

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

14 December, 2022
05
22/2531

SITE INFORMATION

RECEIVED	15 July, 2022
WARD	Queensbury
PLANNING AREA	Brent Connects Kingsbury & Kenton
LOCATION	Broadview Garages, Broadview, London, NW9
PROPOSAL	Demolition of garages and erection of two dwellinghouses with car parking, cycle storage, amenity space and associated landscaping
PLAN NO'S	Please refer to condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_161142</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 "22/2531" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

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

Conditions

1. Three year commencement rule
2. In accordance with approved plans
3. Water Consumption
4. Restriction of PD rights for dwellinghouses
5. Drainage Strategy measures
6. Ecology report compliance
7. Obscured glazed windows
8. Construction Method Statement
9. Construction Environmental Method Statement
10. Tree Protection measures
11. Contaminated land condition 1-investigation
12. Noise assessment vibration
13. External Materials
14. Landscaping
15. Contaminated land condition 2- Remediation and verification
16. Lighting strategy for pedestrian safety and wildlife spillage
17. Internal Noise insulation
18. Tree replacement

Informatives

1. Party Wall Act
2. Building Near Boundary
3. CIL liability
4. Tree Standards
5. Noisy Works
6. Fire Statements
7. Asbestos

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



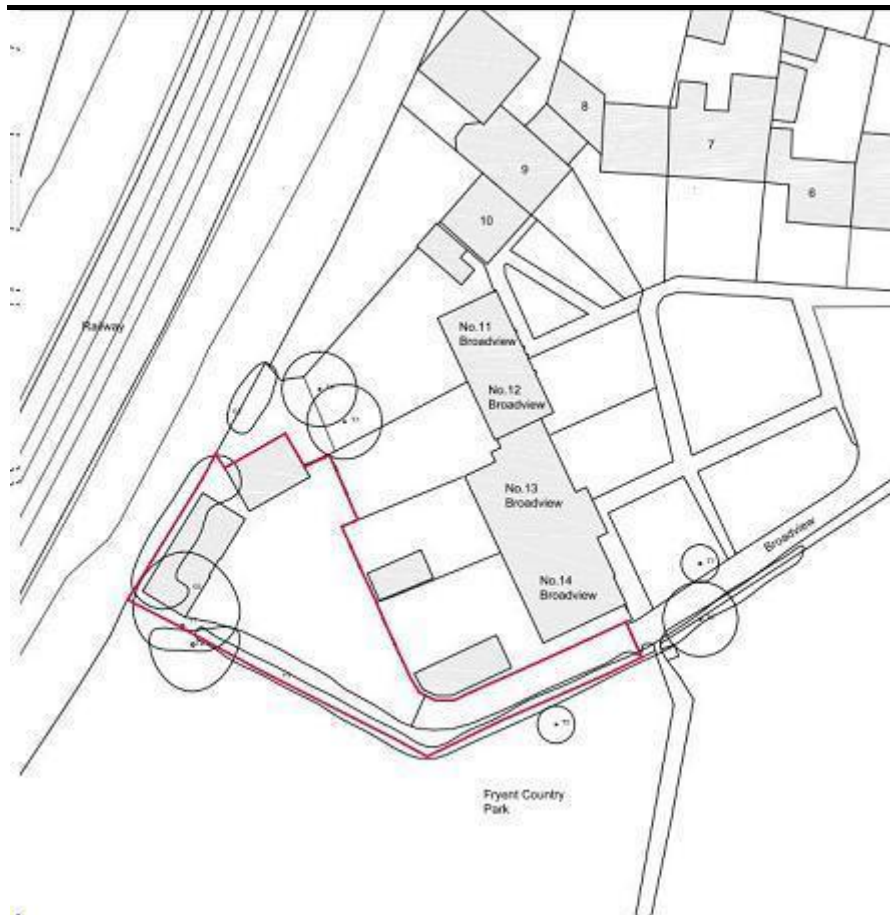
Brent

Planning Committee Map

Site address: Broadview Garages, Broadview, London, NW9

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This map is indicative only.



PROPOSAL IN DETAIL

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

EXISTING

The site is an area for development to the west of Broadview, Fryent Way. The site comprises an existing garage site containing two blocks of garages that serve properties along Broadview. To the east, the site is abutted by residential properties ranging from two to three storeys tall and to the west, the Jubilee line abuts it.

With the exception of the garage buildings, the majority of the site lies within a Site of Importance to Nature Conservation (SINC) Grade 1, and the railway line is designated as a wildlife corridor and SINC Grade 1. Fryent Country Park, which is located to the south of the application site, is designated as Open Space and Metropolitan Open Land (MOL). It is also a local nature reserve.

The site is not within a conservation area, nor does it contain any listed buildings. However, Fryent Country park is designated as locally listed park, with the eastern end closet to Fryent Way also designated as a site of Archaeological Importance. However, it is neighboured by a site of archaeological interest.

AMENDMENTS SINCE SUBMISSION

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

- Location of the bin store has been moved closer to the site entrance
- Potential location of the Sprinkle Tanks on the ground floor Plan
- Additional storage has been added to House 2 at GF level to incorporate the 'triangular' area of residual land
- Cycle store has been expanded to reduce residual lands to the side within the triangular area for better use of the left over spaces.
- T2 Tree within Fryent Country Park would be retained

Ecology and tree impact assessment reports updated to reflect the T2 Tree retention.

SUMMARY OF KEY ISSUES

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

Representations Received: Representations were received from 9 of the occupiers of neighbouring properties in response to the consultation. In summary the nature of the objections relates to impact on neighbouring amenity, parking demand and highway safety concerns, noise, loss of trees and biodiversity and the Council spending money. These are set out below and discussed in the report.

Principle of Development: The Brent Local Plan and London Plan recognise the role of small sites which are often in suburban locations in the delivery of the new homes that are needed in the borough. The general principle of residential development is supported in this location, contributing towards the Council's housing targets.

Highway impacts: The proposed home would be provided with two off street parking next to the dwellings meeting parking standards. Consideration has also been given to the loss of the existing garages and the loss of the garages is not considered likely to result in overspill parking on the surrounding streets. The new homes would be provided with secure and covered cycle parking and refuse storage facilities.

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

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

Trees, landscaping and ecology: Landscaping has been provided with a practical layout in the form of a

landscape buffer along the frontage and a rear garden areas. The proposal will result in the loss of one tree (T1) on the boundary of the application site and Fryent Country Park and the Council's tree officer has confirmed in this case that there is a requirement to provide similar size replacement tree planting within the vicinity of the site, however due to constrained nature of the site this cannot be provided with site boundary. An ecology impact assessment has been submitted as part of this application as well with recommendations that have been conditioned as part of this application.

Flood Risk: The site does not lie within land that is liable to flooding, but the proposal would result in a betterment in terms of drainage rates at the site.

RELEVANT SITE HISTORY

No relevant planning history.

CONSULTATIONS

6 properties were consulted on 6th of September 2022 for a 21 day period.

Objections were received from 9 individuals from 8 different addresses and one objection from councillor. A summary of the comments received is discussed below:

Nature of Objection	Officer response
The T1 and T2 are not within the site and within Fryent Country Park within SINC and MoL and are incorrectly labelled as Category B trees, but judged by the arboriculturalists own criteria, they are clearly Category A trees. Without permission, it's an offence to cut down, uproot or wilfully destroy any trees over 5 cubic metres in volume, whether an individual tree or several smaller trees large Hawthorn hedge H1 and G1 are also cut down. Again, we ask, "On what basis and with whose permission?" The proposal would impact the natural habitat and wildlife .	This is discussed within paragraphs 72-78 within the remarks section below. Since the start of this application amendments have been made to retain T2 tree within Fryent Country Park. T1 tree is shown to be on the boundary to be removed. Nevertheless, a condition is attached to this application for replacement tree of same size within the vicinity of the site. Three multi-stem trees are also proposed to be planted as part of the landscaping scheme on site.
Once we acknowledge that these two critical trees cannot necessarily be cut down it follows that the submitted daylighting and sunlighting assessments from eb7 are based on incorrect assumptions. Based on the retention of these two trees it seems extraordinarily unlikely that the North facing, largely single aspect houses will satisfy the council's own criteria for daylighting and sunlighting.	This is discussed within paragraph 24 to 29 within the remarks section below. The proposed scheme is dual aspect with windows on the ground floor and oriented towards East-West axis with first floor obscured high-opening windows.
Window W3 will retain only 54% on its VSC which is specifically outside of the requirements set out by the BRE guidance but the report claims that the scheme is, "in full compliance with BRE guidance"	This is discussed on paragraph 46 within the remarks section below. Should be noted that the window was considered to be beneath an overhang as existing which restricts the amount of light received.
The two proposed houses are overwhelmingly single aspect as well as North facing which exacerbates the issue. The obscure glazing on the bathrooms will do little to lighten the gloomy interiors of these buildings. But even worse, when the incorrect assumption that T1 & T2 will be cut down is eliminated, we are left with a scheme in which North facing, single aspect units will be dominated by large (15m & 17m tall) 'semi-mature' and 'early-mature' Ash trees which will likely grow taller making the intolerable internal situation even worse over time.	The houses are on the East-West Axis and bathrooms are not considered a habitable rooms to require windows or outlook. Further, given the nature and scale of the proposals and the separation distance between the boundary walls and neighbouring properties, it is considered that the proposal will not have any negative impact on daylight and sunlight levels received by the surrounding properties.
Proposed House 01 would likely adversely impact	This is discussed within paragraphs 72-78 within

on the Root Protection Area (RPA) of T2 and likely T1 also.	the remarks section below. A condition has been attached to this application for protection of T2 as part of the construction works.
Tree Protection Order placed on both trees forthwith to secure them. My clients have installed CCTV to monitor these trees 24/7 until the TPO's can be put in place.	As the site is not located within a conservation area there is no automatic protection of the trees. Likewise, they are not subject to TPOs. Council's tree officer has reviewed the Arb report and has no objection to the removal T1 tree and replacement tree of same size to be planted within the vicinity of the site to mitigate the loss in the long term.
The imposition of two large houses with small gardens virtually guarantees that the anticipated 6.5 children will have insufficient space to play and will inevitably spread out into the parking area to play.	This is discussed within paragraphs 30-35 within remark section below. The proposals have adequate private rear garden space for family units and there are no requirements for play area as part of the minor developments per planning policies..
These houses were bought in the expectation that they were living in a quiet and peaceful area looking out onto green trees and the Fryent Country Park beyond. The car park becomes a playground and the loss of residential amenity. There is no noise survey to indicate a background noise level but young children would be forced to play in the car park creating a heightened level of noise and disturbing their enjoyment of a formally quiet, secluded spot. A minimum that a background noise survey is conducted and presented for review.	It is acknowledged that there will be noise and disruption during the construction period. There is environmental health legislation in place to manage the impacts of construction, and a condition is also recommended to manage the impact of construction works through a demolition and construction method statement. There is no evidence to suggest that a new home within a predominantly residential area would cause nuisance or late night activities.
This site has the worst possible PTAL score (1a) and as such it is inevitable that the site will generate additional car journeys against the criteria of council's policy BH4 (PTAL 3-6 for small housing)	This is discussed within remarks below under paragraph 3-6.
With the lack of external play space, will impinge on the ability of existing owners to park their existing cars in their garages as there is no way that the council can prevent future tenants parking outside these new houses and blocking parking access to the occupiers of the existing houses.	This is discussed within remarks below under paragraph 12.
Flood Risk Assessment is deficient as small stream approximately 40m from the site which is prone to flood and that does not appear on any of the documentation presented by the consultant team.	This is discussed within remarks section below under paragraphs 79-83.
Limited Road Access for emergency services, bin lorries to collect waste with resident vehicles in the proximity of new neighbours behind the back gardens.	This is discussed within remarks section below under paragraphs 57-58 and 89-90. The applicant has submitted a fire safety strategy as part of the proposal.
Overlooking, over shadowing and privacy as well as daylight sunlight concerns over the residents	This is discussed within remarks section below under paragraphs 38-49
The design appears cramped	This is discussed within remarks section below under paragraphs 7-15.
Even with the trees behind their gardens, residents cannot stand the jubilee line trains screech and grind their way along the tracks. Once the trees are cut it will have an even bigger impact on their lives. TFL has acknowledge the line is damages and the noise level is not right and acceptable. Waste of tax-payers' money as whoever is allocated this housing would be frustrated from the level of noise from the train tracks right behind.	This is discussed within remarks section below under paragraph 87. Noise assessment and internal insulation has been conditioned as part of this application. Whether the Council should not waste money cannot be considered as part of this application.
This application would make the parking situation worse as there would be no available nearby	The proposal has provided adequate parking space for the proposed houses. The existing houses have

parking for carers to one of the residents.	rear parking spaces within the gardens which would not be blocked.
Noise pollution and disturbances and effecting accessibility to the rear of the properties gardens	The siting of the houses along the western edge of the site ensures that access to the rear garages/parking spaces for 12-14 Broadview is retained, with the 6m width of the courtyard providing adequate turning space for cars. A swept path was also submitted as part of the Design and access statement clearly showing the rear parking spaces would not be impacted.
No maintenance of the close by the council i.e. street cleaning, trees & hedge maintenance, etc. More residents means more mess which would be left uncleaned due to the negligence of the council themselves, since they weren't bothered to maintain the close all these years.	The local planning authority must consider the development that is proposed, and the general maintenance of the close cannot be considered when determining this planning application.
Compensate for the loss of right of access and the devaluation of my property- which would be in hundreds of thousands	There would still be adequate access to the rear gardens and their parking spaces via the access way. Loss of value to a property is not a material planning consideration.
The issues which are created by social housing. E.g noise, security, and anti social behaviours which are rife in all areas of social housing.	These are not planning matters and not related to this application. Nevertheless, a lighting strategy has been conditioned to this application for safety of pedestrians and access to the rear. The proposal will allow for increased activity and natural surveillance in an underused area of hardstanding that currently benefits from very little natural surveillance.
The parking survey is for 2021 and is not correct. There are households with 3-4 cars and the 2 houses with 14 people would not have 2 parking spaces. There is no disabled parking either as part of this application.	This is discussed within remarks section below under paragraphs 50-53. There is no requirement for disabled parking for the proposed homes with regards to applications of this scale.
Everything was done though forms and not bother to speak with residents and listen to their concerns. You are hired in a governmental body where you represent all people. Salaries are paid from public money, this proposed development will be paid from public money, we are contributing to those public money so respect is deserved and to be listed to.	<p>Consultation has been carried out in line with statutory and local requirements.</p> <p>The applicant did carry out pre-application public engagement as summarised within the remarks section below.</p> <p>How a development is to be funded cannot be considered when evaluating this planning application.</p>

Internal consultation

Local Lead Flood Officer - no objections raised. The proposal will result in a reduction in surface water discharge. With regard to maintenance, it is noted that the submission specifies that maintenance will be undertaken by LBB, which is normal for a Brent site, but should be clarified with the Brett Asset Team. Officer response: As a permission runs with the land, a condition has been added which requires the implementation in full of the maintenance regime that is set out within the Drainage Strategy.

Environmental Health - no objections subject to conditions being secured in relation to contaminated land and a demolition/construction method statement.

POLICY CONSIDERATIONS

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

The development plan is comprised of the:

London Plan 2021
Brent Local Plan 2019-2041

Key policies include:

London Plan 2021

Policy D3 Optimising site capacity through the design-led approach
Policy D4 Delivering good design

Policy D6 Housing quality and standards
Policy D7 Accessible housing
Policy D12a: Fire Safety
Policy H1 Increasing housing supply
Policy H2 Small sites
Policy G3 Metropolitan Open Land
Policy G4 Open space
Policy G5 Urban greening
Policy G6 Biodiversity and access to nature
Policy SI 1 Improving air quality
Policy SI 13 Sustainable drainage
Policy T5 Cycling
Policy T6 Car parking
Policy T6.1 Residential parking
Policy T7 Deliveries, servicing and construction

Local Plan 2019-2041

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

Other material considerations include:

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

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

DETAILED CONSIDERATIONS

Background

1. The proposed homes form a part of the Brent Council project that is aiming to deliver 5000 new homes over a five year period, 1000 of which are proposed to be delivered through the New Council Homes Programme. The aim of the New Council Homes Programme is to reduce the high housing waiting list and the number of residents living within temporary accommodation, by building new homes that meet the needs of Brent's residents. This site is one of the sites identified within the New Council Homes Programme to build on land already owned by the Council.

2. The proposed scheme would be for a new house which the applicant has specified will be provided at 'London Affordable Rent' levels. It should be noted that the proposal is for a single new dwelling, as such there is no requirement within planning policy for the provision of the home as an Affordable Dwelling (which is required for schemes of 10 or more homes) or a contribution towards Affordable Housing (which is required for schemes of 5-9 homes). While the provision of an Affordable home would be a planning benefit, this is not required to make the proposed development acceptable in planning terms. As such, it would not be reasonable or necessary in relation to planning considerations to require the home to be provided as an Affordable home within the consent and this proposal has been considered on the basis of the provision of a new home (without reference to tenure).

Principle of development

3. Brent's Housing targets have significantly increased as part of London Plan 2021, with the target increasing to 2,325 dwellings per annum for the period 2019/20-2028/29 in Policy H1 of the London Plan recognising the increasing demand for delivery of new homes across London. Brent's local plan policy BH1 reflects this target as well.
4. Policy D3 of London Plan 2021 required developments to make the best use of land by following a design-led approach that optimises the capacity of the site, with development that is the most appropriate form and land use for the site, with the policy recognising that small sites make a significant contribution towards increasing housing supply within London. This is also set out in policy H2 of London Plan 2021.
5. In response to the strategic policy position above, within Brent's Local Plan, the Council has set out priority areas for new housing under policy BH2. This policy identifies that new housing would be prioritised for growth areas, site allocations, town centres, edge of town centre sites, areas with higher levels of public transport accessibility and intensification corridors.
6. The above position is reinforced in policy BH4 of Brent's Local Plan. This policy relates to small housing sites and recognises that such sites can assist in delivering a net addition of self-contained dwellings through the more intensive and efficient use of sites. Such proposals will be considered where consistent with other policies in the development plan and within priority locations (i.e. PTAL 3-6, intensification corridors, or a town centre boundary). In these priority locations, the character of the existing area will be subject to change over the Local Plan period. Outside the priority locations greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easy accessible on foot when determining the intensity of development appropriate. The site does not lie within a priority area for housing but the Local Plan supports the provision of new homes outside of these areas with greater weight placed on the character of the existing area. It is also noted that the site is located within 800m of the edge of Kingsbury Town Centre. The principle of the redevelopment of the site for increase in residential homes is acceptable, this is subject to meeting material policy considerations as discussed below.

Design and character

7. The NPPF (2021) requires "Planning Policies and decisions should ensure that developments...are visually attractive as a result of good architecture, layout, appropriate and effective landscaping...Permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions" (Paragraphs 127 and 130 of the NPPF, 2021)
8. Brent's local plan policy BD1 requires all new development to be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects and complements historic character but is also fit for the future.
9. Design should respond to contributing towards "a positive relationship between urban structure and natural landscape features..." Additional design guidance can be found in DMP1, BD1 ("Local Plan 2019-2041") and within the Councils SPD1 ("Design Guide for New Development").
10. Principle 3.1 of SPD1 requires new development to be of a "height, massing and façade design should generally respect the existing context and scale; facilitating good urban design". SPD 1 3.2 principle also states 'Development should ensure animated facades towards public routes and spaces, avoid blank walls and inactive frontage...'

11. The existing garages are of low architectural quality; as such, the redevelopment of the site would improve the area and would be looked upon favourably. The surrounding buildings are characterised by typical two storey residential properties with pitched roofs that have dormer extensions into the roofs.
12. The proposals are to create two family houses which are two storey properties. The existing dwellings within the street are all two storey units with hipped or gabled roofs. The proposals within this application would also comprise of pitch roofs coherent with the surroundings and in place of the demolished garages and close to the boundary with the park. This would leave space to the front of the dwellings to be used for manoeuvring of the cars and not blocking the rear garden access for the existing houses. Objections were received in regards to blocking of the rear garden accesses for the properties of 10-14 Broadview. Page 33 of the submitted design and access statement includes a Swept Path for manoeuvring and clear parking access to the existing rear garden spaces of the properties on Broadview. Furthermore, it should be noted that access to the rear garden accesses are via the hardstanding next to the garage block, whereby there are no parking restrictions in place to prevent them from being blocked.
13. A condition would be attached to this application for a lighting strategy for safe pedestrian access to the units to be carefully designed to not adversely impact on any potential protected species. The proposed heights are acceptable in this location as they would respect the two storey properties on Broadview properties and would not be higher. It is also noted that the new developments are at the end of a service area and behind the existing properties that are not easily visible from the main street whilst also contributing to the current unattractive circumstances of garages on site.
14. As the proposed houses are arranged along a semi-private road a privacy strip along the front of the development is not necessary, however some planting have been proposed in front of the kitchen windows of the two houses. The front façade is also activated with first floor bathroom, staircase and secondary obscured glazed windows for internal spaces.
15. The proposal is shown to be in brick with examples within the submission which would be a strong approach in terms of materiality appropriate within the area.

Heritage considerations

16. The proposal is within the proximity of Fryent Country Park which is a locally listed park (a non-designated heritage asset). It is significant as part of Fryent Country Park has the remains of Barn Hill Farm, an C18th landscaped as part of a local landowner's country park. The rest was purchased by the Council to become open space in the interwar period.
17. Considering potential impacts would be according to NPPF paragraphs 194, 197 and 203.
18. NPPF paragraph 189 recognises that heritage assets are an irreplaceable resource and seeks to conserve them in a manner appropriate to their significance. It is appropriate to consider the desirability of new development making a positive contribution to the local character and distinctiveness [197c].
19. Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
20. There is no heritage statement provided with this application [NPPF 194]. Notwithstanding this, the Design and Access Statement makes reference to the locally listed park as well as the scale and design of the proposal. Furthermore, the proposed development would be located outside the boundary of the park which is currently a hardstanding area and garage site, providing a back service road of Broadview with low quality garages. The proposed development would be an improvement over the existing arrangement and would be of a similar scale and nature to the existing housing. The development site is also completely enclosed by tall trees forming a dense wooded area in the park. There would only be glimpse views of the development from the park, which in any case, would be part of the prevailing residential backdrop. It would not dominate the park. Furthermore, it does not terminate a main vista or thoroughfare. Therefore, the Council's heritage officer has advised that there will be no impact or harm to the locally listed heritage asset.

Standard of accommodation:

21. London Plan policy D6 specifies housing development should be of high quality design and provide adequately sized rooms (as set out in Table 3.1) with comfortable and functional layouts. Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space. Sufficient internal storage space should be provided and the homes should achieve a minimum floor to ceiling height of 2.5m for at least 75% of the GIA of each home.
22. The proposal would create two dwellinghouse in a 4 bed 7 person configuration on two levels shown to have 117 and 121 sqm meeting the minimum space standards set out by the London plan D6 policy. An adequate internal storage of more than 3 sqm is also marked for each unit complying with the London Plan. The sections submitted demonstrates that the scheme would have more than 2.5 metre of internal floor to ceiling height.
23. The proposed dwellings would be dual-aspect although it is noted that at first floor level, the majority of the bedrooms face towards the railway line. Nevertheless, there are a number of openable windows on the other elevations to allow for cross ventilation.

Daylight and Sunlight

24. The proposal has submitted daylight and sunlight, the use of the BRE's "Site Layout Planning for Daylight and Sunlight: a guide to good practice (BR209)" which has been updated on 8th of June 2022 edition. For the proposed accommodation, the daylight and sunlight report has used the ADF (Average Daylight Factor) and APSH (Annual Probable Sunlight Hours) tests, which as noted above are now superseded. Nevertheless, the previous guidance does provide a quantitative analysis which was relevant until recently and assists the consideration of whether the new home provides a good standard of accommodation.
25. The ADF method calculates the average illuminance within a room as a proportion of the illuminance available to an unobstructed point outdoors under a sky of known luminance and luminance distribution. This is the most detailed of the daylight calculations and considers the physical nature of the room behind the window, including window transmittance and surface reflectivity. It sets the following recommended ADF levels for habitable room uses:

 Bedrooms 1% ADF
 Living rooms & dining rooms 1.5% ADF
 Kitchens 2% ADF
26. For sunlight, the Annual Probable Sunlight Hours (APSH) test calculates the percentage of probable hours of sunlight received by a window or room over the course of a year. In assessing sunlight effects to existing properties surrounding a new development, only those windows orientated within 90 degree of due south and which overlook the site require assessment. The main focus is on living rooms, with bedrooms and kitchens deemed less important.
27. The guidelines suggest that the main living rooms within new buildings should achieve at least 25% of annual sunlight hours, with 5% during the winter period. For neighbouring buildings, the guide suggests that occupiers will notice the loss of sunlight if the APSH to main living rooms is both less than 25% annually (with 5% during winter) and that the amount of sunlight, following the proposed development, is reduced by more than 4%, to less than 0.8 times its former value.
28. The results of the ADF assessment within the report has limited the assessment to living/kitchen/dining room within house 1 at ground floor level. This is the room that has the closest relationship to the western boundary and is a large open plan room with aspect in four directions. The consultant has advised that outlook/sky visibility would only improve to other areas of the homes, and therefore the internal daylight and sunlight levels would improve for these rooms. The results shows that the LKD would achieve an ADF of 7.5% and therefore significantly exceeds the 1.5% target for a main living space as required by BRE guidelines. In relation to sunlight the results showed that the LKD room would receive sunlight levels of 91% for APSH and 23% for WPSH, both exceeding the guideline of 25% APSH and 5% WPSH.
29. The daylight and sunlight assessment noted that there is a band of trees and vegetation located along the western/southern boundary of the site. It recognises that the retention of vegetation would have some

effect on light to the proposed homes, but this is likely to be limited. Furthermore, they consider that there are sufficient margins within the results to take into account the retained trees. The daylight and sunlight report has also not considered the level of overshadowing to the rear gardens of the new homes. Nevertheless, given the siting of the rear gardens in relation to the homes and the scale of the development, it is not considered that the proposal would result in an unusable garden area.

Private Amenity space

30. Policy BH13 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 50sqm for family housing (three bedrooms or more) at ground floor level, and 20sqm for other homes.
31. The BH13 requirement for external private amenity space established through BH13 is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 or 50 sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
32. 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.
33. 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 adopted policy.
34. The proposals for both family dwellings show private gardens in excess of 53 sqm to the rear. It should also be noted that the site is neighboured an open space Fryent Country Park and overall the proposal complies with policy BH13 of Brent's Local Plan.
35. Should be noted that objections were made in regard to a children play area in front of the site. The scheme does not propose to provide any children's play within the frontage and as noted above both rear gardens are of sufficient size for a family sized home.

Accessible homes

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

Conclusion

37. It is considered that the new homes would provide a good quality of accommodation for future occupiers, meeting the requirements of policies D6 and D7 of London Plan 2021 and policy BH13 of Brent's Local Plan.

Neighbouring Amenity

38. The guidance within SPD 1 the building envelope should be set below a line of 30 degrees (from the horizontal) from the nearest rear habitable room window of adjoining existing properties which would face towards the development, measured from height of two metres above floor level. Where proposed development adjoins private amenity / garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of two metres. Moreover, directly facing habitable room windows will normally require a minimum separation distance of 18m, except where the existing character of the area varies from this. A distance of 9m should be kept between gardens and habitable room windows or balconies which would look towards those gardens.

Overbearing appearance

39. The proposed homes would sit below the 30 and 45 degree lines in relation to Nos. 12, 13 and 14 Broadview. Whilst the proposal would sit below the 30 degree line in relation to No. 11 Broadview, it would breach 45 degree line from the southern end of their garden that wraps around the application site. However, should be noted that about 3 metres in width of this space is hard landscaped and is used for car parking space and there is also a structures on the rear portion of their garden adjacent to the railway line which adjoins the application site. Furthermore, there are two trees to the rear portion of their garden adjacent to the existing rear parking space which will assist in screening the development from the house and gardens, particularly in the summer months. screening the proposal further from any impact on their garden amenities.

Privacy

40. A distance of over 20m would be maintained between the new homes and the nearest rear habitable room windows within Broadview. However, the new homes only propose a distance of 6m to the boundary with the rear gardens of Nos. 13 and 14 Broadview, with a distance of 5.35m to 7.9m maintained to the boundary with No. 12 Broadview, and 4.28m to the boundary with No. 11 Broadview. Whilst the distances are less than 9m as set out within SPD1, at ground floor level overlooking would be restricted by existing boundary treatments. At first floor level, the windows serve non-habitable spaces or serve habitable rooms that are also served by an alternative window in another direction. Therefore, the windows on the eastern elevation of the homes at first floor level can be conditioned to be obscured glazed and high opening only to prevent overlooking to the properties on Broadview.
41. In conclusion, whilst the proposal does not fully comply with the guidance set out within SPD1, the development would not have overbearing impact or result in harmful levels of overlooking to neighbouring properties, and therefore would comply with policy DMP1 of Brent's Local Plan 2019-2041.

Daylight and sunlight:

42. A daylight and Sunlight study in line with methodology and criteria by Building Research Establishment's (BRE) guidance 'Site layout planning for daylight and sunlight: A guide to good practice (BRE 209 2nd edition, 2011) has been submitted as part of this application. It is noted that this guidance has recently been updated, with new tests introduced but these relate to proposed development with the guidance for existing developments remaining as per the 2011 guidance. .
43. The Vertical Sky Component (VSC) and No-Sky Line (NSL) are primarily used for the assessment of existing buildings. The VSC test measures the amount of sky that is visible to a specific point on the outside of a property, which is directly related to the amount of daylight that can be received. It is measured on the outside face of the external walls, usually at the centre point of a window. The NSL test calculates the distribution of daylight within rooms by determining the area of the room at desk / work surface height (the 'working plane') which can and cannot receive a direct view of the sky and hence 'sky light'. The working plane height is set at 850mm above floor level within residential property.
44. For the above methods, the guidance suggests that existing daylight may be noticeably affected by new development if:
- Windows achieve a VSC below 27% and are reduced to less than 0.8 times their former value; and / or
 - Levels of NSL within rooms are reduced to less than 0.8 times their former values.
45. The assessments have been undertaken using the VSC, NSC, and APSH (sunlight) tests set out within the BRE guidance 'Site layout planning for daylight and sunlight The assessment has considered all the closest neighbouring residential properties with windows overlooking the proposed development which are:
- 11 Broadview
 - 12 Broadview
 - 13 Broadview
 - 14 Broadview
46. The results of the Vertical Sky Component (VSC) assessment demonstrate that the effects to the majority of the rear elevation windows across 11 to 14 Broadview will retain at least 0.8 their existing level

and comply with the BRE guidelines. Whilst there is a window within 12 Broadview at ground level (W3) that deviates from the BRE criteria, this is a high-level recessed window beneath an overhang which is already constrained in its existing position. The affected room is also understood to receive light from 2 additional windows, one of which is located in the front elevation.

47. The limited effect on daylight levels across 11-14 Broadview is verified by the No Sky Line (NSL) results that show no material change in the daylight distribution to the rooms overlooking the site.
48. In addition, the Annual Probable Sunlight Hours (APSH) study demonstrates that all habitable rooms served by windows with a southerly aspect retain sunlight levels significantly in excess of 25% APSH, with at least 5% during the winter months and therefore comply with the BRE criteria.
49. Whilst the daylight and sunlight report has not considered overshadowing of the neighbouring rear gardens as a result of the development, it is considered that given the siting of the new homes in relation to the gardens and the scale of the development at two storeys, the existing rear gardens are unlikely to be adversely impacted as a result of overshadowing.

Highway and Transport

50. This site comprises 8-9 garages in a garage court, accessed via a 60m long single-width driveway from the end of Broadview. The proposal is for the demolition of the garages to facilitate the construction of two new 4-bed houses.
51. The existing garages are assumed to have been provided for no. 6-11 Broadview, as they have no means of vehicular access to their curtilages. However, the recent construction of a parking bay in the green at the end of Broadview fronting those houses provides alternative convenient parking by residents of those properties. All other houses in the street have off-street parking in their front gardens.
52. To verify existing parking conditions in the street, the applicant commissioned parking surveys over two nights in December 2021. This showed a total of 12 cars parked on-street and within the new parking bays on both nights, with the parking capacity of the street being assessed at 20 spaces (although 16 spaces would be more realistic given the narrowness of the street). On this basis, Broadview is not considered to be heavily parked and with the amount of alternative parking that is available, the garages are considered to be surplus to requirements. There are therefore no concerns with regard to their removal.
53. The two proposed houses would have a total parking allowance of 3 spaces under the standards set out in Table 10.3 of the London Plan. The proposed provision of 2 spaces would therefore be within the maximum allowance. Furthermore, this level of provision is considered sufficient to meet the likely parking demand for the two homes. Car ownership in the area averages 1.32 cars/dwelling. Nevertheless, any overspill parking (around 0.6 spaces) is very marginal and unlikely to have a detrimental impact on the surrounding highway network. Parking levels are likely to be lower for Affordable Housing. However, the level of potential overspill is only small, and it is not considered necessary to mitigate this through a condition requiring the homes to be delivered as Affordable Housing.
54. The siting of the houses along the western edge of the site ensures that access to the rear garages/parking spaces for 11-14 Broadview is retained, with the 6m width of the courtyard providing adequate turning space for cars.
55. Safe pedestrian access into the site for the new houses must also be provided though. As the site is accessed via a single-width driveway, there is no scope to provide a segregated footway. However, this will be fine for just two dwellings, as long as the carriageway surface is of good quality. In this respect, permeable block paving is proposed for the courtyard and access drive and this is welcomed. Further details of lighting would also be conditioned to this application.
56. Each house requires two secure bicycle parking spaces. A double-bike locker has been indicated for each property to satisfy this requirement, along with a further visitor space.
57. Shared bin storage is indicated alongside the access drive. The store is about 30m from the turning circle on Broadview, which is slightly beyond the usual 20m distance, but is much the same as for the existing houses at 9-14 Broadview.

58. The maximum 45m access distance for fire appliances will be exceeded, with the furthest house being up to 90m from Broadview. However, British Standards allow a 90m access distance for two-storey dwellings, as long as a sprinkler system is installed. A tank for sprinkler system has been included as shown on the ground floor plan and as such the arrangement would be acceptable from a highways perspective. The scheme would still be subject to building regulations, where the London Fire Brigade would need to be consulted, as part of the building control process. This is also discussed in the Fire Safety section below.

Biodiversity / Ecology

59. . The proposal lies partly within a Grade 1 Site of Importance to Nature Conservation (SNICK) (Fryent Country Park) and is also sited next to the SINC Grade 1 railway line and a wildlife corridor which all have ecological value. Policy G6 of London Plan highlights that where harm to a SINC is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts:

1) avoid damaging the significant ecological features of the site

2) minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site

3) deliver off-site compensation of better biodiversity value.

60. . It goes onto to state that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.

61. The above position is reinforced within policy BGI1 of Brent's Local Plan which highlights that all developments should achieve a net gain in biodiversity and avoid any detrimental impact on the geodiversity of an area;

62. An Ecological Impact Assessment has been submitted with the application to demonstrate that the proposal would not have a material impact on ecology and nature, including an assessment of impact on protected species and any mitigation measures that are required and proposed.

63. The Ecological Impact Assessment was prepared by ecologists of Waterman in July 2022.

64. The report appears to cover the aspects expected in an Ecological Impact Assessment for a proposal of this size, including a section on limitations. Though not a requirement currently, there does not appear to be a structured assessment of Biodiversity Net Gain, though there are text descriptions of changes. The Landscape Design Appraisal provides an Urban Green Factor calculation of 0.23.

65. The proposed development site is located on a set of garages at the western end of Broadview, NW9. The site is bounded to the west by the Jubilee Line and the Jubilee Line from Stanmore (junction) to Queensbury SINC (Site of Importance for Nature Conservation). To the south, the boundary is with Fryent Country Park which is a Metropolitan graded SINC.

66. With two SINCs on boundaries, there are a range of habitats and of priority species within a short distance, including the reptiles Slow Worm and Common Lizard. Those are given as approximately 0.64 km distance North . However, in practice, both species of reptile are probably closer but under-recorded. The site also offers suitable habitat for hedgehogs.

67. Preliminary Bat Roost Assessment of the garages indicated that the garages were of low suitability to support roosting bats. Furthermore, the assessment concluded that no potential roosting features were recorded associated with the trees immediately adjacent to the site. Bat surveys recorded foraging and commuting Common Pipistrelle and Soprano Pipistrelle bats.

68. Of and on the proposed development site itself, the assessment found that the development site had insufficient biodiversity conservation value, but that the measures in section 5 should ensure that the proposal meets planning requirements.

69. The Ecological Impact Assessment initially submitted was for removal of two Ash trees which one is amended during the course of this application to remain within the Fryent Country Park. However, the row of Hawthorn at the boundary with Fryent Country Park is removed to provide garden space which would

be replanted with shrubs and herbaceous plants as part of the Landscape Design Approach.

70. Within the Ecological Impact Assessment, section 5 considers Environmental Measures. The recommendations is considered, including the need for a Construction Environmental Management Plan in advance of the proposed construction.
71. Lighting does not appear to be detailed in the current documents but given the SINCs on two boundaries of the proposed development, it was considered beneficial to focus light where it is needed and to avoid light spill into the SINCs. A light strategy has been attached to this application to mitigate potential impact to the wildlife corridor and SINC close to the site.

Trees and landscape

72. There are many trees either on the site or adjoining the site especially within Fryent Country Park that should be taken into account. Any removal of trees within the site would need to be assessed further and further detailed arboricultural impact assessment, arboricultural method statement and tree protection plan might be required as part of any forthcoming application taking on board the above principles, together with replacement tree planting. This would be important in meeting the requirements of Brent policy BGI2.
73. An Arboricultural Impact Assessment has been submitted to support the application. It has identified the two large Ash trees located within the southern western end of the site as having a retention category B which means that they should be considered a material consideration in the assessment of the application for development. During the course of this application a revised arboricultural impact assessment has been submitted recommending that T2 which is growing off site to be retained as part of the development. However, T1 Ash tree located within the application site, is proposed to be removed, together with the hedgerow (H1) along the southern end of the site and the group of trees (G1) along the western end. The Arboricultural Report has classified the group of trees and the hedgerow as category C.
74. The two Ash trees are significant and are currently visible from surrounding properties, from the railway and from Fryent Country Park together with other trees in the vicinity. If they are removed they would need to be replaced with similar trees to be planted in the vicinity. If T1 is retained as part of the proposal then it is likely that they will impact on the proposed dwellings to a significant extent leading to significant requests to lop, top or fell these trees from the residents of the proposed development.
75. The AIA argues that T1 has significant extent to which its canopy overhang the site and subsequently the proposed dwellings and gardens justifies the removal of the trees. It goes on to say that BS 5837 states that a realistic assessment of the probable impact of the proposed development and vice versa should take into account the characteristics and condition of the trees, with due allowance and space for their future growth and maintenance requirements. It goes on to say that due to the limited space available within this site, it was deemed that the removal of T1 would be required to allow the creation of usable garden space for the proposed dwellings. It is not possible to plant ultimately similar sized trees within the site without resulting in similar issues in future.
76. It has been considered that there is no scope for planting similar size tree elsewhere within the site to mitigate the loss of T1 Ash tree, however it does appear that a small tree could be accommodated within the rear garden area and possibly additional tree planting provided off site within close proximity to the site or within the amenity green to the front of the properties at Broadview.
77. It has been confirmed by council's tree officers that there would be no objection to this scheme in relation to arboriculture, however, conditions in terms of tree protection for T2 would be attached to this application. Additionally, a condition would be attached for tree planting of similar size within the vicinity of the site to mitigate the loss of 1 Ash tree in long term.
78. The Urban Greening Factor for the proposed development is 0.228, which falls short of the London Plan and Brent target of 0.4. The significant planning benefits in delivering additional family housing within the Borough in a building of high quality design with landscaping is considered to outweigh the non-compliance with this particular policy. The scheme has sought to maximise the amount of soft landscaping within this constrained site.

Flood Risk

79. Whilst the site does not lie within a flood risk area. In line with BSUI4:(On Site Water Management and Surface Water Attenuation) minor schemes should make provision of an appropriate SuDS scheme where feasible. London Plan policy SI13 states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
80. The proposal shows an improvement of the current site with permeable hard landscaping as well as the soft landscaping provision improving the SuDS on current site surfaces. The applicant has submitted a drainage strategy which outlines surface water runoff discharge rate calculations in line with Policy SI 13 of London Plan and Brent's BSUI4 policy.
81. In support of the application a Drainage Strategy has been prepared by Watermans. The report sets out the details of the greenfield run off calculations. It explains how it is proposed to utilise permeable surfacing across the terrace within the development. Underground storage tanks are proposed to reduce the risk of flooding at the site to control the discharge of water runoff on site. In addition to permeable paving, small rain gardens and bioretention areas are proposed to be incorporated into the landscaping where possible to provide additional amenity, water quality and biodiversity benefits. Green/brown roofs will be proposed on top of areas of flat roof on the houses and individual bin and cycle store areas. The use of water butts for irrigation will allow runoff from the roof to be reused and reduce the reliance of the scheme on potable water. Based on the report the site offers a reduction to 0.7l/s.
82. The report states that there are no existing surface water sewers on Site, therefore the development may need to discharge to the surface water sewer underneath Broadview immediately south east of the Site or requisition a new length of sewer to a more appropriate connection point. Under the Water Industry Act 1991, developers have a right to connect to the public sewer. A pre-development enquiry is recommend to be submitted to Thames Water to identify the preferred means of connection from the Site.
83. This drainage strategy is considered appropriate for the proposed development and commensurate for the size of the site.

Environmental impact, sustainability and energy

84. Minor developments should seek to reduce potential overheating and reliance on air conditioning system through good design. For residential development, a Water Efficiency Assessment will be required providing evidence the development will need the target of 105 litres or less per head per day, excluding an allowance of 5 litres or less per head per day for external water use.

Contaminated land

85. Due to the land previously being used for garages and the proposed development is residential use conditions are recommended in regards to investigation, remediation and verification of soil contamination.

Air Quality

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

Noise

87. The objectors have raised concerns with the proximity of the new homes to the Jubilee Line and noise nuisance from the railway. Officers in Environmental Health have noted the relationship between the new homes and the railway line. They have recommended conditions to be secured as part of this application to ensure that the construction of the build is suitable to meet recommended internal and external noise levels in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings, and vibration levels within BS6472:2008.

Construction Environmental Management Plan

88. Details and specifications for practical measures intended to avoid or minimise adverse effects on biodiversity during the construction process is required which is attached to this application. A CEMP would be produced and implemented to allow the proposed Development to be constructed whilst minimising impacts on any retained habitats on Site and within the local area.

Fire Safety

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

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

90. A statement has been submitted as part of the application to address these points. This report outlines the fire safety strategy proposals for the Broadview Garage site and seeks to demonstrate compliance with the Building Regulations (generally in the form of the recommendations of ADB). The designs of the dwellings, such as internal travel distances are compliant with ADB. B5 access and facilities for fire service is not compliant and therefore a residential sprinkler system is proposed. Based upon the above proposals it is considered that adequate measures are provided to meet the functional requirements of the Building Regulations. The report confirms that overall services and appliance access to the dwelling would be in line with Building Regulation guidance and London Fire Brigade Guidance and as such compliant with policy D12A of London Plan 2021.

Equalities

91. 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

92. Whilst the proposal does not meet the 0.4 target for the Urban Greening Factor as set out within policy BH4 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. The proposal would deliver a family sized home that would contribute the Council's housing targets, and the limited conflict with policy would be outweighed by the planning benefits.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 22/2531

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

I refer to your application dated **15/07/2022** proposing the following:

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

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

at **Broadview Garages, Broadview, London, NW9**

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: 06/12/2022

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework 2021
London Plan 2021
Brent's Local Plan 2019-2021

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

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

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

1189-13-2000
1189-13-2001
1189-13-2002
1189-13-2003
1189-13-2004
1189-13-3000
1189-13-3001
1189-13-3002
1189-13-P-0001
1189-13-P-0010
1189-13-P-0100
1189-13-P-030
1189-13-P-0300
1189-13-P-0302
1189-13-P-0303
1189-13-P-1000 B
1189-13-P-1001 B
1189-13-P-1002 B
1189-13-P-1003 B
1189-13-P-1004 B
L-100 REV P02
LN00687 REV 002

Supporting documents

WIE18009-105-R-16-2-1-AIA – Arboricultural Impact Assessment
WIE18009-102-R-13-3-3-ECIA - Ecological Impact Assessment
WIE18009-100-R-7-3-1 - SUDS Report

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

- 3 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.

- 4 No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse

subject of this application, notwithstanding the provisions of Class(es) A, B, C, D, E and F of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason(s):

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

- 5 The works shall be carried out in accordance with the approved Drainage Strategy (WIE18009-100-R-4-3-1) prior to occupation of the development unless an alternative strategy is submitted to and approved in writing by the Council and thereafter implemented in full. The SuDS measures shall thereafter be maintained in accordance with the tasks and frequencies set out within the Maintenance section of the Drainage Strategy unless an alternative maintenance regime is submitted to and approved in writing by the local planning authority and the maintenance thereafter implemented in accordance with that strategy.

Reason: To ensure that risks from flooding are effectively mitigated

- 6 The measures and recommendations set out in the 'WIE18009-102-R-13-3-3-EcIA – Ecological Impact Assessment (Dated December 2022)' shall be implemented in full throughout the development.

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

- 7 Any upper-floor window located in a wall or roof slope forming a front elevation on the East of the building must be—
- (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;

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

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

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

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

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

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

Reason: In order to ensure that the development results in no net loss to biodiversity and impact upon Jubilee Line from Stanmore Junction to Queensbury Wildlife Corridor adjacent to site as a Borough Grade I site of importance for nature conservation.

Pre-commencement reason: The condition seeks to exercise control over the construction phase of the development to protect the existing ecology and SINC Grade I on the site boundary and therefore needs to be discharged prior to construction.

- 10 Prior to the commencement of the development hereby approved, a scheme for the protection of retained trees in accordance with BS5837: 2012 including a Tree Protection Plan (TPP, at para. 5.5 BS 5837) and an Arboricultural Method Statement (AMS, at para. 6.1 BS 5837) shall be submitted to and approved in writing by the local planning authority.

Specific issues to be dealt with in the TPP and AMS (delete or add items as necessary):

- a) Location and installation of services/utilities/drainage
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA that may impact on the retained trees
- d) A full specification for the installation of boundary treatment works
- e) A full specification for the construction of any roads, parking areas and driveways to be constructed using a no-dig specification including the extent. Details shall include relevant sections through them.
- f) Detailed levels and cross sections to show that the raised levels or surfacing, where the installation of no-dig surfacing within the RPA is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction activities in this area clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires.
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- n) Reporting of inspection and supervision.
- o) Methods to improve the rooting environment for retained trees and landscaping
- p) Veteran and ancient tree protection and management.

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

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

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.

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

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

- 12 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.

Time	Vibration dose values - low probably of adverse comment (m/s ^{1.75})
07:00 to 23:00	0.2 to 0.4
23:00 to 0:700	0.1 to 0.2

Evidence that the above standard will be met shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works (excluding demolition and site clearance), and thereafter implemented in full.

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

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

The work shall be carried out in accordance with the approved details.

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

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

- (i) A planting plan with opportunities to enhance the amount of soft landscaping within the rear garden with the use of native and/or wildlife attracting species as per the recommendations made within the Ecological Impact Assessment as well as three replacement trees per landscape strategy
- (ii) details of garden wall, fences or other form of boundary treatment to be provided within the site (including details of external materials and heights) and including passage gaps for hedgehogs
- (iii) details of surfacing materials to be used for hardstanding, together with any delineation of car parking spaces or pedestrian pathways, with details of levels between the application site and adjoining land to facilitate wheelchair access
- (iv) details of wildlife enhancements within the site as per the recommendation sets out within Ecological Impact Assessment, including the use of 1 x no. 'Schwegler Clay and Reed Insect Nest boxes', 2 x no. 'Schwegler Sparrow Terrace 1SP' and Two 'Habibat' bat boxes, or similar, on the building facade in areas of minimal light spill
- (v) 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.
- (vi) details of cycle storage through the provision of secure, weatherproof cycle storage facility;

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

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

consent to any variation).

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with (Insert relevant policies here).

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

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

- 16 Prior to first occupation or use of the development hereby approved, an external lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include the specification, manufacturer, lux level, model, direction and the siting of each lamp towards the neighbouring sites and on site for safe pedestrian movement and protection of wildlife corridor. The approved lights shall be installed and operated in accordance with the details so approved.

Reason: To prevent lighting pollution and harm to protected wildlife corridor and species as well as safe pedestrian pat to the site, in accordance with Policy DMP1.

- 17 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:

Daytime noise (07:00 to 23:00) living rooms and bedrooms: 35 dB LAeq (16 hr)

Night time noise (23:00 to 07:00) bedrooms: 30 dB LAeq (8hr), 45 dB L_{Amax}

A test shall be carried out with the results submitted to and approved in writing by the Local Planning Authority prior to occupation of the development to demonstrate compliance with the above noise levels.

Reason: To obtain required sound insulation and prevent noise nuisance

- 18 The development hereby approved shall not be occupied unless details of a replacement tree of an appropriate species and size within the locality have been submitted and approved by the Local Planning Authority and the tree has been planted in accordance with the agreed approved details.

Reason: To replace the loss of trees currently occupying the site.

INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 2 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 3 The 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.

- 4 The following British Standards should be referred to:
 - a) BS: 3998:2010 Tree work – Recommendations
 - b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- 5 Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried only between the hours of:

Monday to Fridays	08:00 to 18:00
Saturday	08:00 to 13:00
At no time on Sundays or Bank Holidays	
- 6 The submission/approval of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.
- 7 Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.

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