symmetry and the chosen timber finish is traditional in nature following the advice in SPD3 Shopfronts. To the roof, the front rooflights will be flush fitting. The development will not prevent the area from being designated.

### **6. Impact to Neighbouring Amenity**

6.1 Local Plan Policy DMP1 seeks to ensure new development, amongst other things, does not unacceptably increase exposure to noise, light and general disturbance. This is supported by SPD1 and SPD2 which both contain guidance that seeks to protect neighbour amenity. It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment.

#### **6.2 Single storey rear and side infill extensions**

6.21 The rear building line of No.62 project further than its neighbouring properties No.60 to the south and No.64 to the north of Salusbury Road. No.64 is comprised of four residential properties A-D. No.60 contains commercial uses at ground floor with residential units above.

6.22 The ground floor extensions comply with the maximum dimensions set out within SPD2 with regards to height and depth. As such the amenity to the rear residential windows of the ground floor of No.64 are considered suitably protected with regards to light and outlook.

### *6.3 Roof extensions with full width rear dormers, front and rear rooflights*

6.31 The rear dormers would be set back from the eaves and set down from the ridge, therefore would not exceed on the existing massing of the building. The rear facing windows would provide similar views to the existing upper floor rear residential windows and are no considered to significantly increase overlooking. In terms of the rooflights, the glazing would project upwards offering limited views of neighbouring properties.

6.32 Objections have been raised regarding the conversion of the loftspace and subsequent loss of existing rooflights for first floor dwellings. The rooflights have been indicated on the existing floor plans and serve hallway areas for flats 62B and 62A. It is acknowledged noted that the rear dormer would remove the windows that serve the hallways. However, these windows do not serve habitable rooms and sufficient light and outlook would be maintained to all habitable rooms, as such, the loss of light is not considered detrimental to the overall living conditions of existing occupiers.

### *6.4 Change of Use, alterations to the existing shopfront and installation of new shopfront*

6.41 The physical alterations and additions to the frontage are not considered to impact the amenity of neighbouring properties. In terms of the change of use, objections have been raised about the concerns of a potential use of the ground floor Class E floorspace as a restaurant or bar. The applicant has outlined that the proposed development will not make provision for the Class E unit at ground floor level to be used as a drinking establishment nor a café/restaurant. The applicant does wish to ensure that the commercial unit has suitable flexibility for a range of town centre uses. They have proposes the unit be restricted to the following use classes: Class E(a) Display or retail sale of goods, other than hot food; Class E(c) provision of financial services, professional services (other than health or medical services), or other appropriate services in a commercial, business or service locality; Class E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,) Class E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner) Class E(g) Uses which can be carried out in a residential area without detriment to its amenity, Offices to carry out any operational or administrative functions, Research and development of products or processes, Industrial processes. The proposed uses are considered compatible with surrounding residential uses. These will be confirmed via condition.

### *6.5 Associated rear alterations*

6.51 While the landscaping would enhance the existing rear garden. Objections have been raised about the use of the commercial courtyard space for the commercial ground floor unit. It is noted that the current ground floor commercial use, an Estate Agent has access to the rear garden, albeit indirect access. As above, the use of the unit will be restricted to certain Class E uses. As such, any noise and disturbance would likely be limited to working hours and is not considered to cause additional nuisance for neighbouring occupiers over the existing arrangement or use as a residential garden.

6.52 An air source heat pump is proposed to the rear of the site, to support the operation of the commercial units at ground floor. This would be located within the commercial courtyard area, and is proposed to operational within the standard operational hours of the proposed commercial units. A Noise Impact Assessment has been submitted which examines background noise levels and evaluates potential for noise impacts associated with the proposed air source heat pump. The assessment shows that the noise from the proposed plant are not expected to result in an unduly detrimental impact to the amenities of nearby occupiers. The assessment has been undertaken on the basis of a specific air source heat pump which is proposed to be installed. However, the time period for implementation of a consent is three years, and it is possible that models may be discontinued within that period. It is therefore recommended that a condition is attached which requires further information to be submitted should a different air source heat pump be installed to ensure that it also will achieve a satisfactory noise environment.

## **7. Trees and Landscaping**

7.1 Local Plan Policy BGI1 and London Plan policy G6 sets out that all development should achieve a net gain in biodiversity.



7.2 There are two Category C Trees located within the site boundary. The trees growing within this property are neither protected either by a Tree Preservation Order nor by virtue of being within a designated Conservation Area.

7.3 T1 a pollarded Horse Chestnut is situated on the street outside of the property. It is near to the front elevation of the property which directly abuts the pavement. T4 the Apple is growing within the rear garden of 2 Montrose Avenue and is protected as part of the Queens Park Conservation Area. However it is not considered to be detrimentally affected by the proposals given the separation. The other two trees T2 and T3 are not particularly significant from outside of the site. Overall, there is no objection to the proposal on arboricultural grounds.

7.4 Local Plan policy BH4 seeks a 0.4 Urban Greening Factor score from small residential site developments delivering a net addition of self contained dwellings. The site will not provide a net increase in dwellings as such this is not a requirement. Nevertheless, the outline landscaping proposal includes a combination of timber decking, permeable paving, paving, planting beds to compliment the existing trees to be retained and a lawn area. Final detail of the landscaping will be secured via condition.

## **8. Flood Risk and Drainage**

8.1 Local Plan Policy BSUI4 sets out proposals for minor development should make use of sustainable drainage measures wherever feasible and must ensure separation of surface and foul water systems.

8.2 The site is not within an area prone to flooding or in a Critical Drainage Area therefore a flood risk assessment was not required. The existing garden area is comprised of a large timber decking structure across half of the site, with minimal landscaping to the rest of the area.

8.3 The proposed landscaping would include a combination of timber decking, permeable paving, paving, planting beds and retention of the existing trees and lawn area. This strategy would ensure the surface water infiltration and urban greening can be maximised, whilst also retaining sufficient hard landscaping to allow for movement and circulation. This is considered an acceptable approach.

## **9. Fire Safety**

9.1 Policy D12 of the London Plan requires all new development to take account of fire safety in design. The submission of the fire safety information pursuant to Policy D12A is intended to ensure fire safety is considered early in the development process and accordingly deals with fire safety matters that could relate to land use planning. However, it is not intended to replace the detailed information required through Building Regulations. Policy D12A requires the consideration of the following matters:

- 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.*

9.2 The applicant has submitted a fire statement which has addressed the above requirement, in accordance with policy D12A of the London Plan.

## **10. Transport Considerations**

10.1 The site is located within a CPZ operating between 8.30am-6.30pm on weekdays and there are pay and display parking bays along the site frontage. Nearby residential streets are heavily parked at night.

### **10.2 Access and Parking**

10.21 The site has very good access to public transport services (PTAL 5).

10.22 Car parking allowances for the existing and proposed uses of the building are set out in adopted Local Plan and London Plan and as the site has excellent access to public transport, the offices and residential units would both be expected to be car-free.

10.23 Consideration does need to be given to the impact of any additional on-street parking though. In this case, there is no increase in the number of flats overall, so there should be no additional demand for residential parking in the area. As such, there is no requirement to restrict the ability of future occupants to apply for on-street parking permits.

10.24 The ground floor commercial units would not be required to provide parking, but there would be a servicing requirement for a 'transit' sized loading bay. As there is no off-street loading space, servicing needs to take place from Salusbury Road. Whilst not ideal, this is already the case and the proposal does not significantly worsen matters in this respect.

### *10.3 Cycle and Refuse Storage*

10.31 Cycle parking should be provided in compliance with the London Plan and drawing number 123-ANO-XX-00-DR-A-05100-S2-P02 proposes 6 cycle spaces to the rear of the site. Bicycles would need to be brought through the building as there is no side passage, which is not ideal. However, the rear door has been widened to 1m which would improve matters.

10.32 Bin storage for the residential units has not been shown, but the site is within a timed collection zone anyway to allow bags to be brought out to the street each day for collection. As such, there is no requirement for bin storage.

10.33 The Design & Access states that the commercial waste will be provided internally within the unit.

## **11. Equalities**

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

## **12. CONCLUSION**

12.1 The proposed development would not result in the net loss of residential dwellings and would create a good quality dwelling within the extended building. The proposed additional commercial unit and shopfront within a Town Centre is supported. The proposal is considered to comply with all relevant policies and to be acceptable in planning terms subject to conditions.

Approval is accordingly recommended.

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 22/4030

To: O'Donoghue  
Iceni Projects  
Da Vinci House  
44 Saffron Hill  
London  
EC1N8FH

I refer to your application dated **29/11/2022** proposing the following:

Change of use of ground floor residential unit to commercial (Use Class E) with single storey rear and side extension, rear dormer windows and 3 front rooflights to convert loft into a self-contained dwelling, alteration to shop front and provision for cycle storage

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

at **62 & 62A-D, Salusbury Road, London, NW6**

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: 11/04/2023

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):

123-ANO- XX XX -DR-A- 02000 P01 Site Location Plan  
123-ANO- XX XX -DR-A- 02010 P01 Site Plan (Existing)  
123-ANO- XX 00 -DR-A- 02100 P01 Existing Ground Floor & First Floor Plan  
123-ANO- XX 00 -DR-A- 02101 P01 Existing Loft Floor Plan & Roof Plan  
123-ANO- XX XX -DR-A- 02300 P01 Existing Section A-A  
123-ANO- XX XX -DR-A- 02301 P01 Existing Section B-B  
123-ANO- XX XX -DR-A- 02400 P01 Existing Elevations (Front & Rear)  
123-ANO- XX XX -DR-A- 02401 P01 Existing North Elevation  
123-ANO- XX XX -DR-A- 02402 P01 Existing South Elevation  
123-ANO- XX 00 -DR-A- 05100 P03 Proposed Ground Floor & First Floor Plan  
123-ANO- XX 00 -DR-A- 05101 P02 Proposed Second Floor & Roof Plan  
123-ANO- XX 00 -DR-A- 05300 P01 Proposed Section A-A  
123-ANO- XX 00 -DR-A- 05301 P01 Proposed Section B-B  
123-ANO- XX 00 -DR-A- 05302 P02 Proposed Section C-C  
123-ANO- XX 00 -DR-A- 05400 P01 Proposed Elevation (Front & rear)  
123-ANO- XX 00 -DR-A- 05401 P01 Proposed North Elevation  
123-ANO- XX 00 -DR-A- 05402 P01 Proposed South Elevation  
123-ANO- XX 00 -RP-A- 00000 P02 Design and Access Statement

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

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

Reason: To ensure satisfactory facilities for future occupiers.

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

Reason: In the interests of proper planning and to ensure the use of the building is appropriate

for the location and to enable other uses to be considered on their merits and impact.

- 5 The rear garden area, with the exception of the area shown immediately adjoining the rear of the northern commercial unit as shown within drawing 123-ANO-XX-00-DR-A-05100-S2-P03 (Proposed Ground Floor & First Floor Plan), shall be made available for use by the residents of the residential dwellings within the site from first occupation of the development, shall be retained for such purposes and shall not be used other than as a communal garden for the those residents.

Reason: To ensure a suitably quality of residential accommodation for occupants of the flats.

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

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

- 7 Within 6 months of works commencing on site, and notwithstanding the approved plans, a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority through the submission of an application for approval of details reserved by condition. The scheme shall include detailed proposals for the following aspects:

- a. Hard landscaped areas including materials
- b. Details of plants and soft landscaped areas including the provision of any new trees

The approved landscaping scheme shall be completed prior to the first use of the development hereby approved and thereafter maintained, unless an alternative programme is first agreed in writing by the Local Planning Authority.

Any trees and shrubs planted in accordance with the landscaping scheme and any plants or trees which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality, provides functional spaces and to maximise biodiversity benefits.

- 8 The air source heat pump shall not be installed other than in the location indicated within Appendix D of the Plant Noise Impact Assessment (Rev 00, ref 90982 dated 2 November 2022) and shall comprise a Panasonic CU-5Z90TBE unless details of an alternative heat pump and/or location together with sufficient information to demonstrate that the proposed heat pump will not have an unduly detrimental impact on the amenities of nearby sensitive premises has been submitted to and approved in writing by the local planning authority and the heat pump is thereafter installed in accordance with the approved details.

Reason: To achieve a suitable noise environment in the interest of the amenities of occupiers of nearby sensitive premises.

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

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

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