

COMMITTEE REPORT

Planning Committee on

14 June, 2022

Item No

05

Case Number

21/3443

SITE INFORMATION

RECEIVED	9 September, 2021
WARD	Brondesbury Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	30 Brondesbury Park, Kilburn, London, NW6 7DN
PROPOSAL	Demolition of existing property and erection of 9 residential units (6 flats in a three-storey building and 3 two-storey terraced houses) together with access, parking, landscaping and associated works
PLAN NO'S	See Condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_156928</p> <p><u>When viewing this as an Hard Copy</u> .</p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "21/3443" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

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

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

Conditions

Compliance

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

Pre-commencement

10. Construction method statement

During construction

11. Materials samples

Pre occupation

12. Landscaping scheme
13. External lighting

Informatives

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

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

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

SITE MAP



Brent

Planning Committee Map

Site address: 30 Brondesbury Park, Kilburn, London, NW6 7DN

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This map is indicative only.

PROPOSAL IN DETAIL

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

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

EXISTING

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

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

AMENDMENTS SINCE SUBMISSION

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

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

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

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

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

SUMMARY OF KEY ISSUES

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

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

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

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

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

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

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

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

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

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

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

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

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

RELEVANT SITE HISTORY

17/3193

Full Planning Permission

Allowed on appeal 17/05/2018

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

17/1477

Full Planning Permission

Refused 05/06/2017

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

CONSULTATIONS

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

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

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

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

POLICY CONSIDERATIONS

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

London Plan 2021

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

Brent Local Plan 2022

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

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

The National Planning Policy Framework 2021
Planning Practice Guidance

DETAILED CONSIDERATIONS

Principle of development

Planning history and background of site

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

New housing on small sites

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

Affordable housing and housing mix

Affordable housing

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

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

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

Housing mix

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

Design, scale and appearance

Policy background

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

Existing site and surrounding area

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

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

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

Three-storey apartment block

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

Two-storey terrace

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

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

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

Architectural approach and materiality

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

Site layout, bin and cycle storage

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

Fire safety

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

Conclusion

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

Relationship with neighbouring properties

Policy background

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

Assessment of separation distances and privacy

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

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

Assessment of impact on light and outlook

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

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

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

Conclusion

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

Residential living standards

Policy background

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

Assessment of proposal

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

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

Trees, biodiversity and landscaping

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

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

Flood risk and drainage

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

Sustainability and energy

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

Environmental health considerations

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

Transportation considerations

Policy background

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

Assessment of proposal

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

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

Equalities

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

Conclusion

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

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 21/3443

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

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

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

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

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

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

Date: 06/06/2022

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

London Plan 2021
Brent Local Plan 2019-2041

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

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

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

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

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

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

- 3 The dwellinghouses hereby approved shall at no time be extended or altered, nor shall additional hard surfacing be laid or outbuildings be constructed within the curtilage of any of the dwellinghouses, notwithstanding the provisions of Schedule 2 Part 1 Classes A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

Reason: To ensure the high quality design and visual amenity of the development is retained. To ensure that an adequate standard of accommodation is maintained in all of the residential units and in view of the restricted space within the site to accommodate additional bin or cycle storage.

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

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

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

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

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

Reason: To ensure adequate drainage of the site.

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

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

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

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

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

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

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

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

- 10 Prior to the commencement of the development a Construction Environmental Method Statement shall be submitted to and agreed in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development, including arrangements for construction vehicle access and parking, wheel washing and materials storage on site. The development shall thereafter operate in accordance with the approved document.

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

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

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

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

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

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

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

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

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

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

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 2 Works to create, alter or remove an access to the highway (also known as a crossover or dropped kerb) must be undertaken by the Council at the applicants expense. Approval must also be sought from the Council as Highways Authority and the grant of planning permission for works does not mean that the works will automatically be approved. For further information on how to apply for works to be undertaken to the adopted highway, please see <https://www.brent.gov.uk/parking-roads-and-travel/roads-and-streets/vehicle-crossings-and-dropped-kerb>
- 3 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.
- 4 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 5 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 6 The developer should be aware of any protected species legislation relevant to the implementation of this development, including statutory protection for nesting birds. Further guidance on construction near protected species can be found at <https://www.gov.uk/guidance/construction-near-protected-areas-and-wildlife>
- 7 Under the Control of Pollution Act 1974, noisy construction works are regulated as follows:

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

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

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

Condition 12

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

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

Condition 13

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

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

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