



Planning Committee

Wednesday 15 January 2025 at 6.00 pm

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

Please note this will be held as a physical meeting which all Committee members will be 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
Chappell
Dixon
Johnson
Patel

Substitute Members

Councillors:

Agha, Bajwa, Crabb, Gbajumo, Mahmood,
Mitchell and Rajan-Seelan

Councillors
Hirani and Kansagra

For further information contact: Rebecca Reid, Governance Officer
rebecca.reid@brent.gov.uk; 020 8937 2469

For electronic copies of minutes and agendas please visit:
[Council meetings and decision making | Brent Council](#)

Members' virtual briefing will take place at 12.00 noon.

Notes for Members - Declarations of Interest:

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

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

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

***Disclosable Pecuniary Interests:**

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

****Personal Interests:**

The business relates to or affects:

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

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

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

or

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

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

Agenda

Introductions, if appropriate.

ITEM	WARD	PAGE
1. Welcome and Apologies for Absence		
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.		
APPLICATIONS FOR DECISION		
3. 24/1140 - 66 Cavendish Road, London, NW6 7XP	Brondesbury Park	5 - 42
4. 24/2180 - 17 Shelley Gardens, Wembley, HA0 3QF	Northwick Park	43 - 64
5. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Deputy Director Democratic Services or their representative before the meeting in accordance with Standing Order 60.		

Date of the next meeting: Wednesday 12 February 2025



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public. Alternatively, it will be possible to follow proceedings via the live webcast [HERE](#)

This page is intentionally left blank

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).

This page is intentionally left blank

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

15 January, 2025
04
24/1140

SITE INFORMATION

RECEIVED	25 April, 2024
WARD	Brondesbury Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	66 Cavendish Road, London, NW6 7XP
PROPOSAL	Demolition of the existing residential building and the construction of a new part five, part six storey residential building, together with associated landscaping, cycle parking and refuse and recycling facilities.
PLAN NO'S	See condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_169802</p> <p><u>When viewing this as an Hard Copy</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "24/1140" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Notification of material start 28 days prior to commencement
- Financial contribution of £150,000 towards affordable housing provision in Brent.
- Financial contribution of £4,800 for the planting of four street trees within the vicinity of the site.
- Early and late-stage viability mechanisms to capture any uplift in affordable housing
- Sustainability and energy
 - a. Detailed design stage energy assessment. Initial carbon offset payment if zero-carbon target not achieved on site.
 - b. Post-construction energy assessment. Final carbon offset payment if zero-carbon target not achieved on site.
 - c. 'Be seen' energy monitoring requirements
- Achieving Biodiversity Net Gain

Delivery of onsite "Significant "Habitat" to include:

- A Habitat Management and Maintenance Plan
- Wildlife and nesting features
- Monitoring report in years 1,2,3,5,7,10,20,30
- off site compensations

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

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

Conditions:

Compliance

- Three year rule
- Approved documents
- Non-Road Mobile Machinery
- Provision of bin and cycle storage
- Car free development
- Compliance with overheating assessment
- Highways works
- Compliance with Ecological Appraisal
- Compliance with tree report
- Internal vibration levels
- Use Class C3
- Water consumption
- M4(3) and M4(2)

Pre-commencement

- Construction environmental method statement
- Network Rail method statement and risk assessment

- Network Rail Scaffold works

During construction

- Network Rail – Demolition methodology statement
- Network Rail – ground level and earthwork
- Site investigation for contaminated land
- Network Rail – Surface water and foul drainage
- Network Rail vibro works
- Materials samples
- Hard and soft landscaping

Pre-occupation

- External lighting
- Internal noise levels
- Wildlife and Nesting
- SuDS Strategy Maintenance and Management
- Plant Noise

Informatives:

- As per draft decision notice

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

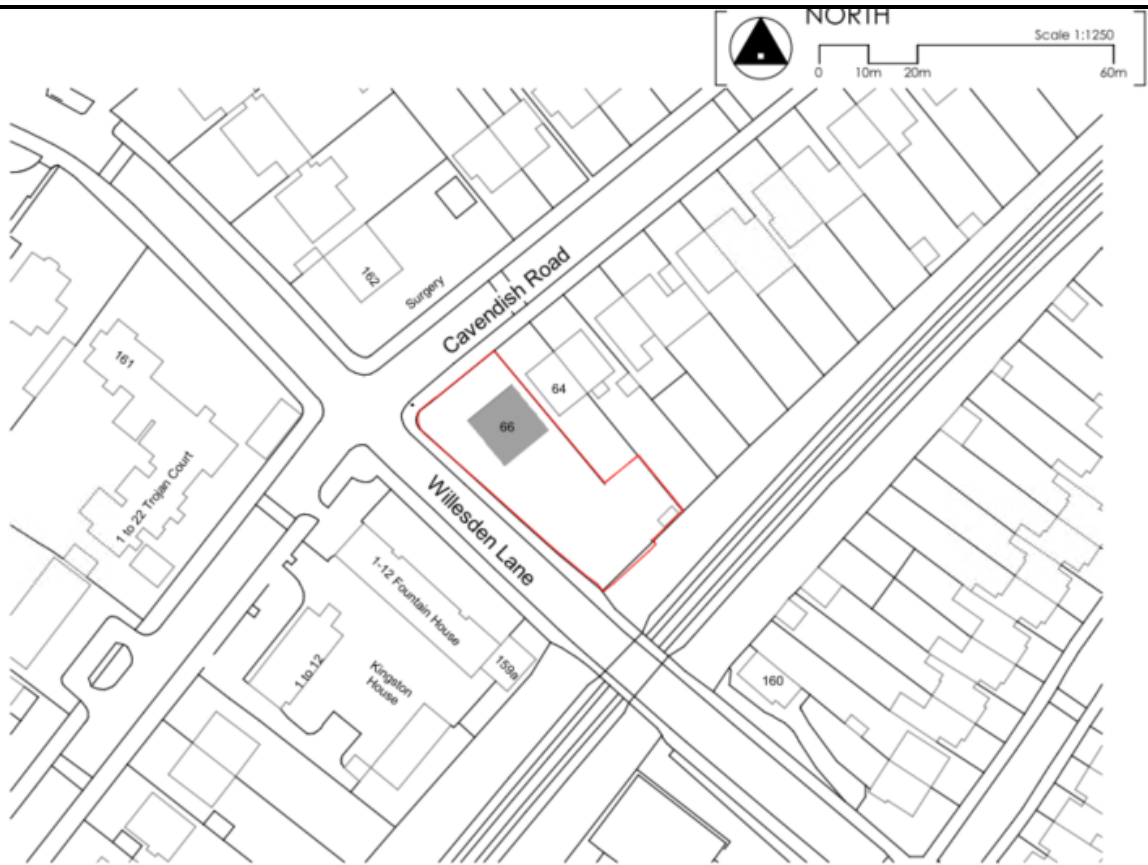
D). That, if by the “expiry date” of this application (subject to any amendments/extensions to the expiry date agreed by both parties) the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

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

SITE MAP

	Brent	ning Committee Map	dress: 66 Cavendish Road, London, NW6 7XP
<small>vn copyright and database rights 2011 Ordnance Survey 100025260</small>			

This map is indicative only.



SUMMARY OF KEY ISSUES

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

Representations received: Objections were received from four residents. The objections relate to range of issues such as demolition of the Edwardian building, disruptions experienced during the demolition at 162 Willesden Lane, including injuries to workers, contractors working outside permitted hours, and impacts on neighbouring gardens and the local community, raising fears of similar issues at 66 Cavendish Road. Further objections relate to height and scale and compromising the privacy of nearby properties.

Principle of development: The proposal involves the redevelopment of a residential site to deliver new housing, increasing the total number of homes to 23 (a net increase of 10 homes). The existing housing consists of 13 substandard studio flats, and there is no objection in principle to their loss. The site is located within an intensification corridor and priority area for new housing provision. The proposal would make use of a previously developed site in a residential area, contributing to Brent's housing targets, and is acceptable in principle. Furthermore, there is an extent consent at the application site (LPA Ref: 21/3754) for the demolition of the existing residential building and the construction of a new part five, part six storey residential building to provide 21 flats, together with associated landscaping, cycle parking and refuse and recycling facilities. The extant consent is a material consideration.

Affordable housing and housing mix: The scheme proposes 23 homes, of which six (26.1%) would be family-sized units meeting the policy requirement of one in four homes being family-sized. The applicant's viability report has been robustly reviewed on behalf of the Council by BNP Paribas, and has been shown to demonstrate that the development is not viable and not able to support any affordable housing. Notwithstanding that the development is returning a deficit, the applicants have offered a financial contribution towards provision of affordable housing elsewhere in Brent with the amount of £150k. This would be secured through a Section 106 agreement, subject to the review mechanisms being agreed.

Design, scale, and appearance: The site is within an Intensification Corridor, designated within the Local Plan, where Policy BD2 suggests height up to 15 m may be acceptable. The surrounding area is characterised by large detached three-storey Victorian and Edwardian properties, with some three- to five-storey buildings, including a five-storey building opposite the site at 166 Willesden Lane, currently under construction. The proposed building would range from three to six storeys, appearing as five as one is situated at basement level. Elements of the building, including the lift overrun and roof terrace enclosure, would extend slightly above 15 m but are considered acceptable within the existing and emerging street scene context. The design provides sufficient articulation to break up the building's bulk, ensuring visual interest.

Quality of residential accommodation: The proposal includes 23 new homes, all meeting or exceeding minimum internal floorspace standards, with good levels of light and outlook. Private and communal external amenity spaces are included and meet Brent's policy targets. The site is also within walking distance of local green spaces including Queens Park and Tiverton Green.

Impact on neighbouring properties: The proposed building would have a noticeable, although minor, impact on daylight availability for two lower ground floor windows at No. 64 Cavendish Road. However, the affected windows are already compromised due to their orientation and proximity to existing structures. All other windows and amenity spaces tested meet BRE targets for daylight and sunlight.

Energy and sustainability: The proposal would utilise air source heat pumps and solar PV panels to achieve a 48% reduction in carbon emissions, which exceeds the 35% policy requirement. Overheating risk has been assessed, and measures are recommended to avoid this, with predicted water usage below 105 litres per person per day. Updated energy statements and a financial contribution to Brent's carbon offsetting fund would be secured through the Section 106 agreement.

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

Flood risk and drainage: The Site is located in Flood Zone 1 and therefore has a low probability of flooding. The applicant's flood risk assessment and drainage strategy demonstrate a significant 86% reduction in surface water discharge rates, achieving betterment in line with sustainable drainage goals. The flow rate for

the 100 year event is designed to be reduced to 2.00 l/s (greenfield run-off) for the proposed impermeable area which is the lowest practical flow rate that the proposed flow control can achieve. Although this rate is slightly above the Greenfield runoff rate (1.38 l/s), it reflects a substantial improvement over the existing discharge rate (14.7 l/s) and complies with sustainable urban drainage principles. The strategy proposes measures including green roofs and an attenuation tank to manage stormwater. However, further detailed information is required, including ensuring that floor levels are appropriately set, additional justification for specific Sustainable Drainage Systems (SuDS) features, and a clear maintenance plan. Conditions would include the requirement for rainwater management strategies to mitigate potential flood risks during extreme weather events.

Trees and biodiversity: The development's arboricultural assessment identified several trees on and near the site, including trees of moderate quality (Category B) and lower-quality (Category C) trees. The proposal involves the removal of 18 trees, including four Category B trees. To offset this loss, the developer has proposed the planting of five new trees. There were some concerns about the impact of the development on the root protection area and crowing of TPO tree T3 which might have a knock on effect on the local biodiversity, especially with the proximity to a protected wildlife corridor along the railway embankment. As such protective measures and conditions, such as root protection zones and supervised construction activities, aim to safeguard the retained trees. The proposal achieves an urban greening factor of 0.55, which exceeds the target of 0.4 for residential developments.

Biodiversity Net Gain (BNG): The rear of the site borders a railway embankment which is part of a Site of Interest for Nature Conservation (SINC) (Grade 1) and protected wildlife corridor. The redevelopment of the site poses challenges to achieving a net gain in biodiversity, resulting in a biodiversity deficit of 1.89 Biodiversity Units (BU). To address this shortfall, off-site compensation measures would be required, including options such as purchasing biodiversity credits from habitat banks or arranging off-site habitat enhancements. A Section 106 legal agreement would secure these measures, ensuring that all retained and created habitats on-site are managed for a minimum of 30 years. The agreement would include monitoring and maintenance provisions to ensure the long-term ecological success of the biodiversity enhancements.

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

EXISTING

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

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

PROPOSAL IN DETAIL

The proposal would involve the demolition of the existing residential building and the construction of a new part five, part six storey residential building containing 23 flats (with one of the floors at basement level), together with associated landscaping, cycle parking and refuse and recycling facilities.

The accommodation would comprise:

- 1 x studio flat;
- 5 x 1-bedroom flats;
- 11 x 2-bedroom flats; and
- 6 x 3-bedroom flats

All homes would have private amenity spaces from 7 sqm in size. Communal external amenity space would be provided within a 201 sqm garden at ground level and 59 sqm roof terrace at fourth floor level.

Cycle storage for 44 bicycles would be provided within an internal bike store and a bike enclosure within the ground floor communal amenity space, with both accessed from Willesden Lane. Refuse storage would also be provided within an internal store accessed from, Willesden Lane.

Amendments received during the course of the application

The following amendments, which have been made in response to Transport feedback:

Additional cycle parking storage within the communal garden area and rearrangement of internal layout for the ground floor cycle storage.

RELEVANT SITE HISTORY

21/3754 - Full planning permission granted on 03/11/2022

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

CONSULTATIONS

151 neighbouring properties were notified by letter of this proposal on 1st of May 2024 for a minimum of 21 days. A site notice was displayed outside the site on 23/05/2024. Due to a minor correction to the red edge site boundary the application has been re-consulted on 13/11/2024. A further site notice was erected on 13th of December 2024 and press notice published on 12/12/2024. As a result of the consultations five comments were received summarised below:

Objection	Officer response
Objection to the destruction of a historic Edwardian building, which would degrade the beauty and character of the area and its necessity.	This issue is discussed under 'Design, scale and appearance'
Concern over the demolition at 162 Willesden Lane, which was opposed by neighbours but still approved by the council. The demolition at 162 caused significant disruptions, including injuries to workers and contractors working outside. Fear that similar disruption will occur with the proposed demolition at 66 Cavendish.	A Construction Method Statement would be required to minimise these impacts
The building is now part of a conservation zone, making demolition inappropriate.	This is discussed under 'Heritage' section of the report. The building is not included within the Conservation Zone and the previous consent is still valid.
Refuse the demolition, describing the project as a "money-making" scheme with little regard for the community.	Developer profit is not a material planning consideration.
Inadequate time given to the community to respond to the planning notice, with concerns about poor communication from the council. Claims that residents have not been adequately considered in the planning process.	Consultation letters were issued by the council, along with two site notices prominently displayed at the location for a minimum of 21 days, in accordance with statutory guidelines. This process ensured compliance with the required public notification period, allowing adequate time for community feedback.
Frustration over repeated applications for demolition, despite previous objections from the local community.	The submission of repeated applications for demolition is within the legal rights of the applicant. Each application must be assessed on its individual merits, in line with current planning policies and regulations. Previous objections from the local community have been considered in the decision-making process for

	each submission, and any subsequent applications will similarly undergo thorough review, ensuring compliance with relevant planning frameworks and policies
Objections to the height and scale of the new building, which would overlook nearby properties and compromise privacy.	This issue is discussed under 'Relationship with neighbouring properties'
Concerns about flaws in the proposed development plans, including accusations of "greenwashing."	This issue is discussed under 'Sustainability and Biodiversity sections'.

External and statutory consultees

Flood and Drainage officer: no objection subject to conditions discussed within the main body of report.

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

Network Rail: No objection subject to the informative and condition attached.

POLICY CONSIDERATIONS

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

London Plan 2021

- D1 London's form, character and capacity for growth
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive Design
- D6 Housing quality and standards
- D7 Accessible housing
- D10 Basement development
- D12b Fire safety
- D14 Noise
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- H1 Increasing housing supply
- H2 Small sites
- H4 Delivering affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- S4 Play and informal recreation
- HC1 Heritage conservation and growth
- S11 Improving air quality
- S12 Minimising greenhouse gas emissions
- S14 Managing heat risk
- S15 Water Infrastructure
- SI13 Sustainable drainage
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car Parking
- T6.1 Residential parking

Brent Local Plan 2019-2041

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

The following are also material planning considerations:

National Planning Policy Framework 2024
Brent Waste Planning Guide 2013
Brent's Design Guide – Supplementary Planning Document 1 2018
Residential Amenity Space & Place Quality – SPD – 2023
Sustainable Environment & Development – SPD – 2023
Council's S106: Supplementary Planning Document 2022

DETAILED CONSIDERATIONS

History

1. Consent was previously granted for the demolition of the existing residential building and the construction of a new part five, part six storey residential building, together with associated landscaping, cycle parking and refuse and recycling facilities was approved under reference 21/3754. The proposal resulted in the loss of 13 studio flats and the provision of 21 flats, comprising 4 x 1-bedroom flats, 12 x 2-bedroom flats and 5 x 3-bedroom flats. No Affordable housing was viable, however, the proposal was subject to a £150,000 contribution towards off-site Affordable housing. This application is still extant and carries weight in assessment of this application.
2. Consent is now sought for a revised development with the main amendments to the scheme as part of this application are as follows:
 - Rationalised design approach.
 - Increased number of residential units from 21 to 23.
 - Increase quantum of communal amenity space through the enlargement of the redline boundary.
 - Increase in the size of the communal roof terrace.
 - Small adjustment to the footprint of the building. Set backs on lower ground floor from Willesden Lane and rear for alignment with upper storeys. At ground level a minor extension at Block B given the shift in boundary and level change to new communal amenity area.
 - Relocation of bike storage to ground floor level.
 - Total Floorspace approx. 1,915 sqm to 2,040 sqm by extending the third floor to Block B.

Principle of Development

3. The policy context remains consistent with the consented scheme, planning reference 21/3754. London Plan Policy H1 sets a target of 23,250 new homes across a ten-year plan period from 2019 for Brent. Local Plan policy confirms that the council will maximise the opportunities to provide additional homes in the period to 2041, granting planning permission, including on appropriate windfall sites, for a minimum 23,250

homes in the period 2019/20-2028/29 and a minimum of 46,018 homes in the period 2019/20-2040/41. Brent's Local Plan Policy BH2 states that in addition to the Growth Areas and Site Allocations identified in the Plan, town centres, edge of town centre sites, areas with higher levels of public transport accessibility levels and intensification corridors will be priority locations where the provision of additional homes will be supported.

4. Policy H2 of London Plan identifies that for London to deliver more of its housing, a substantial contribution from smaller sites below 0.25 hectares in size will be required. It sets a Brent minimum target of 4,330 for the period 2019/20 – 2028/29. Policy BH4 relates to small sites and small housing developments in Brent ((below 0.25 hectares or 25 dwellings in size) and in line with policy H2 of London Plan, sets out that small housing developments delivering a net addition of self-contained dwellings through the more intensive and efficient use of sites, where consistent with other policies in the development plan, will be supported within the priority locations of PTAL 3-6, intensification corridors, or a town centre boundary through:
 - a) the infill of vacant or underused brownfield sites,
 - b) residential conversions, redevelopment, extensions of dwellings, or infill within the curtilage of a dwelling
 - c) the redevelopment of flats, non-residential buildings and residential garages,
 - d) upward extensions of flats and non-residential buildings
5. In these priority locations, the character of the existing area will be subject to change over the Local Plan period. Outside the priority locations greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easy accessible on foot when determining the intensity of development appropriate.
6. The application site is located on the corner of Cavendish Road and Willesden Lane. It would be defined as a "Small Site" both within the London Plan and Brent's Local Plan as it is 0.107 hectares in size (below 0.25 hectares) and under 25 homes. The site is located within PTAL 4 and Willesden Lane is identified as an intensification corridor within the Local Plan.
7. The site is therefore within a priority location for new homes, and redevelopment of the site for residential intensification is acceptable in principle, in line with policy H2 of London Plan, and policies BH2 and BH4 of Brent's Local Plan.

Affordable Housing

8. London Plan Policies H4, H5 and H6 set out the Mayor's commitment to delivering 'genuinely affordable' housing. A fast track route is provided whereby applications proposing at least 35% affordable housing (50% on public sector or industrial land) with a policy-compliant tenure split. Applications not meeting the criteria for the fast track route are subject to viability testing, to determine the maximum reasonable amount of affordable housing that the scheme can support.
9. Policy H6 requires affordable housing provision to include a minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent); a minimum of 30% intermediate products; and 40% to be determined by the borough based on identified need.
10. Brent's Local Plan Policy BH5 supports this approach and sets a target of 70% of affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split marries up with London Plan Policy H6 by design, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category.
11. This proposal would involve the demolition of the existing building and result in the loss of 13 studio flats. In their place, 23 new residential flats would be provided, comprising 1 studio flat, 5 one-bedroom flats, 11 two-bedroom flats, and 6 three-bedroom flats. No provision for on-site affordable housing is proposed.
12. The application is supported by a Viability Report, which indicates that the scheme cannot financially support affordable housing due to several constraints, particularly the relatively high Benchmark Land Value (BLV) of £3.42 million, reflecting the market value of the current flats. BNP Paribas Real Estate conducted an independent viability review on behalf of the London Borough of Brent. They assessed the

viability of the redevelopment and concurred that the proposed development would result in a deficit of £967,613 against the viability benchmark.

13. Following a detailed review, BNP Paribas maintained their conclusion that the proposed development is unable to support affordable housing provision, reaffirming the BLV at £3.42 million. This deficit is attributed to factors including construction costs, sales assumptions, and land value. Notwithstanding that the development is returning a deficit. Nevertheless, the applicants have offered a financial contribution of £150,000 towards provision of affordable housing elsewhere in Brent, in recognition of this high priority need within the borough.
14. In line with London Plan policy and guidance, both early and late-stage viability review mechanisms would be secured within the Section 106 Agreement to ensure that, should there be an improvement in scheme viability, further contributions could be secured towards affordable housing.
15. The proposal accords with adopted London Plan and Local Plan policy and is considered to be acceptable with respect to affordable housing, subject to the Section 106 obligations discussed above.

Housing Mix

16. Brent's Local Plan Policy BH6 establishes a strategic target for 25% of new homes in the borough to be family-sized (three or more bedrooms). For specific applications, it is set out that one in every four homes in new developments are family-sized (with 3 or more bedrooms).
17. The previous consent included 5 x 3 bedrooms homes, meeting the requirement for one in four homes to be family-sized, thereby compliant with the policy.
18. The proposed housing mix includes 6 x 3-bedroom units, which would continue to meet the requirements for one in four homes to be family-sized, hereby complying with policy. As such there would be an increase in the provision of family sized homes from the previous consent from 5 to 6.

Size:	No:
Studio	1
1 bedroom	5
2 bedroom	11
3 bedroom	6

Quality of Residential Accommodation.

19. According to London Plan Policy D6, all units must meet minimum space standards. This includes providing sufficient light, privacy, and outlook for residents. The proposal indicates that all units would meet or exceed the required space standards. A breakdown of the flats is set out below:

Flat No	Location	Type	London Plan requirement	Floorspace proposed	Multi aspect
1	Lower ground Floor	3 bedroom 5 person	86sqm	86sqm	Yes
2	Lower ground floor	2 bedroom 3 person	61sqm	70sqm	Yes
3	Lower ground and Ground Floor	3 bedroom 5 person	93sqm over 2 storeys	93sqm	No
4	Lower ground and Ground Floor	1 bedroom 2 person	58sqm over 2 storeys	61sqm	No
5	Ground floor	2 bedroom 3person	61sqm	67sqm	Yes

6	Ground floor	2 bedroom 3 person	61sqm	66sqm	Yes
7	First Floor	1 bedroom 2 person	50sqm	54sqm	Yes
8	First Floor	1 bedroom 2 person	50sqm	50sqm	No
9	First Floor	1 bedroom 2 person (WC Accessible)	50qm	69sqm	Yes
10	First Floor	2 bedroom 3 person	61sqm	62sqm	Yes
11	Second Floor	3 bedroom 4 person	74sqm	75sqm	Yes
12	Second floor	3 bedroom 5 person (WC Accessible)	86sqm	92sqm	Yes
13	Second floor	1 bedroom 2 person	50sqm	53sqm	Yes
14	Third Floor	2 bedroom 4 person	70sqm	73sqm	Yes
15	Third Floor	2 bedroom 3 person	61sqm	70sqm	Yes
16	Third Floor	2 bedroom 3 person (WC Accessible)	61sqm	74sqm	Yes
17	Fourth Floor	2 bedroom 3 person	61sqm	75sqm	Yes
18	Lower Ground and Ground Floor	3 bedroom 5 person	93sqm over 2 storeys	94sqm	Yes
19	Lower Ground and Ground Floor	3 bedroom 5 person	93sqm over 2 storeys	95sqm	Yes
20	First Floor	2 bedroom 3 person	61sqm	61sqm	Yes
21	First Floor	2 bedroom 3 person	61sqm	61sqm	Yes
22	Second Floor	Studio	39sqm	41sqm	Yes
23	Second and Third Floor	2 bedroom 4 person	79sqm over 2 storeys	84sqm	Yes

20. This application provides more multi aspect units compared to the previous approved scheme and would have three single aspect units which do not face in a due north direction (Flats 3, 4 and 8). which is the same number as the consented scheme.
21. In accordance with London Plan Policy D6, a minimum floor-to-ceiling height of 2.5 metres is required for at least 75 percent of the Gross Internal Area (GIA) of each dwelling. Based on the submitted sectional drawings, the ceiling heights of the proposed units meet or exceed this requirement, with Flats 15, 16, and 23—located within the mansard roof—achieving more than 75 percent of their internal areas with a height above 2.5 metres.
22. Flat 1 and Flat 2 on the lower ground floor would experience some limitations in outlook from the one and two-bedroom windows, due to site constraints and their location. Despite this, these constraints are

deemed acceptable given the overall context of the development and the provision of natural light remains sufficient.

23. The Daylight and Sunlight Assessment confirms that all habitable rooms on the lower ground floor meet the Target Daylight Factor (TDF) thresholds as set out in the BRE guidelines. This ensures that the interior environments of these units receive appropriate levels of natural light, contributing positively to the quality of life for future occupants and aligning with both the London Plan Policy D6 and the Building Research Establishment's (BRE) recommended standards for daylight in residential developments. Should be noted that there is no significant difference in terms of daylight for lower ground floor units between the current and the extant consented scheme.

Accessible Housing

24. London Plan Policy D7 mandates that 10% of new dwellings meet the Building Regulations M4(3) requirement for wheelchair user dwellings, with the remainder complying with M4(2) for accessible and adaptable homes. These provisions ensure that housing caters to a diverse population, offering suitable living conditions for all residents.
25. In the current proposal, flats 9, 12, and 16 are designed to meet the M4(3) standard, ensuring accessibility throughout the development. Furthermore, both blocks would include lift access to all units, enhancing the overall accessibility of the site.

External Amenity Space

26. London Plan Policy D6 states where there are no higher local standards, a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings with an extra 1sqm for each additional occupant. The space must achieve a minimum depth and width of 1.5m.
27. Policy BH13 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 50sqm per home for family housing (3 bedrooms or more) situated at ground floor level and 20 sqm for all other housing.
28. 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. Moreover, the Council adopted the Brent Residential Amenity Space and Place Quality Supplementary Planning Document on 12th of June 2023. The SPD provides guidance on planning matters related to the provision of residential amenity space and public realm within developments.
29. London Plan Policy S4 requires developments to provide good-quality, accessible play spaces for children. The application proposes a small playground for children aged 0-4 years at the lower ground floor level. Further details regarding the play area's size, quality, and accessibility should be included to ensure it meets policy standards.
30. In the current proposal, a total of 420 sqm of private amenity space is provided, which includes both balconies and private terraces for several units. The overall shortfall in private external amenity space for 23 flats is 237 sqm based on the 20 sqm and 50 sqm requirement as set out within policy BH13. The scheme would secure communal amenity space in the form of a communal garden at ground floor level measuring 201 sqm and a communal roof terrace at fourth floor level measuring 59 sqm (resulting in a total communal external amenity space of 260 sqm). The overall provision of private and communal amenity space would exceed the minimum requirement of 580 sqm of amenity space as set out within policy BH13.
31. The landscape plans propose a layout for the 4th-floor communal roof garden, featuring two trees and benches to create an inviting and relaxing environment for residents. However, detailed designs for the private roof terrace of Flat No. 17 have not yet been provided. To ensure the functionality and quality of these spaces for residents' use, a planning condition is attached to this application. This requires the submission of detailed landscaping plans for the terraces, demonstrating that they meet high standards of design and are in compliance with Brent's Residential Amenity Space and Place SPD to support the well-being and enjoyment of future occupants.

32. A dedicated 81 sqm children's play area for ages 0-4 has been provided at the rear of the site, offering a safe and enjoyable space for younger residents. According to the GLA Population Yield Calculator, the total child population for this development is estimated to be 6 children, with a requirement of 10 square meters of play space per child, therefore a total of 60 sqm. The development exceeds this requirement. This play area features elements such as timber stepping stumps, climbing rocks, and a wobble dish, creating an engaging environment for children to play. The play area is strategically located to provide easy access from the residential units while maintaining privacy and safety.
33. Additionally, the site is located within close proximity to Queens Park and Tiverton Green which are within walking distance (approx. 650 m and 800 m respectively) and offer recreational facilities, including playgrounds, sports areas, and open green spaces, which are easily accessible to residents.

Private and communal Amenity calculation table:

Flat Number	Bedrooms	Balcony	Private Amenity	Total each Flat (B + PA)	Brent requirement	Shortfall (sqm)
Flat 1	3	0	35 m ²	35 m ²	50 m ²	15 m ²
Flat 2	2	0	22 m ²	22 m ²	20 m ²	0 m ²
Flat 3 (Duplex)	3	0	31 m ²	31 m ²	50 m ²	19 m ²
Flat 4 (Duplex)	1	9 m ²	14 m ²	23 m ²	20 m ²	0 m ²
Flat 5	2	0	12 m ²	12 m ²	20 m ²	8 m ²
Flat 6	2	0	10 m ²	10 m ²	20 m ²	10 m ²
Flat 7	1	9 m ²	0	9 m ²	20 m ²	11 m ²
Flat 8	1	9 m ²	0	9 m ²	20 m ²	11 m ²
Flat 9	1	9 m ²	0	9 m ²	20 m ²	11 m ²
Flat 10	2	7 m ²	0	7 m ²	20 m ²	13 m ²
Flat 11	3	9 m ²	0	9 m ²	20 m ²	11 m ²
Flat 12	3	18 m ²	0	18 m ²	20 m ²	2 m ²
Flat 13	1	7 m ²	0	7 m ²	20 m ²	13 m ²
Flat 14	2	13 m ²	0	13 m ²	20 m ²	7 m ²
Flat 15	2	13 m ²	0	13 m ²	20 m ²	7 m ²
Flat 16	2	14 m ²	0	14 m ²	20 m ²	6 m ²
Flat 17	2	9 m ²	36	45 m ²	20 m ²	0 m ²
Flat 18	3	0	30 m ²	30 m ²	50 m ²	20 m ²
(Duplex)						
Flat 19 (Duplex)	3	0	33 m ²	30 m ²	50 m ²	17m ²
Flat 20	2	7 m ²	0	7 m ²	20 m ²	13 m ²
Flat 21	2	7 m ²	0	7 m ²	20 m ²	13 m ²
Flat 22 (Studio)	Studio	7 m ²	0	7 m ²	20 m ²	13 m ²
Flat 23 (Duplex)	3	14 m ²	0	14 m ²	20 m ²	6 m ²
Total		161sqm	259sqm	420sqm Total	580sqm	226sqm

Overall Flat Amenity Shortfall calculation

Category	Area (m ²)
Shortfall in private amenity space	226 m ²
Communal amenity space	260 m ²
<u>Overall Shortfall</u>	<u>Zero</u>

Comparison with extant Planning Application 21/3754:

34. The previous consented scheme had a notable shortfall in private and communal amenity spaces. The private amenity space in the previous scheme totalled 354 sqm, with 72 sqm of communal garden space and 30 sqm of communal roof terrace. This resulted in a total amenity provision of 456 m², which left a shortfall of 198 sqm. Additionally, the quality of the communal spaces in the previous application was criticised, as the communal garden was mostly located adjacent to the railway tracks and had lower levels of natural light and privacy.
35. In contrast, the current proposal improves both the quantity and quality of the amenity spaces to be in compliant with policy BH13 as discussed above.

Design, Character and Heritage

36. As discussed above, the application site is situated within a designated “Intensification Corridor” and “Priority Area for Housing” where the provision of new homes is expected and the character of the area is expected to change. No. 66 Cavendish Road is situated outside of but adjoining the Brondesbury Conservation Area. However, the application site includes a part of the rear garden of 64 Cavendish Road which is situated within the Conservation Area, with this area proposed to form a part of the communal garden for the flats.

Existing character of area

37. The surrounding area is characterised mainly by large detached three-storey houses with hipped roofs, of which the ground floors are partly set below external ground level while the main entrances are raised above ground level and accessed by steps. Front dormer windows are a common feature of the area, adding further bulk to the existing street scene at roof level. However, there are also examples of larger three to four-storey apartment blocks of varied architectural styles including more recent flat-roofed developments such as at 170 and 172-174 Willesden Lane, The Avenue and Christchurch Avenue. There are also several extant consents in the area for the redevelopment of sites to provide three to five-storey apartment blocks.
38. In particular, planning permission has been granted and under construction for a five-storey building in a contemporary style at 162 Willesden Lane (reference 19/0834 and 20/2041), which sits opposite the site on the northeast corner junction. This building has an L-shaped footprint and includes one storey set below external ground level. Whilst it would be of a similar height to neighbouring three-storey properties, the building would be significantly greater in bulk, occupying the majority of the site footprint across both street frontages. Policy BD2 sets out the buildings up to 15 m in height could be considered acceptable. Ground level varies within and adjoining the site. The building primarily sits below this height. The roof of the 4th floor, situated on the corner, projects slightly above this height. The parapets and railing for the roof terrace and the lift over-run projecting above this, with the brick parapet reaching approximately 16.6 m above ground level at some points and the railing approximately 50 cm above this. This additional height is focused on the corner and is not considered to result in a building that appears disproportionately large given the emerging context and Intensification Corridor designation. It should be noted that the extant consent would be 16.2 metres above ground level with brick parapets and approximately 40cm railing above.
39. At Willesden Lane, as the junction is approached the proposed massing has the appearance of stepping down due to the middle block parapet being raised. This creates a sense of cohesion on the Willesden Lane elevation and break up in the overall massing and bulk.
40. The existing building on site is similar in style to other properties in the area and is considered to be typical of the early Victorian / late Georgian style but not to have any overriding architectural merit that would preclude the redevelopment of the site. The building is not listed or locally listed and there is no policy objection to its demolition.

Impact on heritage assets:

41. The NPPF advises that, when considering the impact of a proposed development on the significance of a designated heritage asset, “great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”. Consent should be refused where there is substantial harm or total loss of significance, unless there are substantial public benefits that outweigh that harm or loss. Where there is less than substantial harm, the harm is to be weighed against the public benefits of the proposal and with regard to non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
42. 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.
43. Policy HC1 of the London Plan development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the 'assets' significance and appreciation within their surroundings. Policy BHC1 of the Local Plan further re-emphasises the matters above. Policy BP1 further reveals the importance of conserving and enhancing heritage assets within this part of the Borough.
44. 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.
45. In this case, the following heritage assets are in close proximity to the site and could potentially be affected by the development:
 - Christ Church, Grade II listed (a designated heritage asset), located approx 150m to the northwest
 - Brondesbury Conservation Area to the north / northeast (a designated heritage asset)
 - North Kilburn Conservation Area to the southeast (a designated heritage asset)
 - 161 Willesden Lane, Locally Listed building (a non-designated heritage asset), located approx 50m to the northwest
 - 167 Willesden Lane, Locally Listed building (a non-designated heritage asset), located approx 90m to the northwest;
46. The site is adjacent to Brondesbury Conservation Area as extended.
47. An extant application has been approved on site with similar bulk and massing, but more rationalised and angular in terms of corners in this application. In terms of materiality, varied London Stock brown bricks are proposed alongside lighter stone banding, as a subtle reference to neighbouring buildings. The proposed balconies and window frames would be constructed from bronze anodised aluminium to form a cohesive palette of colours alongside the brick and stone. The proposed massing on Cavendish Road similarly respects the neighbouring semi-detached houses and follows the previously approved scheme.
48. It is also noted that the recent approval of the comprehensive redevelopment of 162 Willesden Lane, to the immediate north of the site, would add a further degree of change and intensification with modern architecture between the site and the church.
49. Given the distance between the site and the Grade II listed church and the two locally listed buildings, and the fact that 162 Willesden Lane is situated between the site and these assets, it is considered that the proposed development would not result in any impact or cause any harm to the significance of nearby designated and non-designated heritage assets.
50. Brent's Principal Heritage officer had previously reviewed the earlier planning application and confirmed that it did not impact the relevant heritage assets. The overall massing and proportions of the current proposal remain similar in nature as the previous application, particularly toward the front facade on

Cavendish Road, where the extended conservation area lies. Having regard to the extension of the Brondesbury Park Conservation Area, the proposal would result in less than substantial harm, due to the changes to the appearance of the streetscene. However, the benefits of the proposal including the delivery of 23 new homes with a policy compliant level of family sized homes, would outweigh limited harm.

51. In conclusion, in line with paragraph 202 of the NPPF, the officers have concluded that the overall impact on the appearance of the Conservation Area taking in to account the consented scheme would be less than substantial with the benefits identified above outweighing the limited harm.

Design and appearance:

52. The National Planning Policy Framework (NPPF) emphasises the need for high-quality design that complements local character while optimising site potential. London Plan Policy D3 advocates a design-led approach that respects local context while encouraging inclusive design through Policy D5.
53. Brent's Local Plan Policy DMP1 and the Brent Design Guide (SPD1) reinforce these principles, setting high expectations for urban design. Policy BD2 allows for buildings up to 15 meters (five storeys) in intensification corridors. The proposal, with six storeys (appearing as five due to the lower ground floor), generally adheres to this standard.
54. The proposed building would include a lower ground floor level which would be set below external ground level but would be set within a series of private amenity spaces to provide a degree of visibility to the street scene. This element would be generally in keeping with the surrounding area, in which lower ground floor accommodation set partly below the street is a common feature. Above ground, the front element of the building would be three storeys tall with a mansard roof providing an additional fourth storey. This element would be of the similar overall height as the adjacent building at No 64 Cavendish Avenue. The building would then rise to five storeys on the corner, with an angular bay providing a distinctive feature on the corner. The rear part of the building would step down to four storeys along the Willesden Lane frontage but the third and fourth storeys would be set in from the boundary with the adjacent property at No 64 Cavendish Avenue.
55. The combination of elements of different heights and forms would respond effectively to the context and provide sufficient articulation to break up the bulk and mass of the building and maintain visual interest. The overall height and massing are considered to be appropriate to the corner location, with well-composed facades and good proportions that establish a clear hierarchy across the scheme. The building would address both street frontages and the communal entrances divided in two cores A and B would be clearly defined and expressed within the wider streetscape, creating legibility and a sense of arrival for future residents.
56. The proposed scheme incorporates additional land at the rear of 64 Cavendish Road. This has allowed for a slight increase in footprint and height towards the south of the site on third floor which has been extended and raised to match the corner's height, creating a 'bookend' development. The previous consent also had a curved architectural element on the corner Willesden Lane and Cavendish Road which has been replaced by an angular bay window like feature instead which would still break up the façade and make it less bulky.
57. As such the rationalisation of the approved scheme's design is supported as the overall design and massing is acceptable.
58. The Design & Access Statement sets out a clear approach to materiality, reinterpreting various design details and features from the surrounding context in a contemporary manner, and is considered to provide the basis for delivery of a high quality and robust development. Opportunities for landscaping within the site have been maximised with communal amenity space to the rear of 64 Cavendish Road which includes trees and planting helping to ground the scheme within the surrounding area. Overall, the proposal is acceptable in terms of urban design, and responds well to the constraints of the site. The principal urban design officer has reviewed the scheme and is satisfied, subject to further details of materials and key construction details which is conditioned as part of this application.

Impact on Neighbouring Properties:

59. In accordance with Brent's Policy DMP1, any development will need to maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1. Separation distances of 18m to existing habitable room windows and 9m to boundaries should be maintained.
60. To ensure development does not adversely impact on daylight and sunlight to existing properties, new buildings should sit within a 30 degree line of existing habitable room windows and a 45 degree line of existing private rear garden boundaries, both measured from a height of two metres above ground level. Where buildings would be within a 25 degree line of existing windows, the Building Research Establishment considers that levels of light to these windows could be adversely affected and recommends further analysis of the impacts.
61. The proposed development is located on a corner plot against the railway embankment, and the only immediately adjoining property is No 64 Cavendish Road, which contains six flats. In relation to the boundary with this property, the front part of the building would be set back approx. 0.45m from the front building line of No. 64 Cavendish Road and set rearward of the rear building line of No. 64 Cavendish Road by 1.27m. The rear part of the building would comply with 1:2 rule from the nearest rear habitable room window within No. 64 Cavendish Road.
62. At the rear, the development generally complies with the 45 degree guideline, except for a minor breach caused by the parapets for a partial length of the development closer to No.64 Cavendish Road garden boundary. Importantly, the main bulk and structure of the building remains below the 45 degree line minimising any potential impact. Given the size of the rear garden at No. 64 Cavendish Road, this minor encroachment is considered negligible and does not result in significant unacceptable harm to outlook, privacy, or their light availability.
63. There are side facing windows to No. 64 Cavendish Road, these are already affected by the existing building. As such, given the location of the development relative to the neighbouring property, the 30 degree test is considered acceptable. The proposal would be compliant with the 30 degree rule measured from the ground floor windows at No.162 Willesden Lane on the opposite side. There is also more than 23 metre gap across the street to No.1 to 12 Fountain House and sufficiently complies with 30 degree rule from their windows. As a result, the proposed development is considered to have a minimal and acceptable impact on neighbouring amenities maintaining an appropriate relationship.
64. Due to the arrangement of the building, the development has the potential to impact the privacy of neighbouring residents at No 64 Cavendish Road. The side elevation of the rear part of the building would be located less than 9m from the boundary with the rear garden of that property. In order to ensure that the development does not result in undue overlooking and loss of privacy, ground floor and first floor habitable room windows in this elevation would be recessed at an angle so as to provide oblique views towards the far rear garden of No 64. The closest window would be around 6.95m from the boundary. The distances are comparable to the extant scheme which has similar window arrangement including splayed windows with the closest window at 7.4m from the boundary. The current application would not be considered to materially worsen overlooking into the neighbouring garden compared to the extant consent.
65. The building steps back further to achieve a distance of 7.96m separation distance at second floor level. Once again, a similar arrangement was approved under the extant consent with a distance of 8.2m being achieved. At third floor level the habitable room windows within the mansard roof achieve 8.9m separation distance to the boundary with No. 64 Cavendish Road. Whilst the extant scheme achieved over 9m at third floor level, the shortfall by 0.1m would be marginal and not considered to be harmful to neighbouring amenity. The proposed building would not significantly impact on any front or rear-facing habitable room windows at this property due to their location and orientation.
66. The proposed external cycle storage within the rear communal garden is designed with a lightweight steel frame finished with wood cladding. It will have a maximum height of 2.7 metres and will be set back 1.2 metres from the boundary with the neighbouring garden of 62 Cavendish Road. Given the setback distance and the presence of vegetation, including trees along the boundary, the structure is not expected to have any significant impact on the amenity or outlook of the neighbouring property.
67. The application has been accompanied by a Daylight and Sunlight Assessment, which evaluated the impact on three surrounding properties. These include Fountain House on the opposite side of Willesden Lane (with 36 windows), No. 64 Cavendish Road (with 10 windows, including three side elevation

windows which are understood not to serve primary habitable rooms), and the recently consented scheme at 162 Willesden Lane (with 13 windows, including three at the basement level). This will be discussed in more detail below.

Daylight and sunlight:

68. The daylight and sunlight assessment for the proposed redevelopment at 66 Cavendish Road (application 24-1140) was conducted in compliance with BRE guidelines and BS EN 17037:2018 standards. This report assesses both the impact on neighbouring properties and the internal daylight provision within the proposed development.

Daylight Impact on Surrounding Properties:

69. The Vertical Sky Component (VSC) analysis shows that 54 out of 56 windows in surrounding properties retain more than 80% of their existing VSC or achieve the threshold of 27%, meeting the BRE standards. However, two windows on the side elevation of 64 Cavendish Road, which already have low levels of daylight due to their orientation, fall short of this target, retaining 67.87% and 58.35% of their original daylight values. These reductions are deemed moderate and acceptable in an urban context, especially considering the minimal actual loss of visible sky for these windows.

70. The findings of the application 24/1140 daylight and sunlight assessment are consistent with those of the previously approved application 21/3754. Both reports show that most neighbouring windows retain acceptable levels of daylight, with only two side-facing windows at 64 Cavendish Road falling below BRE targets. However, the reduction in VSC for these windows in the 24/1140 application is slightly more (67.87% and 58.35%) compared to the 2021 assessment (72.87% and 68.02%). Despite this, both assessments consider the impact moderate and acceptable.

71. The updated Daylight and Sunlight assessment included an evaluation of the No Sky Line (NSL), utilising available floor plans for the new development at No.162 Willesden Lane. The assessment confirmed that the identified rooms retained over 80% of their areas within the NSL, demonstrating compliance with the BRE guidance.

Sunlight Impact on Surrounding Properties:

72. The Annual Probable Sunlight Hours (APSH) for south-facing windows were analysed, and all relevant windows comply with the BRE guidelines, either retaining 25% of annual sunlight hours or 80% of their original values. The overshadowing impact on the neighbouring garden is within acceptable limits, with over 80% of its area still receiving at least two hours of sunlight on March 21st.

Conclusion:

73. The 24/1140 application maintains compliance with BRE guidelines, offering similar daylight and sunlight conditions to those presented in the previously approved application. While there is a marginal increase in daylight reduction for some windows, the overall impact remains moderate and acceptable. The internal daylight conditions for the new development meet current standards, ensuring high-quality living spaces for future residents.

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

Urban Greening:

75. London Plan Policy G5 requires major development proposals to include urban greening measures, with an Urban Greening Factor (UGF) target of 0.4 for residential developments. Brent's Policy BH4 aligns with the UGF target of 0.4 for proposals involving the redevelopment of small sites.

76. The proposed development achieves an Urban Greening Factor (UGF) score of 0.55, exceeding the target of 0.4 required by both the London Plan and Brent's policies. This application would increase the UGF from the previous consent from 0.39 to 0.55 which is an improvement. The site design includes green roofs, Permeable paving, tree planting, and Flower-rich perennial planting.

Ecological Assessment and Biodiversity Net Gain

77. London Plan Policy G6 provides protection for Sites of Importance for Nature Conservation (SINCs) and mandates that developments in these areas mitigate any loss of biodiversity. Brent's Policy BGI1 emphasises that there should be no net loss of biodiversity, particularly in wildlife corridors, and encourages developments to support and enhance biodiversity.
78. The Environment Act 2021 mandates a minimum 10% biodiversity net gain (BNG) for all major developments in the UK, requiring developers to demonstrate measurable improvements to biodiversity, either on-site or through off-site compensation.
79. The rear of the site borders a railway embankment, which is part of the Silverlink Metro Site of Importance for Nature Conservation (SINC) (Grade 1) and a wildlife corridor protected under Brent's Policy BGI1. A Preliminary Ecological Appraisal was submitted, including an assessment of the habitats on-site for their suitability for roosting bats. While multiple records of birds, bats, hedgehogs, and reptiles were found within 2km of the site, no direct evidence of these species was recorded on-site during the survey. The habitats on-site, which include unmanaged grassland, scattered trees, and introduced shrub, were assessed as being of low ecological value. The adjacent railway embankment provides a valuable commuting corridor for birds, bats, and other wildlife. Overall, the proposal was assessed as unlikely to adversely affect the ecological value of the area.
80. The existing building on-site was assessed as having low potential for bat roosts, and no evidence of roosting bats was found. A further nocturnal bat survey is recommended between May and August to confirm whether bats are using the building. If bats are found, appropriate mitigation, including the installation of bat boxes, would be required.
81. The appraisal included recommendations for further actions, such as hedgehog and reptile avoidance measures during construction. Compliance with these recommendations would be required by the attached condition.

Biodiversity Enhancements

82. To enhance the biodiversity of the site, the following measures are proposed:

- Installation of two bird boxes, suitable for species such as house sparrow or swift.
- Installation of two bat boxes or bat bricks (e.g., Vivara bat bricks) integrated into the new buildings to provide roosting opportunities for bats.
- Incorporation of wildlife-friendly landscaping, using native plant species to provide food and shelter for local wildlife.

83. These enhancements would help improve the site's biodiversity and contribute to its ecological value in the long term.

Biodiversity Net Gain

Biodiversity Net Gain Hierarchy

79. The Biodiversity Net Gain Hierarchy follows a sequential approach to determine where biodiversity offsets should be located, with the aim of keeping them as close and relevant to the impact site as possible. The sequence is as follows:

1. Completely on-site: Achieve biodiversity gains directly at the development site itself.
2. Combination of on-site and off-site within the Borough of Brent: Prioritise nearby off-site locations within the same borough to maintain ecological connectivity.
3. Combination of on-site and off-site, outside the Borough of Brent but within Brent's ecological network: If on-site and borough-based options aren't sufficient, look for nearby sites within Brent's broader ecological network.
4. Combination of on-site and off-site within adjacent local authorities: Use sites in adjacent authorities if no options within Brent's network are available.
5. Combination of on-site and off-site, outside the Borough of Brent but within a local authority in England: When closer options are exhausted, consider sites further afield within England.
6. Combination of any of the above with national statutory credits: If necessary, use national biodiversity credits alongside any of the above options.

7. National Statutory Biodiversity Credits only: As a last resort, use national credits alone, which can be costly and less ecologically aligned with the impact site.

88. This hierarchy aims to keep biodiversity offsets as geographically close to the development site as possible, reducing ecological disruption and minimising additional costs due to spatial separation.

Proposal

84. The proposed development at 66 Cavendish Road has been assessed in terms of its impact on local biodiversity, with a specific focus on Biodiversity Net Gain (BNG) and the loss of key ecological features on-site. The development will result in a significant net loss in biodiversity, with a current BNG score of 0.88 Biodiversity Units (BU) compared to a baseline of 2.77 BU, creating a deficit of 1.89 BU. To comply with the mandatory 10% biodiversity uplift required by law, the developer will need to address this shortfall through off-site biodiversity units or other compensatory measures.

85. Given the constraints of the site, the potential to achieve a 10 % gain in on-site biodiversity is limited. As a result, the council supports a sequential approach to securing off-site biodiversity units, including options outside of Brent if necessary. Currently, there are no habitat banks available within Brent to the council's knowledge. While there is an intention to create a habitat bank in the future, the council is not yet able to offer units to developers. Several habitat bank brokers and companies operate within the southeast of England. A limited list of providers is as follows:

- Environment Bank
- Buckinghamshire County Council
- Oxfordshire County Council
- Habitat Vault

86. Some of these providers may have habitat banks within the Thames Valley Natural Character Area, where Brent is located. It is the responsibility of the applicant to identify and arrange the provisional purchase of necessary biodiversity units, update the Statutory Metric, and submit this information along with the Biodiversity Gain Plan no later than the pre-commencement phase of development. However, detailed allocation of habitat units and securing the s.106 off-site agreement typically comes post-determination, as part of the Biodiversity Gain Plan.

87. If off-site units cannot be secured, statutory credits may be purchased as a last resort. These credits are less desirable because they incur the Spatial Risk Multiplier (SRM), which effectively doubles the number of credits required, significantly increasing costs. The developer is encouraged to explore other options before resorting to statutory credits.

88. To comply with the BNG requirements, the development will include several measures, such as the retention and protection of existing trees (including the TPO Horse Chestnut tree), the installation of bird and bat boxes, and the use of wildlife-friendly landscaping with native species. A s.106 agreement will ensure that all habitats created or retained on-site are managed for at least 30 years, with monitoring checkpoints (at years 1, 3, 5, 7, 10, 20, and 30) to assess habitat condition. If any habitats fail to meet their predicted condition during monitoring, remedial actions and compensation will be required.

Conclusion:

89. The development's biodiversity deficit requires securing off-site biodiversity units, with priority given to habitat banks in the Thames Valley Natural Character Area. A s.106 agreement would ensure long-term biodiversity management and monitoring.

Trees and Arboricultural Considerations:

90. The potential effect of the development on trees in and surrounding the site, whether statutorily protected or not, is a material consideration in the determination of all planning applications. Brent's Policy BGI2 requires a tree survey where development could affect trees on or near the site and seeks new tree planting to accompany major developments.

91. In line with Brent's Policy BGI2, the applicant conducted a detailed tree survey, identifying a total of 30 trees and tree groups, both on and off-site, with 9 trees and 1 group of Category B and the remaining 20

tree f Category C. Among these are T3 (Horse Chestnut) and T17 (Tree of Heaven), both of which are subject to Tree Preservation Orders (TPO). Other notable trees include T1 (Norway Maple), a Category B tree located at the road junction, and T8 (Lime) at the frontage of No. 64. A total of 18 trees and tree groups are proposed for removal to facilitate the development, including 4 Category B trees (T10, T11, T14 and T20) and 13 Category C trees (T4, T5, T6, T7, T8, T9, T12, T13, T15, T16, T19, T21, T23, and T29 on border with neighbouring garden). The loss of these trees is to be mitigated by the planting of five new trees on the terraces and in the communal garden. However, this does not compensate for the loss of trees in terms of canopy and number completely as two trees growing within a container on the green roof would not achieve their full potentials. The extant consent included the removal of these trees but included the provision of seven replacement trees with 4 along Cavendish Road frontage, 2 along Willesden Lane frontage and 1 in the communal amenity space on the ground floor. To match the extant application the council would secure a contribution for four off site trees in the vicinity at £1,200 per tree, totalling to £4,800 as part of the S106 agreement.

92. Crown reduction will be undertaken for T3 (Horse Chestnut) to allow adequate clearance for construction, while T6 (Norway Maple) and T24 (Cypress) have already undergone previous crown reductions. The Council's Tree Officer initially raised concerns about the crown reduction of T3 and potential root encroachment as part of the construction, which could impact the long-term health and survival of the tree. However, it has since been confirmed that there would be no encroachment towards T3 and that the eastern side of the building would remain with the same building line as the consented scheme.
93. An updated Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) are required, providing a schedule of Arboricultural Supervision by a suitably qualified consultant. A pre-commencement site supervision condition is attached to this application, requiring supervision during key phases of development:
- Facilitation works to trees prior to commencement of development (i.e. crown reduction of Horse Chestnut by 2.0m)
 - Site set up, including installation of tree protection measures
 - Excavation within RPA of trees to be retained
 - Construction of hard surfacing within the RPA of trees to be retained
 - Any other excavation within RPA of trees to be retained including boundary treatment, or any additional necessary pruning work

Conclusion

94. In summary, the proposed development strikes a balance between urban growth and ecological responsibility. While there is an inevitable net biodiversity loss, this would be offset through off-site compensation measures and the protection of key habitats under the S106 agreement. The retention of important trees, the introduction of new greenery, and the focus on wildlife-friendly landscaping ensure that the project aligns with the London Plan and Brent's Local Plan policies.

Fire safety:

95. The development at 66 Cavendish Road complies with Policy D12 of the London Plan, which requires all major developments to be submitted with a Fire Statement prepared by an independent, suitably qualified assessor. The Fire Statement, provided by CHPK Fire Engineering Ltd, ensures the following key fire safety measures:
- a) *Building Construction (D12(A)):*
 - The structure would use reinforced concrete (RC) frame with fire-resistant materials. Cavity barriers would be installed to prevent fire spread, ensuring compliance with safe construction standards.
 - b) *Means of Escape (D12(B)):*
 - A 'stay-put' strategy would be used for residential units, supported by high compartmentation to prevent fire spread. Accessible escape routes will be provided with compliant door widths, facilitating safe evacuation for all users, including those with disabilities.
 - c) *Fire Safety Systems (D12(B)):*
 - Block A will be equipped with a sprinkler system, and all residential units would have fire alarms. Additional safety features include escape signage and emergency lighting to guide occupants during an evacuation.
 - d) *Firefighting Access (D12(B)):*

- Fire appliance access will be available from Cavendish Road and Willesden Lane, with a dry riser installed to assist firefighting operations. Smoke ventilation would be managed through automatic opening vents (AOVs) to ensure a clear path for evacuation and firefighting.
- e) Evacuation Lift (D12(B) & D5(B5)):
 - Block A would include an evacuation lift designed to remain operational during a fire, with a backup power supply, ensuring safe evacuation for all occupants.

96. The proposal fully complies with Policy D12(A), ensuring safe building construction, and D12(B), providing adequate means of escape, fire safety systems, and firefighting access. These measures would ensure both occupant safety and support for the fire and rescue service in case of an emergency.

Energy and sustainability:

97. The proposed development at 66 Cavendish Road (planning reference 24/1140) aligns with the energy efficiency and sustainability requirements set out in London Plan Policy SI2 and Brent's Policy BSUI1. These policies require developments to demonstrate substantial reductions in carbon emissions, contribute to mitigating climate change, and optimise the use of renewable energy technologies.
98. In accordance with London Plan Policy SI2, the proposed development exceeds the minimum requirement of a 35% reduction in carbon emissions by achieving a 48% reduction through enhanced fabric energy efficiency measures and the incorporation of renewable technologies. The development at 66 Cavendish Road achieves this reduction from a baseline of 11.92 tonnes of CO₂ per year. The remaining 6.2 tonnes of CO₂ per year will need to be offset. Over 30 years, this results in a total CO₂ shortfall of 186 tonnes. According to the London Plan, at a rate of £95 per tonne, the carbon offset payment of £17,670 would be secured through a Section 106 (S106) Agreement, along with the requirement for an updated Energy Statement and the necessary financial contributions to Brent's carbon offsetting fund through legal agreements.
99. The proposal includes the use of air source heat pumps (ASHP) and solar photovoltaic panels (PV), which contribute to a significant portion of the energy savings. The building is also designed to ensure that water consumption is limited to 105 litres per person per day, meeting the standards outlined in London Plan Policy SI5.
100. Brent's Policy BSUI1 requires developments to integrate sustainable design principles to mitigate the effects of climate change. The inclusion of mechanical ventilation with heat recovery (MVHR) in the proposed design ensures that the development will benefit from high indoor air quality while minimising heating demands. This system, combined with the optimised use of renewable energy sources, enhances the building's overall energy efficiency and aligns with Brent's objectives for sustainable development.

Comparison to Previous Application (21/3754)

101. The previously consented application (planning reference 21/3754) achieved a 55.5% reduction in carbon emissions, which is higher than the current proposal's 48% reduction. However, the 24/1140 application introduces more advanced sustainability measures, such as MVHR, which were not present in the previous scheme. Additionally, the new application undertakes a comprehensive CIBSE TM59 overheating assessment, addressing future climate conditions and providing enhanced thermal comfort for residents. While the previous application achieved a greater immediate reduction in carbon emissions, the new proposal provides better long-term resilience against climate change, improved air quality, and a more holistic approach to energy efficiency.
102. The previous consent also required an updated energy statement and financial contribution to Brent's carbon offsetting funds through legal agreements. The development also could not achieve zero carbon solely on-site, and therefore, it was required to offset 6.2 tonnes of carbon per year. Over a 30-year period, this equated to a total shortfall of 187 tonnes of CO₂, resulting in a carbon offset payment of £17,730 to the Carbon Offsetting Fund, calculated at £95 per tonne.
103. Although the previous application delivered a marginally higher reduction in carbon emissions, the current proposal offers a more balanced and sustainable approach by integrating more advanced technologies and design strategies that address both energy efficiency and future climate resilience. The inclusion of MVHR improves indoor air quality and reduces the overall energy demand for heating, while the detailed overheating assessment ensures the building will maintain thermal comfort in the face of

rising temperatures. Furthermore, the use of ASHP and PV panels would still contribute significantly to the site's renewable energy generation.

104. To ensure that the development achieves a zero-carbon standard, updated energy statements would be required at the detailed design and post-construction stages. Additionally, the development would need to contribute to the Council's carbon offsetting fund and commit to monitor and report on energy performance. These commitments would be secured through a Section 106 agreement. Further details of the PV panels and heat pumps would be required by condition, alongside details of how the development would be designed to ensure future connection to a district heat network.

105. In conclusion, this application meets the energy and sustainability targets outlined in the London Plan and Brent's local policies.

Transport Consideration:

106. Car parking allowances for Brent are set out in Appendix 4 of the 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 and is located in the well-connected southern part of the Borough with PTAL 4 (good), up to 0.5 spaces per flat are allowed, giving a total allowance of 11 spaces for these 23 flats.

107. No off-street parking is proposed within the site, so maximum standards would be complied with.

108. As the crossover to the site will therefore become redundant, it will need to be removed and reinstated to footway with full-height kerbs and this should be undertaken at the developer's expense as a condition of any approval. This would be secured as a condition.

109. Policy BT2 also requires that any overspill parking can be safely accommodated on-street and in this case, there is insufficient space to accommodate the resultant parking demand along the site frontage (notwithstanding the lightly parked nature of Cavendish Road).

110. The applicant has therefore proposed within their Transport Statement that the development is designated as 'car-free', with the right of future residents (aside from Blue Badge holders) to on street parking permits being withdrawn. As with previous planning consent 21/3754, a condition is sought to secure this.

111. As disabled Blue Badge holders would be exempt from any such agreement, they would be free to use the parking bays along the Cavendish Road frontage of the site to meet the disabled parking requirements.

112. The London Plan requires a minimum of 43 secure long-stay bicycle parking spaces, plus two short-stay spaces for visitors. A storeroom is proposed at ground floor level for 20 bikes on two-tier racks and 2 Sheffield stands for non-standard or oversized bicycles and tricycles. A further 20 bikes store on two tier shelter is also proposed within the communal amenity area meeting the requirements.

113. Two bike stands are also proposed near the main building entrance for visitors, which are welcomed.

114. Bin storage (five Eurobins and seven wheeled bins) is shown along the Willesden Lane frontage of the site, providing more than enough capacity and allowing easy access for collection from the adjoining highway.

115. The two building entrances will both front Willesden Lane, which is fine. However, it should be noted that any deliveries to the building's residents from the site frontage would need to be made outside of peak times in order to comply with the loading restrictions on the street, although delivery vehicles could use parking bays in Cavendish Road.

116. A Transport Statement has been submitted with the application, which considers the likely trip generation from the site. With 13 flats already located on the site, the net increase in units is ten. Based upon comparisons with other residential developments in London, these additional flats are predicted to generate just six additional trips in each peak hour and as no car parking would be available, none of these trips are expected to be by car. The proposal will therefore have a negligible impact on local transport networks.

117. Finally, the road junction adjoining the site lacks pedestrian crossing phases. However, approval has recently been granted to use CIL funding to address this shortcoming and thereby improve highway safety for future residents from this development. Any future CIL funding secured from the development is therefore also able to contribute to those works.

118. Overall, the proposal is acceptable in transport terms and complies with the relevant policies.

Environmental health issues

Air quality

119. The site is within an Air Quality Management Area, and London Plan Policy SI1 requires an air quality assessment to demonstrate that the proposal would be air quality neutral.

120. The air quality assessment submitted has been reviewed by Environmental Health officers and is considered to demonstrate that there are no air quality impacts from the development. No conditions are required in relation to air quality.

Contaminated land

121. Given that the site does not have a history of industrial use, it is currently not recommended to conduct a Land Contamination Assessment.

Noise

122. The applicant has submitted a KP Acoustics noise assessment in relation to plant noise and has been assessed by Environmental Health Officers. This assessment provides background noise levels however as the plant specification has not been decided full details of the plant and a full plant noise assessment has not been undertaken. Therefore, a condition is attached to this application for noise levels from plants and any ancillary equipment.

123. As the development would be closer to the railway line than the existing building, the potential impact of noise and vibration from passing trains has been considered through a Noise and Vibration Impact Assessment. To mitigate these impacts, specific design measures would be implemented. These include high-performance glazing with sound reduction properties, designed to meet the required internal noise levels for living rooms and bedrooms, along with the installation of sound-insulating ventilation systems to maintain acceptable noise levels without the need to open windows. Additionally, measures such as mechanical ventilation systems and appropriate building materials will ensure that the internal environment is protected from external noise. These mitigation measures would be secured through planning conditions to ensure compliance with noise standards.

Construction process

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

Flood risk and drainage:

125. The site is situated in fluvial Flood Zone 1 although partly within a Flood Zone 3 for surface water flooding to the front on Cavendish Road and Willesden Lane. A Flood Risk Assessment and Drainage

Strategy has been submitted. The site is not within a critical drainage area and is located in a low risk area for groundwater flooding, which equates to the site being at low risk of flooding overall.

126. As the site geology is based on London Clay and the site is not in close proximity to a watercourse, infiltration into the ground and discharge to a surface water body are not practical.
127. The drainage strategy incorporates a substantial reduction in the surface water discharge rate, lowering it to 2.0 litres per second (l/s) for a 1 in 100-year storm event with a 40% climate change allowance—an 86% improvement over current discharge rates of up to 14.7 l/s. This betterment aligns with sustainable drainage goals, mitigating flood risks both on-site and downstream. The development increases the site's impermeable area to approximately 58%, representing an approximate 48% increase. To address the additional runoff, the strategy integrates sustainable drainage systems (SuDS), including green roofs and a 25 m³ attenuation tank. The tank is designed to control runoff from the expanded impermeable surface, ensuring safe management of stormwater and reducing flood risks during extreme rainfall events. Consequently the development provides a significant betterment from a flood risk perspective, and is acceptable on this basis.
128. A basement impact assessment has been submitted, and this concludes that the basement would not adversely affect groundwater flow, surface flow or flooding due to the low permeability of London Clay.
129. The proposed drainage strategy for the development includes several key considerations that require further clarification and refinement as assessed by the Drainage and Flood Risk Officer. The greenfield runoff rates have been provided, but it is essential that these be clearly evidenced in the calculations, referencing industry-standard tools such as the Wallingford Greenfield Runoff Tool. Additionally, while the current proposal does not clearly state the level of the floor above the design flood level, it is recommended that floor levels be raised by 300mm above the design flood level (1 in 100-year flood event + climate change allowance), as this is a standard precautionary measure to mitigate any flood risk.
130. The drainage hierarchy has been acknowledged, but the use of rainwater harvesting or store-and-reuse systems has not been considered, and further justification is required if these are not implemented. The design should maximise the use of open spaces to incorporate SuDS for water quality, amenity, and biodiversity. For instance, the attenuation tank design could potentially be modified to serve additional benefits by functioning as a detention basin within the garden space, allowing for above-ground SuDS features. Exceedance flow routes must also be clearly defined in the layout to ensure safe water passage in case of sewer blockages or overflow.
131. Furthermore, a more detailed maintenance plan is required. As per the West London SFRA (2018), the plan must outline who is responsible for the long-term management of all drainage elements, including maintenance schedules and frequency, access arrangements, and responsible parties. This will ensure the proper functioning of SuDS and drainage systems throughout the development's lifecycle.
132. Mitigation of surface water flooding during extreme storm events (above 1 in 100 AEP) must be a priority, with a focus on ensuring that surface water does not flow onto the site when the system is at full capacity. The drainage layout also requires further development, including connections to the green roofs, and should demonstrate how the system ties into the existing sewer network to manage surface water effectively. More precise Causeway Flow modelling, with accurate FEH rainfall data, should be used to reflect actual flood risks, especially for longer storm durations (up to 1440 minutes) and intense rainfall events (e.g., 50mm/hr).
133. Both the maintenance plan and the detailed drainage layout will be subject to conditioning, ensuring that these critical components are finalised and approved prior to construction to meet local planning requirements and mitigate flood risks effectively.

Equalities

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

Conclusion

135. The proposal would make efficient use of a small residential site to deliver new housing that would contribute to Brent's housing targets. The site is in existing residential use and is not designated open space, and conditions attached to protect retained trees and any ecological value contained in the railway embankment, together with new tree planting and landscaping. The existing housing is considered to be of substandard quality, and its loss can be supported on this basis. The design, scale and height of the building are considered to be appropriate to the context, and the proposal would cause only very limited loss of light and outlook to neighbouring side-facing windows. The proposal for a car-free development can be supported in this area of good access to public transport.
136. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions.



DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 24/1140

To: Miss Tate
Iceni Projects
Da Vinci House,
44 Saffron Hill,
London
EC1N 8FM

I refer to your application dated **25/04/2024** proposing the following:

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

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

at 66 Cavendish Road, London, NW6 7XP

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

Date: 07/01/2025

Signature:

David Glover
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.

SUMMARY OF REASONS FOR APPROVAL

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

London Plan 2021
Brent Local Plan 2019-2041

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

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

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

A100 REV 03- Proposed Lower Ground Floor Plan
A101 REV 01 - Proposed Ground Floor Plan
A102 REV 01 - Proposed First Floor Plan
A103 REV 01- Proposed Second Floor Plan
A104 REV 01 - Proposed Third Floor Plan
A105 - Proposed Fourth Floor Plan
A106 REV 01- Proposed Fifth Floor Plan
A137 - Part M4(3) Apartments
A138 - Location Plan
A139 - Proposed Site Plan
A140 - Existing Site Plan
A141 - Existing Floor Plans
A142 - Existing North East Elevation
A143 - Existing South West Elevation
A144 - Existing South East Elevation
A145 - Existing North West Elevation
A 146 revision 01 - External Secure Cycle store
A150 REV 00 - Existing Section A-A
A151 REV 00 - Existing Section B-B
A200 REV 00 - Proposed South East Section
A201 REV 00 - Proposed North East Section
A300 REV 00 - Proposed South East Elevation
A301 REV 00 - Proposed North East Elevation
A302 REV 00 - Proposed South West Elevation
A303 REV 00 - Proposed North West Elevation

Existing trees on Proposed GA
Design Access Statement - Part 1
Design Access Statement - Part 2
Tree Protection Plan Ground Floor Plan - 240411-2.3-66CR-TPPG-MM
Tree Protection Plan Lower Ground Floor Plan - 240411-2.3-66CR-TPPLG-MM
Landscape GA 5th Floor Green Roof Rev. B -545-PCA-ZZ-05-DR-L-1004
Landscape GA – Lower Ground Floor - 545-PCA-ZZ-00-DR-L-1001 rev C
Landscape GA - Ground Floor - 545-PCA-ZZ-00-DR-L-1002 rev E
Landscape GA 4th Floor Green Roof Rev. B - 545-PCA-ZZ-04-DR-L-1003
Preliminary Ecological Appraisal and Day Time Building Inspection - Ref: P.1450.21 - March 2024
Biodiversity Management Plan - Ref P.1450.21
Arboricultural Method Statement - Ref 250106-1.2-66CR-AMS-HB – Jan 2025

Noise Compliance report - 22292.PPCR.01
Air Quality Assessment - Ref 4396-1r3 - April 2024
Fire Engineering - CHPK Fire Engineering Ltd (CHPKFE) - April 2024
Basement Impact Assessment - 8975-BHP-RP-S-001 - March 2024
Daylight and Sunlight Assessment - 5590 - Jan, 2025
Energy and Sustainability Statement - Ref. E1416-ESS-01 - April 2024
CIBSE TM59 Overheating assessment - Ref E1416-OA-01
Landscape report 1 and 2 dated 09/04/2024
Transport Statement dated April 2024
Surface Water Drainage Strategy - March 2024
Noise and Vibration Impact Assessment Report - 22292.NVA.01

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

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

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

- 4 The approved waste storage and cycle storage facilities shall be installed prior to occupation of the development hereby approved and thereafter retained and maintained for the life of the development and not used other than for purposes ancillary to the occupation of the development hereby approved, unless alternative details are agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

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

- 8 The recommendations set out in the approved *Preliminary Ecological Appraisal and Day Time Building Inspection* shall be carried out in full throughout the construction of the development and where relevant, the associated measures shall thereafter be retained and maintained.

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

- 9 The development shall be implemented in strict accordance with the Tree Protection Plan and Arboricultural Method Statement (Treework Environmental Practice AMS report reference: 250106-1.2-66CR-AMS-HB rev 1.2) or subsequent approved revisions.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with DMP1 and BGI 2.

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

Vibration dose values -
Low probability of adverse comment (m/s^{1.75})

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

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

- 11 The scheme hereby approved shall contain 33 residential dwellings within Use Class C3 as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

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

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

- 13 The development hereby approved shall be built so that no fewer than 3 of the residential homes achieve Building Regulations requirement M4(3) - 'wheelchair user dwellings', and the remaining ground floor homes shall be built to achieve Building Regulations requirement M4(2) - 'accessible and adaptable dwellings'.

Reason: To ensure that the development achieves an inclusive design in accordance with London Plan Policy D7.

14

Prior to the commencement of the development a Construction Environmental Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.

The statement shall include detail and statements on the following :

- Measures to control emissions during the construction phase relevant to a medium risk site should be written into an Air Quality and Dust Management Plan (AQDMP), or form part of a Construction Environmental Management Plan, in line with the requirements of the Control of Dust and Emissions during Construction and Demolition SPG.
- Strict adherence to the Tree Protection Plan (TPP) and Arboricultural Impact Assessment 240424-2.2-66CE-AIA-AN
- A minimum of one nocturnal bat survey on building B1 to determine if bats are using the building as a roost. In the unlikely event that a bat is discovered during the demolition works all must stop and a bat license ecologist should be contacted for further advice.
- construction lighting to ensure it is in accordance with Guidance Note 08/23 Bats and Artificial Lighting (Institute of Lighting Professionals and the Bat Conservation Trust)
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- The location and timing of sensitive works
- Responsible persons and lines of communication
- Use of protective fences, exclusion barriers and warning signs
- Risk assessment of potentially damaging construction activities

The development shall thereafter be constructed in accordance with the approved Construction Environmental Method Statement, together with the measures and monitoring protocols implemented throughout the construction phase.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance, and to safeguard existing biodiversity, amenity value of the site and surrounding area in accordance with policies DMP1 and BGI 2.

Pre-commencement reason: Required prior to commencement of development to satisfy the Local Planning Authority that protected species will not be harmed during demolition or construction.

15 Prior to the commencement of the development a method statement and risk assessment must be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, and thereafter implemented in accordance with the approved details throughout the lifetime of the development.

Reason: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

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

16 Prior to the commencement of the development details of any scaffolding works within 10m of the railway boundary shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, and thereafter implemented in accordance with the approved details throughout the construction of the development.

Reason: In the interests of protecting the railway and its boundary from over-sailing scaffolding.

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

- 17 No demolition works shall be undertaken until a demolition methodology statement (including mitigation measures) has been submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. The demolition methodology statement strategy shall be implemented in full throughout the demolition period.

Reason: To safeguard the railway and its boundary from demolition machinery and dust and debris.

- 18 Prior to the commencement of the development (excluding demolition works) full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, and thereafter implemented in accordance with the approved details throughout the construction of the development.

Reason: To protect the adjacent railway and its boundary.

- 19 (a) Prior to the commencement of development (excluding site clearance and demolition), a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present within that Phase. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works 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.

(b) Any soil remediation required by the Local Planning Authority shall be carried out in full in accordance with the approved remediation works. Prior to the occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority stating that remediation has been carried out in accordance with the approved remediation scheme and the land 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.

- 20 Prior to the commencement of the development (but excluding demolition, site preparation and the laying of foundations), details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, and thereafter implemented in accordance with the approved details.

Reason: To protect the adjacent railway from the risk of flooding, soil slippage and pollution.

- 21 No vibro-impact works shall take place on site until a risk assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, and thereafter implemented in accordance with the approved details throughout the construction of the development.

Reason: To prevent any piling works and vibration from de-stabilising or impacting the railway.

- 22 Details of materials for all external building work, including samples which shall be made available for viewing in an agreed location, shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the development (excluding demolition, site clearance and laying of foundations). The work shall be carried out in

accordance with the approved details thereafter, unless otherwise agreed in writing by the local planning authority.

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

- 23 Prior to the commencement of development (excluding demolition, site clearance and laying of foundation), details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:
- i. A planting schedule detailing all proposed trees/plants/bulbs/plugs including numbers, pot sizes and densities including:
Detail biodiversity enhancement through planting schemes that provide:
 - a) nectar, pollen and fruit resources throughout the seasons, a variety of structural diversity and larval food plants, through no less than 60% native and local species by number and diversity.
 - b.) Ornamental plants will not include any genera or species on Schedule 9 of the Wildlife and Countryside Act (1981) or the LISI list and should be on the "RHS Plants for Pollinators" lists (or of documented wildlife value), to provide increased resource availability.
 - c.) Cross-section/build-up of green roofs/biosolar roofs /living walls/ rain gardens (including how access for management will be created and maintained);
 - d.) Technical details of biodiverse roofs on bike / bin storage areas;
 - ii. Details of all proposed hardstanding
 - iii. Details of garden wall, fences or other form of boundary treatment to be provided within the site (including details of external materials and heights)
 - iv. Details of a suitable trespass proof fence adjacent to the boundary with the railway line (including details of external materials and heights) in consultation with Network Rail
 - v. Details of appropriate vehicle safety protection measures along the boundary with the railway in consultation with Network Rail
 - vi. Details to maximise the urban green factor (UGF) for the site in line with policy BH4 of Brent's Local Plan 2019-2041, including the requirement to submit a UGF Masterplan
 - vii. Details of cycle storage through the provision of secure, weatherproof cycle storage facility, which shall each have capacity in line with London Plan policy T6
 - viii. Details of refuse store facilities

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

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new trees(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning authority gives its written consent to any variation).

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality, and to protect the adjoining railway in accordance with policies DMP1 and BGI 2.

- 24 Prior to occupation of the development hereby permitted, a post development lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme will include:
- Pre-development light levels, including ambient lighting from the surrounds, presented as 1m centre spot values down to 0.1lux, with isolux contour lines showing light degradation

- Post-development light levels, presented as 1m centre spot values down to 0.1lux, with isolux contour lines showing light degradation and 3D luminance in-the-scene modelling
- Assessment of external lighting and light spill from any buildings through windows / security lighting etc.
- The technical details of the luminaires and columns to be used, including their location, type, shape, dimensions and expected luminance output and specifically explaining what design attributes have been chosen to minimise light pollution.
- Consideration of horizontal spill up to <<20m>> from the site boundary if adjacent to a SINC / designated green space.
- Vertical spill shown in cross-sectional views.

Lighting will be designed to minimise impacts on biodiversity as outlined in Guidance Note 08/23 Bats and Artificial Lighting (Institute of Lighting Professionals and the Bat Conservation Trust).

Reason: To protect/fully mitigate/ enhance the biodiversity value of the land and adjacent land in accordance Policy BGI of the Brent Local Plan

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

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

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

Reason: To obtain required sound insulation and prevent noise nuisance

- 26 Prior to occupation of the development hereby permitted, a scheme for wildlife and nesting features in accordance with the recommendation of the Ecological Impact Assessment Report shall be submitted to and approved in writing by the Local Planning Authority.

The scheme will include full details on: numbers of each feature, type of feature / box / brick, location (plan and elevation views) of each feature, height above ground (if applicable) and nearest external lighting (if likely to have an impact).

Features shall be undertaken in accordance with the approved scheme and thereafter retained in perpetuity.

Reason: To enhance the biodiversity value of the land in accordance Policy BGI of the Brent Local Plan.

- 27 Prior to first occupation of the development hereby approved, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- a) As built plans
 - b) Photographs to document each key stage of the drainage system when installed on site;
 - c) Photographs to document the completed installation of the drainage structures on site;

The Maintenance and Management Schedule should be strictly followed after completion of the development and form as part of the O&M Manual. The owner of the Maintenance and Management Schedule should be clearly identified.

Reason: To ensure that surface water flooding is reduced and controlled within the site.

28

Any plant shall be installed, together with any associated ancillary equipment, so as to prevent the transmission of noise and vibration into neighbouring premises. The rated noise level from all plant and ancillary equipment shall be 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises. An assessment of the expected noise levels shall be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' and any mitigation measures necessary to achieve the above required noise levels shall be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter be installed together with any necessary mitigation measures and maintained in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To protect acceptable local noise levels, in accordance with Brent Policy DMP1.

INFORMATIVES

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

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

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

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

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

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

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Water Comments

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

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

read our guide working near or diverting our pipes.

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

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

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

3 - BAPA (Basic Asset Protection Agreement)

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

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

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

4 - The developer is reminded that a Natural England Low Impact Class Licence and mitigation measures will be required to redevelop the site, and is advised to refer to the recommendations set out in the approved Bat Emergence Survey (Crossman Associates, Ref B1203.003 Issue 1, 18.10.21) in this respect. The developer should also be aware of any protected species legislation relevant to the implementation of this development, including statutory protection for nesting birds. Further guidance on construction near protected species can be found at

<https://www.gov.uk/guidance/construction-near-protected-areas-and-wildlife>

5 - The applicant is informed that, in relation to the discharge of conditions regarding the remediation of contaminated land, the quality of imported soil must be verified by means of in-situ soil sampling and analysis.

We do not accept soil quality certificates from the soil supplier as proof of soil quality.

6 - (PWAL) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

7 - (F16) 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.

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

15 January, 2025
05
24/2180

SITE INFORMATION

RECEIVED	5 August, 2024
WARD	Northwick Park
PLANNING AREA	Brent Connects Wembley
LOCATION	17 Shelley Gardens, Wembley, HA0 3QF
PROPOSAL	Erection of a part two storey and part single storey side extension; a single storey rear extension; hip-to-gable roof extension including rear dormer window and rooflights; gabled roof over side extension; and a front porch; partial demolition of garage; and conversion of the building into 2 self-contained flats (Part Retrospective, Part Proposed)
PLAN NO'S	See condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_169802</p> <p><u>When viewing this as an Hard Copy</u> .</p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "24/2180" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

Recommendation

A. That the Committee resolve to GRANT planning permission.

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

Conditions:

1. Time period
2. Approved plans / drawings
3. Materials to match
4. Water Consumption
5. Crossover construction
6. Implementation and retention of car parking spaces, cycle parking storage and refuse storage
7. No access to roof of extension
8. Implementation of tree protection measures
9. Implementation of electric vehicle charging
10. Requirement for details of hard and soft landscaping

Informatives:

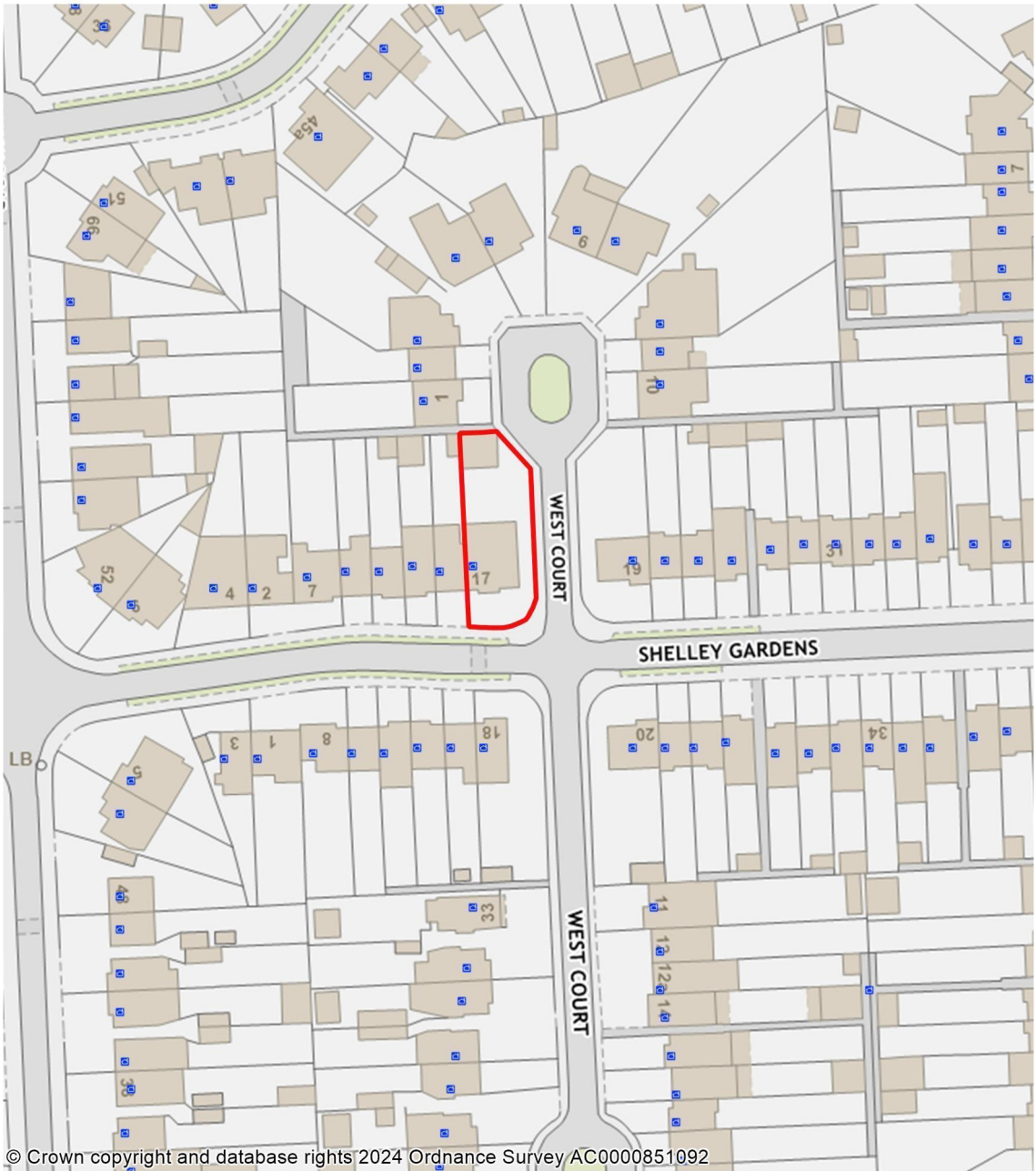
1. CIL approval
2. Building near a boundary
3. Party Wall Act
4. Highway works
5. Any other informative(s) considered necessary by the Head of Planning

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

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

SITE MAP

	Planning Committee Map Site address: 17 Shelley Gardens, Wembley, HA0 3QF © Crown copyright and database rights 2011 Ordnance Survey 100025260
---	---



This map is indicative only.

PROPOSAL IN DETAIL

The application proposes the erection of a part two storey and part single storey side extension; a single storey rear extension; hip-to-gable roof extension including rear dormer window and rooflights; gabled roof over side extension; and a front porch; partial demolition of garage; and conversion of the building into 2 self-contained flats (Part Retrospective, Part Proposed)

EXISTING

The subject property is a two-storey, end of terrace dwellinghouse situated on the northern side of Shelley Gardens. The property is situated in a residential area. The property is not situated within a conservation area, nor is it a listed building.

SUMMARY OF KEY ISSUES

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

Representations received: A number of local representations (10 objections) have been made to this application for a variety of reasons. Further details of the comments received are discussed within the “consultation section” below.

Principle of Development: The proposal would not result in a net loss of family housing as a two three bedroom flats are proposed within the conversion. Whilst the site is located within PTAL 2 and therefore would not accord with policy BH11, the Inspector within the earlier appeal for application reference 22/3944 found the conversion to still be acceptable having regard to a range of local amenities and public transport links within the vicinity of the site.

Design and Appearance: The design and appearance of the proposal is considered to be acceptable in terms of the impact upon the character and appearance of the locality. It would include alterations to the roof over the main house and side extension for them both to be gabled in line with SPD2 and address the earlier reason for refusal.

Residential Amenity: There would be no undue impact on the amenity of neighbouring occupiers and it would be acceptable in this regard.

Quality of Accommodation: The layout of the two flats are considered to be broadly in accordance with adopted policy, and where there are conflicts with policy, these were found to be acceptable at appeal under application reference 22/3944 and is acceptable on balance.

Transport impacts: The scheme proposes two off street parking spaces which is considered acceptable level of provision for this scheme, and is not considered to result in a significant detrimental impact upon the local highway network. Adequate provision is made for cycle storage and bin stores.

RELEVANT SITE HISTORY

23/1452 Refused and Appeal Dismissed 22/11/2023

Retrospective application for erection of two-storey side extension, two-storey rear extension, roof extension including rear dormer with 4x rooflights; proposed erection of front porch extension and part demolition of existing garage to dwellinghouse.

Refusal Reason:

The roof over the two-storey side to rear extension as built due the angles of the roof not matching the main roof of the house together with the lack of adequate set down from the original ridgeline of the dwellinghouse, resulted in an incongruous and overly bulky roof form, failing to read as a subordinate addition to the main

dwellinghouse. Overall, it was considered to be harmful to the character of the property and wider streetscape on a prominent open corner plot. The development was therefore considered to be contrary to Policy DMP1 and BD1 of Brent's Local Plan 2019-2041 and the guidance within Brent's Supplementary Documents 2 and 1 (2018).

22/3944 Refused but Allowed on Appeal, 05/12/2023

Conversion of an existing dwellinghouse into 2 self-contained flats, new vehicular crossover, associated hardscaping, soft landscaping and refuse store.

E/21/0347 Notice Issued 01/12/2023 – Under Appeal

Enforcement investigation against the construction of extensions without planning permission.

17/0250 Granted 13/04/2017

Erection of a part two storey and part single storey side extension, a single storey rear extension, rear dormer window, front rooflight and front porch to the dwellinghouse.

CONSULTATIONS

14 nearby properties and the Sudbury Court Residents' Association were notified by letter of this proposal on 29/08/2024 for a 21 day period. A total of 10 representations were received, objecting to the proposal.

The reasons for objection are summarised in the table below:

Reasons For Objection	Officers Comments
<p>The proposed conversion to flats would be out of character in a neighbourhood characterised mainly by single family's dwellings and would be a significant overdevelopment.</p> <p>Loss of a family sized unit</p> <p>Low PTAL Location</p>	<p>Discussed in the <i>Conversion of a family sized dwelling</i> section below.</p>
<p>The proposal would lead to increased noise levels, antisocial behaviour and disturbance to a quiet community</p>	<p>The size of the proposed flats is considered to be suitable, and reasonable use would not result in overcrowding. There is no evidence to suggest that the scheme would create problems of this type as it would consist of standard residential dwellings.</p>
<p>The rear dormer would lead to impact on privacy and loss of light.</p> <p>The addition of more unit on the site would impact amenity.</p>	<p>This is discussed within the <i>Residential Amenity</i> section below</p>
Process	
<p>Works have already begun on site</p>	<p>The Town and Country Planning Act allows for planning permission to be applied for even if development has been carried out before the date of the application. This is known as retrospective planning permission.</p>

The build does not conform to Brents Supplementary Planning Document 2 – Residential Extensions and Alterations	The current application has been assessed against Brent's Local Plan, namely DMP1, and the guidance set out within SPD2 which supports policy DMP1. The proposed development is discussed in the body of this report.
The works have not been built in line with the approved drawings – breach in planning laws Deviation from condition 3 which has removed the original detail from property.	As noted above the Town and Country Planning Act allows for planning permission to be applied for even if development has been carried out before the date of the application. This is known as retrospective planning permission. Whilst acknowledging the frustration of residents observing unauthorised works, the applicant has sought to engage constructively with the Council in tackling issues identified in the enforcement notice and appeal decision.
Why has another application been submitted / why not apply for what they wanted	Each application is assessed on its own merits against planning policies and guidance. It is not for the Council to dictate what applicants can apply for. The applicant has applied for retrospective permission to regularise and alter the works which have already been completed.
Should the building have been checked at each stage.	The application would be subject to building regulations who do checks at stages of the build but this is not a requirement of the planning process.
Enforcement notice should be enforced to ensure original permission is carried out.	The Enforcement notice which has been served remains valid and the requirements of this notice still need to be complied with unless a new permission is granted and complied with. Notwithstanding, the current application seeks to bring the works in line with policy, to resolve the matters within the enforcement notice.

Design Considerations

The rear dormer set down, width and positioning within the original roof plane does not match policy or the approved drawings.	This is discussed in the <i>Design, Character and Impact on the Street Scene</i> section below.
The two storey side extension has ridge heights which are substantially higher than the approved plans and also more width than the approved plans.	This is discussed in the <i>Design, Character and Impact on the Street Scene</i> section below.
The proposal would be in conflict with the character, heritage and design principles set in Brent's Local Plan. Prominent location on a crossroads makes the design more important It would be a few hundred yards from the Conservation Area	This is discussed in the Design, Character and Impact on the Street Scene section below. This is discussed in the <i>Design, Character and Impact on the Street Scene</i> section below. The property is not within a Conservation Area, so the guidance which applies to these areas is not applied here. The proposed development is not considered to harm the setting of character of the Sudbury Court Conservation Area which

	is situated approximately 250 m west of the application site.
Transport Considerations	
A second parking area has been formed at the front of the property providing a third/fourth off street parking space and exceeds the London Plan and Brent's Local Plan. Congestion from additional parking	This is discussed in <i>Highways and Parking, Refuse, Cycle Parking</i> section below.
Landscaping to the front is not adequate and a hedge has been removed	This is discussed in <i>Highways and Parking, Refuse, Cycle Parking</i> section below.
Other Considerations	
Fire	A fire statement has been submitted to set out the measures to be employed within this site. The full consideration of fire safety will take place pursuant to the Building Regulations with approval required should permission be granted.
Garage to be demolished and converted to another two flats	The proposal would retain one garage at the rear of the site for use as a parking space.

POLICY CONSIDERATIONS

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

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

Key policies include:

London Plan 2021

Policy D6 Housing quality and standards
Policy H1 Increasing housing supply
Policy T5 Cycling
Policy T6 Car parking
D12a: Fire Safety

Brent Local Plan 2019-2041

DMP1: Development Management General Policy
BD1: Leading the Way in Good Urban Design
BH1: Increasing Housing Supply
BH2: Priority Areas for Additional Housing Provision within Brent
BH4 : Small Sites and Small Housing Developments in Brent
BH 11: Conversion of Family Sized Dwellings
BH13: Residential Amenity Space
BT2: Parking and Car Free Development
BSUI4: On Site Water Management and Surface Water Attenuation
BGI1: Green and Blue Infrastructure

Other material considerations

The following are also relevant material considerations:
National Planning Policy Framework 2024

Supplementary Planning Guidance / Documents:

SPD1 –Brent Design Guide (2018)

SPD2 –Residential Extensions Design Guide (2018)

Residential Amenity Space and Place Quality Supplementary Planning Document (2023)

Sustainable Environment and Development Supplementary Planning Document (2023)

Domestic Footway Vehicle Crossover Policy (2018)

DETAILED CONSIDERATIONS

Background

1. Planning permission was previously granted for "erection of a part two storey and part single storey side extension, a single storey rear extension, rear dormer window, front rooflight and front porch to the dwellinghouse" under reference 17/0250.
2. Works were carried out which did not accord with the approved plans and an enforcement investigation was set up under reference E/21/0347 in relation to the breach of planning. A subsequent planning application was submitted under reference 23/1542 to retain the unauthorised works. This was refused by the LPA on 10/07/2023 due to the roof design over the two-storey extension, which was also dismissed at appeal on 22/11/2023 (APP/T5150/D/23/3327369).
3. An enforcement notice was served in relation to the unauthorised extensions on 01/12/2023, which is currently under appeal. The notice was in relation to the following works: Without planning permission, the erection of a part two-storey and part single storey side extension, a single storey rear extension, roof extension including rear dormer and rooflights, and a front porch extension to the dwellinghouse.
4. The steps for compliance with the notice are as follows:
 - STEP 1 Demolish the unauthorised part two storey and part single storey side extension, single storey rear extension, roof extension, including the rear dormer and rooflights, and front porch to the dwellinghouse.
 - STEP 2 Remove all associated debris, items and materials arising from that demolition, and remove all materials associated with the unauthorised development from the premises.
 - STEP 3 Re-instate the premises to its former state before the unauthorised works were carried out. (Photograph attached to enforcement notice of premises prior to works being carried out).
5. The period for compliance within the enforcement notice is 9 months which was due to come into effect from 10 January 2024, unless an appeal is received prior to the effective date. An appeal was submitted and is still under consideration by the Planning Inspectorate.
6. An application was also submitted under reference 22/3944 to convert the dwellinghouse into two self contained flats, with associated works. This was refused by the LPA but allowed on appeal by the Planning Inspectorate on 05/12/2023 (APP/T5150/W/23/3319102).
7. It is noted that the appeal was allowed to convert the property into flats. However, the conversion relied on extensions to the property that did not have the benefit of planning permission. This application seeks to make alterations to the roof to the dwellinghouse to address the concerns raised by the LPA and Planning Inspector as part of application reference 23/1542, as well alterations to the conversion layout to ensure it can be achieved within the proposed changes.

Discrepancies in existing plans

8. The submitted as built plans are noted as having some inaccuracies when comparing to what was on site at the officers visit on 11/09/2024. These include:
 - The third bedroom at first floor is fitted out as a kitchen
 - There is a bathroom within the loft bedrooms eaves space

- There is a front wall, pillars and gate already constructed
9. These issues are rectified within the proposed plans, so these discrepancies are not considered to have a material impact on the proposal and warrant the need to re-consult on the proposal.

Conversion of a family sized dwelling

10. The conversion of existing housing stock into smaller dwellings assists in providing additional self-contained dwellings through the more intensive and efficient use of sites. Nevertheless, family housing to meet local needs is also a Brent priority, and in recognition of this priority, policy BH11 sets out circumstances where the loss of family housing is likely to be acceptable. Policy BH11 highlights that to maintain family size housing conversion of a family sized home (3 bedrooms or more) to two or more other dwellings will only be allowed where all the following criteria are met:
- a) the existing home is 130 sq.m. or more or could acceptably be extended to be that size;
 - b) it results in at least a 3-bedroom dwelling, preferably with direct access to a garden/ amenity space; and
 - c) it is within an area of PTAL 3 or above.
11. The existing home is more than 130sqm so would be compliant with part a. The proposed plans show 2x3 bedroom units, one on the ground and another across first floor and loft floor with access to the garden. This is therefore compliant with part b.
12. Policy BH4 and BH11 of the Brent Local Plan and the 2021 London Plan prioritise a development which reduces reliance of private car ownership/use and encourages intensification in areas with better public transport provision. In this instance the site has a low PTAL of 2 with poor public transport accessibility, and the conversion of a house into flats in this location would be contrary to policy BH11.
13. However, the inspector under the appeal for application reference 22/3944 (APP/T5150/W/23/3319102) noted that there are "various shops and services, including convenience stores, a church and pharmacy, accessible by foot via a cut-through between East Court and Byron Road. The site is also well connected to London public transport network, with bus stops on East Lane (No's 245 and 483) and Wembley Station rail link located approximately 10 minutes' walk from the appeal site, via the cut-through. In addition, the proposal includes secure cycle parking which further supports sustainable travel options."
14. Therefore, notwithstanding that the appeal site is in an area which has a PTAL rating of 2 it was considered that it does offer access to public transport and a variety of social infrastructure on foot, which is supported by policy BH4. Given that there have been no material changes in policy since the appeal was determined and that the appeal decision is a material consideration, the principle of the conversion of the dwellinghouse into flats continues to be acceptable under the current application.

Design, Character and Impact on the Street Scene

15. DMP 1 asserts that development will be accepted provided it is; 'of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality. This application seeks to make alterations of the roof to the dwellinghouse to address the concerns raised by the LPA and Planning Inspector as part of application reference 23/1542. No alterations are proposed to the ground and first floor of the part single part two storey side and rear extension as built and these did not form a reason for refusal under this permission, but nevertheless as they do not have the benefit of planning permission, they have been considered below. The plans also show a front porch, which was also included within application reference 23/1542. Once again, this has been considered below.
16. SPD2 generally allows two storey side extensions where these are no wider than two thirds the width of the original house, and where the first-floor element is set back from the main front wall by 2.5m, or by 1.5m if a distance of 1m to the side boundary is retained. A two-storey side extension may be unacceptable if it would result in the obstruction of an existing side window solely serving a habitable room to a neighbouring residential property. The roof should match the pitch angle and roof form of the main roof and be set down by at least 0.5m from the ridgeline.
17. The two-storey side extension as built has a width of 3.64m, set back by 0.95m at ground floor level from the main front wall of the property and 2.45m at first floor from the main front wall of the property, and

maintains a set in from the side boundary of over 2m. The alterations to the roof mean that it would retain at set down of 0.6m from the ridge on the original house. At ground floor the extension would have an eaves height of 3.2m and a maximum height of 4m and in this instance the increased eaves height is considered to be acceptable, and would not have an unacceptable impact on the character and appearance of either the host property or wider streetscene.

18. 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 3.5m for pitched roofs. Two storey rear extensions are allowed where they comply with the 1:2 rule in respect of the nearest first floor habitable room windows on neighbouring properties, to a maximum depth of 3m. The roof design should match that of the main roof.
19. The as built single storey rear extension has a depth of 3.7 metres creating a wraparound which was as previously approved with flat roof height of 3 metres. A small parapet has been added, making the height on the boundary 3.1m. At first floor, the built extension would join with the side extension and protrude rearwards from the original rear wall by 3.7m. This element was granted within the 2017 application and the depth was considered to be acceptable. The additional height would be marginal, and therefore would not be considered to be harmful to the character and appearance of the development.
20. SPD2 generally does not permit front extensions such as porches linked to front bays or garages, or front extensions to garages, unless these are the predominant character of the area. The porch infill as built has a modest depth of 0.9m which does not project beyond the bay. There are other porch infills within the vicinity of the site and the street. The porch has a footprint of 1.52 sqm and would not alter the existing porch roof and height so is considered acceptable.
21. Turning to the alterations at roof level, the proposal is seeking a gabled end roof to the original roof and for the roof over the two-storey side extension to also be gabled to match. A larger full width rear dormer has been built with a hipped roof being retained over the first-floor rear extension.
22. SPD2 sets out that the conversion of a hipped roof into a full gable is generally acceptable. It also sets out that if a roof is gabled, the roof to a two storey side extension should also be gabled, so that the roof forms would complement one another. SPD2 states that the ridgeline of the new extension should be set to a minimum of 0.5m below the ridgeline of the original house to ensure it appears suitably subservient. The proposed would gable both the main roof and the roof of the two storey side extension, ensuring a set down of 0.6m. Whilst it is acknowledged that the proposed is on an open corner location, at a crossroads, the proposed would retain a set in of 2.6m from the side boundary and would be further than this from the road to retain its openness. It is also considered that the resulting roof forms would appear uniform, and would respect the character and appearance of the building and wider street scene. The alterations to the roof form would address the earlier reason for refusal and the concerns raised by the Planning Inspector under application reference 23/1452.
23. In relation to rear dormers, SPD2 advises that rear dormers can be the full width of the original roof plane outside Conservation Areas. They should be set down from the ridge by at least 0.3m and must be set up from the eaves line by at least 0.5m measured along the roof plane. Dormers that project onto or over a rear projection (whether it is original or an extension to the house) will not normally be permitted. It is noted in this case that the rear dormer is kept away from the roof of the first floor rear extension, which is acceptable. The dormer is considered to be appropriately set up from the eaves at 0.7m and set down from the ridge at 0.4m, and are considered to be acceptable.
24. The two front roof lights are modest in size and not considered to over dominate the roof slope.
25. The original planning application reference 17/0250 was granted with extensions in brick to the front facade matching the brick front two storey projection and render for the side and rear of the property. The extension as built have been built with render and no brick work as shown on the approved plans. Large portions of the original house already had a white rendered finish with coloured red brick framing the front projection. There are also similar rendered finish dwellings within the locality of the application site and in this instance it would be considered that the rendered finish of the whole property would not be harmful to the character of the property or wider streetscene as the architectural features remain intact.
26. The grey roof tiles used in the development are of a similar appearance to the pre-existing roof tiles, however lighter in colour which may darken due to weathering. The terrace of 7-17 Shelley Gardens also

have differing colours and tones of roof appearance along its length. Moreover, permitted development rights would allow for dwellinghouses to replace roof tiles and window without the need for planning permission if the property is not within a conservation area nor a listed building, as is the case in this instance. The changes to the design detail of the property are not considered to be harmful on balance.

Heritage

Heritage policy background

27. Paragraph 207 of the NPPF highlights that when determining application, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 208 goes on to say that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

28. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 212 of the NPPF highlights that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 212).

29. Where a proposed development will lead to substantial harm to (or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss (paragraph 214).

30. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

31. Policy BHC1 sets out that proposal for or affecting heritage assets should:

- a) demonstrate a clear understanding of the archaeological, architectural or historic significance and its wider context;
- b) provide a detailed analysis and justification of the potential impact (including incremental and cumulative) of the development on the heritage asset and its context as well as any public benefit;
- c) sustain or enhance the significance of the heritage asset, its curtilage and setting, respecting and reinforcing the streetscene, frontages, views, vistas, street patterns, building line, siting, design, height, plot and planform and ensure that extensions are not overly dominating;
- d) contribute to local distinctiveness, built form, character and scale of heritage assets by good quality, contextual, subordinate design, and the use of appropriate materials and expertise, and improving public understanding and appreciation;
- e) seek to avoid harm in the first instance. Substantial harm or loss should be exceptional, especially where the asset is of high significance. Any proposed harm to or loss of a heritage asset (including to its setting) should require clear and convincing justification and can be outweighed by material planning considerations in the form of public benefits but only if these are sufficiently powerful.
- f) where demolition is proposed detailed plans for any replacement building will be required to allow consideration of whether the replacement would contribute positively to the character or will be applied to ensure construction of the approved scheme is implemented together with agreed mitigation measures appearance of the area. In cases where demolition is permitted conditions and/or legal agreements will be applied to ensure construction of the approved scheme is implemented together with agreed mitigation measures.

Heritage discussion

32. Neither the subject building nor its curtilage is a designated or non-designated heritage asset, but it is approximately 250 m to the east of the Sudbury Court Conservation Area, which is a designated heritage asset.

33. The submission is not accompanied by information relating to the potential impact on the conservation area. However, given the scale, nature and location and the proposal, it is not considered to result in harm to the setting of the conservation area, or to views into the conservation area.

Residential Amenity

34. Policy DMP1 of Local plan emphasise that new development should not result in unacceptable harm to the residential amenities of neighbouring properties. SPD2 provide further guidance on the layout of new development to avoid such impacts.
35. The building as constructed broadly occupies the same footprint approved under 17/0250. At first floor level, the building does not project further forward or rearward of the neighbouring property than this approved scheme. This impact was considered to be acceptable in that application and therefore continues to be considered acceptable. Furthermore, the impact on neighbouring amenity was not included in the reasons for refusal of 23/1452 which sought permission for the extensions.
36. At ground level the subject property would not extend beyond the existing single storey rear extension at the neighbouring property, however it is noted that the neighbouring extension is set slightly away from the boundary, and features a small window in the rear elevation of the main part of the house. This window serves the kitchen but from the Council's planning records, it is noted that the kitchen continues into the extension to be served additionally by a set of full glazed patio doors. It is considered that the extension as built at the application site with a parapet height at 3.1m instead of 3m as approved within 2017 application, is unlikely to result in significant additional impact to the occupants at No. 15 Shelley Gardens compared to the 2017 consent.
37. SPD2 generally allows two storey rear extensions where they comply with the 1:2 rule in respect of the nearest first floor habitable room windows on neighbouring properties, to a maximum depth of 3m. The roof design should match that of the main roof.
38. The built two storey rear extension would join with the side extension and protrude rearwards from the original rear wall by 3.7m. Whilst the applicants have not demonstrated that the 1:2 rule has been applied; officers measurements show that the nearest first floor habitable room is approximately 8m from the edge of the proposed rear extension (given that the first window of No. 15 at first floor level is obscurely glazed) thus the measurements have been taken from the next window. The depth of the rear extension is considered acceptable and follows the same dimensions as 2017 consent.
39. The dormer on the rear elevation is larger than approved and located closer to the side of the neighbouring property. However, this affords similar views to a rear window and does not result in excessive levels of overlooking or loss of privacy. The changes from hip to gable of the main roof and the side extension would be away from any shared boundary and is not considered to result in amenity impact.
40. Overall, the impact of the proposal on neighbouring residential amenity is considered to be acceptable, and is in accordance with policy DMP1 of Brent's Local Plan 2019-2041.

Quality of Accommodation

41. New residential units are assessed according to the relevant policies in the London Plan and Local Plan 2019-2041, Brent SPD1 (Brent Design Guide). London Plan 2021 policy D6 ensures that new residential units provide an acceptable standard of accommodation for potential residential occupiers. This means an acceptable standard of space, light and air within the home, and an acceptable amount of amenity space.
42. Part F of Policy D6 sets out that housing developments are required to meet the minimum standards below which apply to all tenures and all residential accommodation that is self-contained.
43. Dwellings must provide at least the gross internal floor area and built-in storage area set out in Table 3.1.
 - A dwelling with two or more bedspaces must have at least one double (or twin) bedroom that is at least 2.75m wide. Every other additional double (or twin) bedroom must be at least 2.55m wide.
 - A one bedspace single bedroom must have a floor area of at least 7.5 sq.m. and be at least 2.15m wide.
 - A two bedspace double (or twin) bedroom must have a floor area of at least 11.5 sq.m
 - The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.

Flat 2

44. Flat 2 would be dual aspect and for a three-bedroom five person unit located at the ground floor would have 93.5 sqm of internal GIA meeting the London Plan policy D6. The plan shows 2 double bedrooms complying with 11.5 sqm of internal GIA and one single bedroom which would be large enough for a single according to the London Plan D6 policy. This has slightly changed from the appeal application with the entrance hallway being increased so that the front bedroom has become a single but this remains acceptable.
45. The plans show that all habitable rooms have outlook to the front or rear of the property and have adequate levels of daylight and outlook.
46. The submitted plans within this application indicates that the ground floor flat would achieve an internal floor to ceiling height of 2.5m.

Flat 1

47. Flat 1 would be dual aspect shown as a 3-bedroom 6 person unit located at first floor and second floor requiring 102 sqm of internal floor space, however this unit is considered to be on three floors as the porch is on the ground floor requiring 108sqm according to London Plan D6 policy. The unit would measure approximately 117 sqm in internal floor area which would be acceptable.
48. The cross section indicates that flat 1 would achieve an internal floor to ceiling height of 2.4 with parts of the loft at 1.5m, but the GIA required and floorspace for the bedroom can be achieved. Whilst the upper floor flat would not achieve an internal floor to ceiling height at 2.5m, it is recognised that this is due to the constraints of the site and working within an existing building and this is not unusual for flat conversions. The scheme would still comply with the minimum of 75% of the internal floor to ceiling height achieving over 2.3m as required by National Technical Space Standards, and given that the flat would have dual aspect it would still receive good levels of natural light and cross ventilation.

Amenity Space

49. Policy BH13 of the Local Plan 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 20 sqm studio, one or two-bedroom home and 50 sqm for family housing (homes with 3 or more bedrooms).
50. The requirement for external private amenity space established through BH13 is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 or 50 sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
51. 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.
52. London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. The minimum depth and 1.5 m is reconfirmed in the emerging policy.
53. The proposal has shown approximately 50sqm of private usable space for ground floor flat with direct access provide from the living space and 66 sqm for the first floor flat with separate access to the garden. The shared access arrangement to the front door for flat 2 and the gate to access the amenity space for flat 1 was established under the allowed appeal. The rest of the garden and existing garage is shown to be fenced and used as car parking spaces for Flat 2. The spaces include a combination of paving and grassed areas with hedging around the edges. The spaces would be usable in relation to their dimensions, and given that they are private gardens, the quality of the spaces would be sufficient. The proposal would be compliance with policy BH13.

Highways and Parking, Refuse, Cycle Parking

54. The site has a public transport rating of PTAL 2 (low).
55. Car parking standards in Brent are set out in Appendix 4 of the Local Plan and for residential development, this requires compliance with Table 10.3 of the London Plan. The low access to public transport services means up to one space is permitted per 3+bed dwelling.
56. The existing house therefore has a maximum car parking allowance of one space. At present, the double garage to the rear provides two car parking spaces in the garage, plus a further space across the front of the garage, so the site is overprovided with parking.
57. The maximum allowance for the two proposed 3-bed flats would be 2 spaces. The proposals include the retention of one rear parking within a reduced sized garage for flat 2.
58. Flat 1 has proposed parking at the front of the site, which would accord with maximum allowances and so would be acceptable. A similar arrangement was allowed under appeal for application reference 22/3944 subject to tree protection measures being secured in relation to construction of the crossover in proximity the street tree within the grass verge. Similar arrangements would be secured as part of this application. The space should also be provided with an electric vehicle charging point, which would be conditioned. A similar condition was secured under the appeal allowed for application reference 22/3944.
59. The proposals would require four cycle parking spaces located in a secure, undercover lockable compound as close to the flats entrances as possible. The proposals include two cycle lockers within reasonable distances to each of the flat entrances.
60. Satisfactory details of refuse storage have been submitted.
61. The forecourts proposed soft landscaping is just under 50% which on balance is acceptable.

Trees

62. Policy BGI2 states that development with either existing trees on site or adjoining it that could affect trees will require:
 - Submission of a BS5837 or equivalent tree survey detailing all tree(s) that are on, or adjoining the development site;
 - In the case of minor development which results in the loss of trees provision of appropriate replacements on site;
63. It is considered that there are no trees on site or within neighbouring properties that would be harmed.
64. However, there is a street tree for which the tree protection plan which was conditioned as part of application reference 22/3944 (which was allowed on appeal) and has been resubmitted for this application. The tree officer considers that this is again appropriate and will ensure that the vehicle crossover is a suitable distance away from the T1 White Mulberry tree growing within the street. As such, the proposal is considered to be acceptable in this regard and the tree protection plan would be conditioned.

Biodiversity and Urban Greening

65. Policy BGI1 sets out that all development should achieve a net gain in biodiversity and avoid any detrimental impact on the geodiversity of an area.
66. Local Plan Policy BH4 identifies all minor residential developments are required to deliver a UGF of 0.4 on site. In addition, Policy BG11 Green and Blue Infrastructure in Brent expects all development to achieve a net gain in biodiversity. No information has been provided of any attempts to increase biodiversity or to meet the urban greening factor score required.
67. The submission includes an indicative landscaping scheme which includes ground cover planting, lawn,

areas for multiple new trees, hedges and shrubs and permeable paving as well as bird boxes and the creation of hedgehog holes in the fences. Whilst the application has not provided details of the Urban Green Factor in line with policy BH4 the plans show that the site is to be enhanced for biodiversity, details of hard and soft landscaping would be conditioned. It is therefore considered that details of urban green factor could also be conditioned to any forthcoming consent.

68. The scheme would also not be subject to the mandatory biodiversity net gain of 10% as it relates to a retrospective planning permissions made under section 73A.

Sustainable Drainage Measures

69. Minor developments should seek to reduce potential overheating and reliance on air conditioning system through good design. London Plan Policy S15 Water infrastructure and Policy BSUI4 On-Site Water Management and Surface Water Attenuation requires proposals to minimise the use of mains water achieving water consumption of 105 litres or less per head per day.
70. 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.
71. A water usage calculation is provided for both flats which demonstrates that consumption is not above 105 litres a day. The site is not subject to surface water flooding, and given that the scheme would include provision for soft landscaping, it is considered that adequate provision for sustainable drainage measures could be accommodated within the site.

Fire Safety

72. Policy D12a of London Plan sets out that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:

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

73. A fire strategy has been submitted and provides details of passive and active fire safety systems, materials and construction, means of escape, fire evacuation assembly points and access. Furthermore, the arrangements would be similar to that of a dwellinghouse, with the ability to exit the property to the front and rear. Policy D12a is considered to be complied with. Further details would also be considered under building regulations.

Equalities

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

Conclusion

75. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to sufficiently accord with the development plan, and having regard to all material

planning considerations, should be approved subject to conditions. Whilst the PTAL location would not usually be considered to be acceptable, a previous Planning Inspector took a holistic approach to the available amenities and the provision of secure cycle stores and concluded that the site would still provide adequate access to public transport and a variety of social infrastructure on foot. Again, the access to a bedroom from the living space within the ground floor flat would not usually be acceptable but the inspector considered that levels of amenity for future occupiers were acceptable. A few aspects of the as built extensions do not accord with those as approved under 17/0250, however on balance these would have been acceptable, and the changes proposed at roof level overcome the reason for refusal under 23/1452. On balance it is considered that the amended proposals do bring about a satisfactory scheme and accordingly approval is recommended.



Application No: 24/2180

To: Mr Avery
WEA Planning
14 Windermere Rd
2nd Floor
Islington
London
N19 5SG

I refer to your application dated **05/08/2024** proposing the following:

Erection of a part two storey and part single storey side extension; a single storey rear extension; hip-to-gable roof extension including rear dormer window and rooflights; gabled roof over side extension; and a front porch; partial demolition of garage; and conversion of the building into 2 self-contained flats (Part Retrospective, Part Proposed)

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

at **17 Shelley Gardens, Wembley, HA0 3QF**

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: 07/01/2025

Signature:

David Glover
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework (2024)
 The London Plan (2021)
 Brent Local Plan (2019 -2041)
 Council's adopted Supplementary Planning Document 2 - Residential Extensions Design Guide (2018)

- 1 The development to which this permission relates must be commenced not later than the expiration of six months and completed not later than the expiration of twelve months beginning on the date of this permission.

Reason: To remedy the unlawful works identified within Enforcement Investigation ref: E/21/04347 in a timely manner.

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

The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

Location Plan

SG-001 Rev A Pre Existing Ground Floor and Block / Roof Plan

SG-002 Rev A Pre Existing First and Loft Plan

SG-003 Rev A Pre Existing Elevations and Section

SG-301 As Built Ground Floor and Block / Roof Plan

SG-302 As Built First and Loft Plan

SG-303 As Built Elevations and Section

SG-404 Rev D Proposed Ground Floor and Block / Roof Plan

SG-405 Proposed First and Loft Plan

SG-406 Proposed Elevations and Section

Drawing TH/A3/3646/TPP within the Arboricultural Impact Assessment Method Statement & Tree Protection Plan, produced by Trevor Heaps, dated 2 November 2022.

Supporting Documents:

Arboricultural Impact Assessment Method Statement & Tree Protection Plan, produced by Trevor Heaps, dated 2nd November 2022.

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

- 3 The materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing building.

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

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

Building Regulations 2010.

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

- 5 The development hereby approved shall not be occupied until the construction of a new crossover to serve the parking space within the frontage (denoted as "Parking Flat 1" within drawing SG-404 Rev D) has been carried out by the Local Highway Authority, at the applicants expense.

Reason: In the interest of highway safety.

- 6 The development hereby approved shall not be occupied unless the car parking spaces (including the garage), cycle storage and refuse stores have been completed in full accordance with the approved drawings as detailed within plan reference SG-404 Rev D and made available to residents of the development and shall not be used other than for purposes ancillary to the flats hereby approved throughout the lifetime of the development. The parking space within the frontage (denoted as "Parking Flat 1" within drawing SG-404 Rev D) shall not be used other than for purposes incidental to the upper floor flat (Flat 1) and the garage and associated area (denoted as "Garage Flat 2", "permeable paving" and "semi-natural vegetation" within drawing SG-404 Rev D) shall not be used other than for purposes incidental to the ground floor flat (Flat 2).

Reason: To ensure a satisfactory standard of accommodation.

- 7 No access shall be provided to the roof of the extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony, terrace or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- 8 Prior to the construction of the dropped kerb, as shown on approved plan no. SG-404 Rev D, the tree protection measures as shown on drawing TH/A3/3646/TPP (relating to the tree located within the grass verge to the front of the site), shall have been implemented in accordance with the approved Arboricultural Impact Assessment Method Statement & Tree Protection Plan, produced by Trevor Heaps, dated 2nd November 2022.

Reason: To ensure the retention of trees and biodiversity.

- 9 Prior to the occupation of any of the flats hereby approved, one electric charging point (which shall have a power rating of at least 7kW) shall be installed for each flat as detailed within drawing SG-404 Rev D and available for use by the occupiers of the proposed development and shall thereafter be retained and maintained.

Reason: In the interest of sustainability.

- 10 Details of the hard and soft landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding any demolition, site clearance and the laying of foundations), Such details shall include:

- i. A scaled plan showing vegetation to be retained and trees and plants to be planted
- ii. A schedule detailing sizes and numbers of all proposed trees and use of native and/or wildlife attracting species
- iii. Sufficient specification to ensure successful establishment and survival of new planting

- iv. Details of all proposed hardstanding
- v. Details of garden wall, fences or other form of boundary treatment to be provided within the site (including details of external materials and heights)
- vi. A schedule of landscape maintenance for a period of 5 years which shall include details of the arrangements for its implementation and sufficient specification to ensure successful establishment and survival of new planting.
- vii. Details of wildlife features (nesting boxes / hedgehog holes) to provide habitat for wildlife
- viii. A detailed urban greening factor (UGF) plan and calculation for the site in line with policy BH4 of Brent's Local Plan 2019-2041 demonstrating the UGF has been maximised;

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

Prior to first occupation of the dwellings, the area denoted as "Flat 1 Private Amenity Space" within drawing SG-404 Rev D shall be made available for use by the occupants of flat 1 and the area denoted as "Flat 2 Private Amenity Space" shall be made available for use by the occupants of Flat 2, and the spaces thereafter shall not be used other than for purposes incidental to the use of the respective flats.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new trees(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning authority gives its written consent to any variation).

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with policies DMP1 and BGI 2

INFORMATIVES

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

2 - The 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 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>

4 - The applicant is advised to contact Brent's Highways Service in relation to the construction of the new crossover using the following link:-

<https://www.brent.gov.uk/parking-roads-and-travel/roads-and-streets/vehicle-crossings-and-dropped-kerb>

Any person wishing to inspect the above papers should contact Brooke Storey-Vowles, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 3738