

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

10 May, 2023
05
22/4249

SITE INFORMATION

RECEIVED	19 December, 2022
WARD	Sudbury
PLANNING AREA	Brent Connects Wembley
LOCATION	32 District Road, Wembley, HA0 2LG
PROPOSAL	Demolition of existing building and construction of a two-storey block of flats to provide 4 residential units (Use Class C3), with associated landscaping and boundary treatments, refuse and cycle storage for bikes.
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_163062</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 "22/4249" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

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

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
2. Notification of material start 28 days prior to commencement.
3. Financial Contribution of £2000 toward the provision of a Controlled Parking Zone in the local area
4. Parking permit restriction

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

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

Conditions

1. Three year rule
2. Approved drawings and documents
3. Obscured Glazed Windows
4. Compliance with ecological appraisal recommendations
5. Vehicle crossover reinstated to footway
6. External amenity space
7. Construction Method Statement
8. Tree Protection Plan
9. Site investigation, remediation strategy and verification report
10. Vibration levels
11. External materials samples
12. M4(2) homes at ground floor level
13. Landscaping scheme
14. Cycle parking
15. Implementation of noise mitigation measures

Informatives as listed in the Committee Report.

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.

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

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

SITE MAP



Brent

Planning Committee Map

Site address: 32 District Road, Wembley, HA0 2LG

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This map is indicative only.

PROPOSAL IN DETAIL

The application proposes the demolition of the existing 3-bedroom detached dwellinghouse, with attached garage on its western side and proposes the erection of a two-storey block of flats to provide 4 residential units, with associated landscaping and boundary treatments, refuse and cycle storage.

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

- A revised site layout relocating the cycle storage to closer to the building footprint and increasing the size of Unit 2's courtyard terrace.
- Increased width of the single bedroom in Unit 2.
- Regularising the size of the garden within Unit 2 to improve the outlook to the single bedroom.

The above amendments are considered to be non-material and not warrant the need to re-consult on the amended plans.

EXISTING

The site comprises a 3-bedroom detached bungalow dwellinghouse with an attached garage on its western side. It is understood that the house has been vacant for a number of years and is located on the south side of District Road in Sudbury Town and is in a predominantly residential area. The site is not within a Conservation Area nor is a building within the site Listed. It lies within the Sudbury Town Neighbourhood Forum boundaries and the railway line to the south of the site is a designated wildlife corridor.

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: 9 objections have been received and an objection from Sudbury Town Residents' Association (STRA). Officers have considered the comments and the planning merits of the proposal and consider that the proposal accords with adopted policy and guidance as set out below.

Principle: The application would create four dwellinghouses including one family dwellinghouse within a residential area with a Public Transport Accessibility Level (PTAL) of 4. The proposal would result in the provision of new homes to meet identified needs in the borough. The general principle of the development accords with planning policy and is supported in this location.

Standard of Accommodation and External Amenity Space: The proposal would provide well proportioned, well lit habitable rooms and generous internal dimensions. Appropriate garden space compliant with Brent policy would be provided in rear gardens and a shared communal space.

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

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

Transportation: No car parking spaces are proposed for the homes. The site has good public transport accessibility and therefore the absence of parking accords with policy providing potential impacts of over-spill parking can be mitigated. There is no CPZ in the area at present so financial contributions would be secured towards the provision of a local CPZ and the proposed homes would be subject to a "parking permit restriction" so that they are ineligible for on-street parking permits. Secure, weatherproof cycle storage is proposed for the homes.

Urban Greening, Biodiversity, Ecology and Trees: The proposed development would not result in the loss of any trees and a tree protection plan would be secured through condition to protect the retained trees. The

proposed planting is considered to sufficiently mitigate any potential loss of biodiversity on site. The development is considered to have no significant impact on protected habitats and species situated within the Wildlife Corridor situated at the rear of the site.

RELEVANT SITE HISTORY

21/1581. Full Planning Permission. Refused. 18/06/2022.

Demolition of existing building and construction of a three-storey block of flats to provide 9 residential units (Use Class C3), with associated landscaping and boundary treatments, 3 car parking spaces, bin and cycle storage for 18 bikes.

A summary of the reasons for refusal are set out below:

- Poor quality design due to its bulk and over development of the plot resulting in a building that would be out of character with District Road
- Lack of soft landscaping within the frontage and over dominant bin store
- Sense of enclosure and loss of outlook to the rear garden and rear windows of no. 30c District Road and no. 34 District Road.
- Poor quality accommodation for the new homes due to poor levels of outlook from some of the habitable rooms and reliance on side facing windows for some habitable rooms in close proximity to the boundary
- Insufficient proportion of family sized homes
- Failure to secure a legal agreement securing contributions towards the establishment of an all year round Controlled Parking Zone (CPZ) in the local streets and a restriction on the ability of future residents to apply for on-street parking permits, resulting in overspill parking
- Excessively wide dropped kerb which would be positioned such that it would result in the loss of two on-street car parking spaces along the site frontage.
- Failure to provide an appropriate level of cycle parking
- Absence of a tree survey and an Arboricultural Impact Assessment to demonstrate that the proposal will not have an impact on trees and result in their loss.
- Absence of a Preliminary Ecological Assessment and Bat Building Inspection, to demonstrate that the proposal will not have an adverse impact on local ecology or protected species.
- Lack of fire report

22/0893. Full Planning Permission. Refused. 10/05/2022

Demolition of existing building and construction of a three-storey block of flats to provide 9 residential units (Use Class C3), with associated landscaping and boundary treatments, refuse and cycle storage for 12 bikes.

A summary of the reasons for refusal are set out below:

- Poor quality design due to its bulk and over development of the plot resulting in a building that would be out of character with District Road, together with a large basement
- Lack of soft landscaping within the frontage and over dominant bin store
- Sense of enclosure and loss of outlook to the rear windows of no. 30c District Road and no. 34 District Road.
- Poor quality accommodation for the new homes due to poor levels of outlook from some of the habitable rooms and reliance on side facing windows for some habitable rooms in close proximity to the boundary
- Insufficient proportion of family sized homes
- Failure to secure a legal agreement securing contributions towards the establishment of an all year round Controlled Parking Zone (CPZ) in the local streets and a restriction on the ability of future residents to apply for on-street parking permits, resulting in overspill parking
- Failure to secure a legal agreement securing a contribution towards off site affordable housing.
- Failure to provide an appropriate level of cycle parking
- Failure to mitigate against the loss of trees on site or protect retained trees. Lack of information on urban greening factor
- Absence of information to demonstrate that the proposed development would not demonstrably make adequate provision for the control and reduction of surface water runoff.
- Lack of fire report

CONSULTATIONS

10 neighbouring properties were consulted on 13th January 2023 .

Sudbury Town Residents' Association (STRA) were consulted on 13th January 2023.

The outcome of this consultation was as follows:

Occupiers of nine individual properties submitted letters of objection to the development.

The Sudbury Town Residents' Association (STRA) submitted a letter of objection to the development.

The responses received are summarised as follows:

Topic Area	Response
The new building is too tall	This is discussed within subsection 'Character and Design' below.
Parking concerns	The road is acknowledged as being heavily parked. However, the scheme is proposed to be car free (which is considered acceptable for this sustainable location) with the rights of future residents not being entitled to parking permits for any existing or future Controlled Parking Zone (CPZ) within the locality, to mitigate the impact from any overspill parking.
Loss of light to neighbouring properties	This is discussed within subsection 'Amenity Impact of the Building (Privacy, Outlook, Sense of Enclosure)' below.
Plans do not show what the loft space would be used for	The submitted plans indicate that the loft space would be used for storage with a loft hatch up to the space. No roof lights are proposed. Residential accommodation is only proposed on the ground and first floor levels. The description of development has been updated to two storey building rather than three storey to more accurately reflect the submitted plans.
Overdevelopment and fails to comply with Brent's planning policies	The scheme is considered to be acceptable in design, scale and massing. It meets planning policies on quality of accommodation for residents of the proposed development and would not adversely impact on neighbouring amenity.
Inconsistent information relating to No. of units proposed in supporting information	It is noted that some of the supporting documents have incorrect information such as reference to 5 homes and reference to ground, first and second floors. Concerns were also raised that the plans are unclear on what the loft space would serve as it has one roof light. However, the submitted plans do correctly show the number of homes that are proposed (4 homes) together with details of floor plans and elevations. They also provide sufficient information on the layout of the front and rear gardens. As such, the submitted plans and elevations do reflect the description of development that was consulted upon. In addition, addendum documents have been submitted updating the documents and providing clarification. However, as these did not result in any material changes to the proposal, re-consultation was not required.

Internal Consultation

Environmental Health - a number of conditions are recommended as discussed within the remarks section below in relation to air quality, land contamination and noise.

POLICY CONSIDERATIONS

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

The development plan is comprised of the
London Plan 2021
Brent Local Plan 2019-2041
Sudbury Town Neighbourhood Plan 2015

Key policies include:

London Plan 2021
D1 London's form, character and capacity for growth
D3: Optimising site capacity through the design-led approach
D4: Delivering good design
D5: Inclusive design
D6: Housing quality and standards
D7: Accessible housing
D12: Fire Safety
H1: Increasing Housing Supply
H2: Small sites
G5 Urban greening
G6: Biodiversity and access to nature
G7: Trees and woodlands
T5: Cycling
T6: Car parking
T6.1 Residential parking

Brent's Local Plan
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 Provision within Brent
BH6 - Housing Mix
BH13 - Residential Amenity Space
BGI1 - Green and Blue Infrastructure
BGI2 - Trees and Woodlands
BT1 - Sustainable Travel Choice
BT2 - Parking and car Free Development
BT4 - Forming an Access onto a Road

Other material considerations

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

Supplementary Planning Guidance / Documents:
SPD1 - Brent's Design Guide 2018
Brent's Draft Residential Amenity Space and Place Quality SPD
Brent's Draft Environment and Sustainability SPD

DETAILED CONSIDERATIONS

Principle of Development

Delivery of Additional Housing

1. Policy BH1 of the Local Plan states that the Council will maximise the opportunities to provide additional homes in the period to 2041 and beyond. To achieve this it will grant planning permission to support the delivery of the Growth Areas, site allocations and appropriate windfall sites to provide a minimum 27,482 homes in the period 2019/20-2028/29. It will positively plan to promote a further minimum of 18,074

homes from 2029/30 to the end of the Plan period in 2041. Policy H1 of the London Plan reflects this target.

2. 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.
3. 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 will 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.
4. 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).
5. The application site is within PTAL 4. It is therefore considered to be within a priority area for additional housing, and subject to complying with other policies in the development plan as discussed below, the intensification of the site to increase housing supply is consistent with both the adopted London Plan 2021 and Brent's Local Plan 2019-2041.
6. To summarise the principle of development is considered acceptable, subject to an assessment of all other planning considerations outlined in the following sections of this report.

Character and Design

7. The NPPF seeks developments of high quality design that will function well and add to the overall quality of the area, responding to local character and history, reflecting the identity of local surroundings while not discouraging appropriate innovation, establishing or maintaining a strong sense of place, and optimising the potential of the site to accommodate an appropriate amount and mix of development. London Plan Policies D3 and D4 sets out a design-led approach to new development that responds positively to local context and optimises the site's capacity for growth, supporting higher densities in well-connected locations.
8. Brent's Policy DMP1 and the Brent Design Guide SPD1, provide further guidance on principles of good design. Local Plan Policy BD1 seeks the highest quality of architectural and urban design, including innovative contemporary design that respects and complements historic character.
9. The proposed building would sit within an established suburban street-frontage, between a short terrace of two storey houses to the east and a detached two storey dwellinghouse to the west.
10. The proposal seeks to erect a 2 storey pitched roof building, with a front gable and large symmetrical windows, with a traditional architectural design.
11. Brent's policy DMP1, which seeks good design, does not necessarily require strict reproductions of surrounding buildings and welcomes additions of a contrasting character, subject to good design, however, the proposal has taken design cues from the surrounding properties which is welcomed.
12. The development and its reduced scale as a result of the pitched roof allows the building to be sufficiently softened when viewed from the streetscene and surrounding properties, reducing the massing and visual impact of the building.
13. The first floor will have a smaller floor area compared to the ground floor, the building is set back on from the rear of the first floor which reduced the scale and massing.
14. The proposed design of the building has overcome the previous refusals which while the proposals were noted to take design cues from surrounding properties, did so in an excessive way that contributed towards a new building that was excessive and appeared overly bulky.
15. The proposal is considered to have an appropriate massing, with the maximum pitched roof height of the

building would be taller than adjacent row of four terraced properties at Nos. 30, however, the maximum height of the proposed building would be 0.5m lower than the ridge height of the neighbouring detached dwellinghouse which given it allows for a stepping up in rhythm, the height is acceptable in principle.

16. It is acknowledged that the existing building on the plot is substantially wider than its neighbouring houses, being 10 metres wide rather than 7.3 metres wide (as is the case with the neighbouring detached dwelling) or 5 metres wide (as is the case with the neighbouring terraced dwelling). This is a typical design trait of bungalows, where the reduced scale of the building in height terms is often offset by a greater width and larger footprint.
17. The proposed building is not considered to appear unduly dominant or out of proportion with the established characteristics of the street and is therefore supported.
18. In terms of materials, the immediate context has a varied materiality between brickwork and render. The proposed principal elevations would feature red brickwork which is acceptable in this locality. Final details of materials will be secured via a planning condition. However, the proposed palette corresponds well to the existing streetscene.

Housing Delivery and Standard of Housing:

19. Brent's DMP1 policy requires high levels of internal amenity to be achieved in new developments. Policy D6 of London Plan relates to residential quality standards.

Mix of units

20. The proposal would result in the demolition of the existing 3 bedroom house and its replacement with 1x 3 bed flat, 1x 2 bed flat and 2x 1 bed flats (4 homes in total).
21. Policy BH6 of the Local Plan seeks for 1 in 4 new homes in the borough to be family sized homes. This proposal puts forward a contribution of 1 family homes within the 4, allowing for 1 of its 4 homes as family homes and therefore re-provides the family sized accommodation and meets the requirements of policy BH6. This has overcome the earlier for refusal in relation to family sized homes.
22. It is noted that the earlier refusal included a reason in relation to the lack of a legal agreement to secure a contribution towards off site affordable housing. This is required under policy BH5 and only in relation to 5 to 9 homes. In this case, the scheme proposes 4 homes, and therefore would not be required to provide a contribution towards off site affordable housing.

Size of Units

23. The proposed residential unit sizes meet all the minimum standards stipulated within the London Plan, including meeting all minimum bedroom size standards. The table below sets out the provisions.

Unit Type	Unit Composition	Unit GIA (sqm)	London Plan GIA (sqm)
Ground Floor - Unit 1	2 bed 4 person	85.4	70
Ground Floor - Unit 2	3 bed 4 person	89.4	74
First Floor - Unit 3	1 bed 2 person	53.28	50
First Floor - Unit 4	1 bed 2 person	50	50

24. London Plan Policy D6 also requires at least 75% of the GIA of each flat to have an internal floor-to-ceiling height of 2.5m. This exceeds the national standard of 2.3m as higher housing and the urban heat island effect are more prevalent in London, and a higher standard is required to ensure adequate quality in terms of daylight penetration, ventilation and cooling, and sense of space. All four flats would have a floor to ceiling height of 2.5m, meeting the requirements set out in policy D6 of the London Plan (2021).

Aspect to Units

25. The internal floor area of the proposed flats is acceptable in quantitative terms as above. Two of the four units are dual aspect, the two dual aspect units are situated at the ground floor and have direct access to external amenity spaces.
26. Outlook from habitable rooms would generally be acceptable with no habitable rooms now relying on outlook from flank wall windows close to the neighbouring boundaries. The exception to this is the outlook from the front bedroom of unit 2 which is in close proximity to the cycle store. However, revisions

to the cycle store are recommended to be secured through condition which, in addition to securing an amended cycle store layout (see Transportation section of report), would result in a cycle store significantly lower in height which would address the concerns regarding the outlook from this bedroom which would otherwise be poor.

27. A landscape buffer provides sufficient privacy from the bedrooms of unit 1 to the front garden.
28. The outlook from the front of the building (units 1 and 3) allows views over District Road . For the ground floor there is an area of private external amenity space which has landscape buffering to the immediate frontage of the habitable bedroom windows allowing for further privacy.

Accessibility of the units

29. In line with London Plan policy D7, the flats would all be delivered to an M4(2) level of fit out, as defined within Part M of the Building Regulations, where step free access is provided between the street to all flats and that the flats meet the needs of occupants with differing needs, including some older or disabled people and to allow adaptation of the dwelling to meet the changing needs of occupants over time. Policy D7 does recognise that there are circumstances where the provision of a lift to dwelling entrances may not be achievable, such as small-scale infill developments and only in blocks of four storeys or less, where the homes above ground level would be required to satisfy the mandatory building regulations requirements of M4(1) via the Building Control process. M4(2) dwellings should still be required for ground floor units. A condition is therefore recommended to secure details of how the ground floor flats would be designed to meet M4(2) requirements.

External Amenity Space

30. Policy BH13 of the Local Plan establishes that all new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 50sqm per home for family housing (3 bedrooms or more) situated at ground floor level and 20 sqm for all other housing.
31. The BH13 requirement is for amenity space to be of a "sufficient size and type". This may be achieved even when the 'normal expectation' of 20 or 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 1.5m.
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 policy.
34. The amenity space provisions in the context of the policy requirements are set out below:

Unit	Unit Type	External Amenity Space policy requirement	Private External Amenity Space Provision	Shortfall Against Policy Amount	Communal External Amenity Space Provision	Cumulative Shortfall Against Policy Amount
Unit 1 (ground)	2b4p	20sqm	67sqm	0sqm		
Unit 2 (ground)	3b4p	50sqm	73.7sqm	0sqm		
Unit 3 (first)	1b2p	20sqm	0sqm	20sqm		
Unit 4 (first)	1b2p	20sqm	0sqm	20sqm		
					144sqm	
Total		110sqm		40sqm		0sqm

35. A communal amenity space of 144sqm has been provided at the rear of the two ground floor unit gardens, accessed via the flank elevation, connecting to the cycle store. The route is considered to be appropriate to the scale of the development and provides a useable, good quality space which would be to the benefit of the future occupants and their external amenity provision.
36. The provision of communal amenity space in the form of the rear communal garden meets the requirements of Policy BH13.

Amenity Impact of the Building (Privacy, Outlook, Sense of Enclosure)

Guidance context

37. The amenity impacts of the new buildings are subject to the amenity impact tests as laid out within Brent's SPD1.
38. In relation to privacy, SPD1 requires a distance of 18m to be maintained between directly facing habitable room windows and a distance of 9m to be kept between gardens and habitable rooms. In this case, the upper floor rear windows of the development look across the railway line to the rear and there are no side facing windows at the upper floors which could enable overlooking of the neighbouring properties gardens.
39. In relation to outlook and ensuring that the proposal would not bring about an unreasonable sense of enclosure or overbearing impact to neighbours, where a proposed development adjoins private garden areas, SPD1 requires that the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured at a height of 2m.
40. In addition, SPD1 requires new developments to generally not project beyond 1:2 guidance. This is when the depth of a rear projection (which is over one storey in height) does not project more than half the distance when measured from the nearest rear habitable room of the neighbouring property to the flank wall of the proposed development.
41. There will be no unacceptable impact to the railway site at the rear, however the potential for unduly detrimental impacts to the neighbouring houses on either side (30c District Road and 34 District Road) needs to be considered.

Impact to 30c District Road

42. In respect of the neighbour at no. 30c District Road, the proposed building would project about 1.15 metres alongside the rear garden of this property (taking into account the existing extensions). From No. 30c's first floor window the proposed first floor would not project beyond the rear wall of the existing house, which is also splayed away from the application site. The proposal would sit underneath the 45 degree line when measured from the nearest affected part of the rear garden and as such would not have an unduly detrimental impact to the garden of no. 30c or its ground floor rear windows.
43. As such, the proposal not result in an unduly compromised level of light or outlook in relation to no. 30c District Road. No. 30c District Road has one window in its flank elevation facing the development site, however this is obscure glazed and does not appear to be a habitable room window. As such, the impact is considered to be acceptable and in accordance with DMP1 for design and Brent's SPD1 document.

Impact to 34 District Road

44. In respect of the neighbour at no. 34 District Road, the proposed building would project about 4.2 metres alongside the rear garden of this property at ground floor (taking into account the existing extensions). At first floor level, the developments building would project 4.8m beyond the first floor rear wall of No. 34, however, this projection is set away from the centre of the nearest habitable room window by 7.045m. This relationship is such that the 1:2 rule would be breached, however, for it to comply the projection would need to not exceed 3.52m. However, it should be noted that the existing bungalows has a steep roof with a maximum roof height is 8.2m, this is set off the shared curtilage boundary with No. 34 by 4.25m. The development as proposed includes a reduced ridgeline height of 8m, a reduction of 0.2m but with raised eaves at 5.47m high to accommodate the first floor level. The building line which follows similar dimensions to the massing of the bungalow, continues to retain a set in from the curtilage boundary of 4m, which when considered against the existing dwellinghouse would be viewed as an upward extension. The development as proposed does not present a significantly larger impact to the adjoining neighbours or the streetscene, given it has a slightly reduced height, similar massing and is not built a

considerable amount closer to the boundary (0.25m). The depth of the rear projection has also significantly reduced since the earlier refusals.

45. The 45 degree line guidance would not be breached, and the visual amenity of the garden and ground floor rear windows would not be unduly compromised. As such, it is considered that on balance based on the existing rearward projection no. 34 would not be any further unduly compromised as part of the proposal in terms of light and outlook.

Summary

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

Privacy and Overlooking

47. All units achieve outlook from the front or the rear with the only 3 windows on the flank elevation serving non-habitable rooms or hallways and these would therefore be conditioned to be obscure glazed. The remainder of the windows have outlook over the front or rear and it is not considered that these would have a negative impact on overlooking or privacy.

Transport Considerations

Overview

48. Car parking allowances for Brent are set out in Appendix 4 of the Local Plan and for residential use, this requires compliance with the standards in Table 10.3 of the London Plan. The site has a good PTAL rating, but is located away from any town centre, so the maximum car parking allowance is 0.75 spaces per dwelling.
49. The existing provision of a garage and hardstanding exceeds this maximum allowance for the existing house.

Car Parking and Access

50. The maximum car parking allowance for the four proposed flats is 3 spaces, which is a significant increase on the existing house. The proposals do not include the provision of any off-street car parking spaces within the frontage, so maximum standards are not exceeded. Notwithstanding this, District Road is noted as being heavily parked at night and the proposal further to demand for parking in the street that could not be safely accommodated, unless parking demand can be limited.
51. Policy BT1 of Brent's Local Plan sets out that the council will prioritise active and sustainable travel over private motor vehicles. This is in response to the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041. Policy BT2 encourages car free development where an existing Controlled Parking Zone (CPZ) is in place or where one can be achieved. Given the above, a development of this size would only be acceptable in transport terms if all residents could be prevented from obtaining parking permits for a Controlled Parking Zone (CPZ). However, there is no existing year-round CPZ in operation on District Road (or on the adjoining streets of Central Road and Allendale Road that sits within the boundaries of Brent) but there is an all-year round CPZ operating in the local area.
52. Given the public transport accessibility of the site and the proximity to a number of locations where new homes are expected, including nearby intensification corridors and two site allocations, it is considered that the impacts of over-spill parking could be mitigated through a contribution towards a Controlled Parking Zone in the local streets and a restriction of the new dwellings meaning that they are not eligible for on-street parking permits. This approach has been used for nearby sites, such as Keeler's Corner.
53. Officers in Transportation have requested a financial contribution of £2,000 towards the cost of a CPZ review and extension to assist in advancing any CPZ extension. This would be secured within a Section 106 Agreement together with the rights for future residents to be entitled to parking permits for an existing or future CPZ.

Cycle and Refuse Storage

54. The proposals require cycle parking provision for 7 bicycles located in a secure undercover lockable compound as close to the main entrance as possible. These plans show a cycle store at the side of the building with 10 cycle spaces. However, the length of the spaces is insufficient and the height and proximity of the spaces to the windows of the nearby bedroom of the ground floor 3-bedroom flat would

result in poor outlook from that bedroom (as discussed above). Nevertheless, there is sufficient space for a secure, weatherproof cycle store in this location that could accommodate 7 cycles perpendicular to the path (therefore removing the need for the aisle within the store and reducing the required height of the store) and revised details of the cycle store are accordingly recommended to be secured through condition..

55. The bin store itself needs only provide four shared 240l wheeled bins, plus four kerbside containers. The proposed provision of two 1,100l Eurobins therefore provides more capacity than is necessary, allowing the store to be reduced in size which will be secured as part of the bin store condition requirement.
56. As no off-street parking being proposed, the crossover to the site will become redundant and will need to be removed and reinstated to footway at the applicant's expense and a condition securing this is recommended.
57. The Council's Local Plan requires forecourts to have a minimum soft landscaping coverage of 50% in order to provide an attractive appearance and aid natural drainage. The proposal provides adequate soft landscaping, with details of planting recommended to be secured through condition.
58. The Transport Statement indicates that the properties would be marketed as 'car-free' and a Travel Pack would be provided to new residents highlighting the sustainable transport options, which would be welcomed.

Urban Greening and Biodiversity/ecology

59. Brent Local Plan Policy BGI1 Green and Blue Infrastructure and the London Plan Policy G6 sets out that development should aim to secure a net biodiversity gain. Policy G5 of London Plan relates to urban greening factor and policy BH4 of Brent's Local Plan also required small housing developments to achieve an urban greening factor of 0.4. No urban greening factor has been submitted with the application. However, the proposal seeks to improve the level of soft landscaping within the site, and there are opportunities to improve the urban greening factor of the site. Such details are recommended to be conditioned to any forthcoming consent.
60. The railway to the rear of the site is designated as a Wildlife Corridor. The development has the potential to damage habitat and diminish the biodiversity and ecology of the locality. A Preliminary Ecological Assessment has been submitted to consider what mitigation measures or enhancement measures might be required to address harms brought about by the development. Whilst this assessment was dated March 2022 it is unlikely that the conclusions would have changed. In summary it concludes that the site has negligible potential for roosting bats, based upon the low number of potential ingress / egress points into the building, the tightly sealed ridge and tiles, and the fact that the tiles rest directly onto the wooden roof joists, the lack of roost opportunities detected internally, and the lack of evidence of any bat droppings or other signs of bats. The row of cypress trees to the rear of the site was also considered to have low potential as bat roosts. The ecology of the site as a whole was considered to be low.
61. The Ecological Assessment set out a number of measures to enhance the biodiversity of the site including the provision of native planting, bird, bat and insect boxes, and lighting to be directed away from the railway corridor. The assessment sets out measures that should be secured by way of condition should consent be approved.

Trees

62. There are some large trees at the rear of the site, located along the boundary with the railway to the south. The previous refused application sought the removal of these trees, with the impact on trees and lack of protection measures forming a reason for refusal.
63. As part of this application the development does not propose the removal of any on site trees (a row of Cypress Trees to the rear) as confirmed within an addendum to Arboricultural Impact Assessment the proposal is considered to not have an unacceptable impact upon the trees on site or the wildlife corridor situated at the rear. Tree protection measures are set out and will be conditioned to any forthcoming consent.

Fire Safety

64. Policy D12A of the London Plan now requires all development proposals to achieve the highest standard

of fire safety and requires submissions to demonstrate that they:

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

Environmental Health Considerations

Air Quality

66. Officers in Environmental Health requested an air quality neutral assessment. However, policy BSUI2 only requires such assessment for major proposals. As this is a minor scheme, there is no requirement to submit an air quality neutral assessment, and furthermore given the scale and nature of the development, it is unlikely that the proposal would result in a harmful increase in pollutants.

Noise

67. The development is for residential dwellings within a residential area near to a railway line. Therefore a condition is recommended to ensure that the construction of the build is suitable to meet recommended British Standards for internal and external noise levels.

Construction Noise and Dust

68. The development is located very close to other residential properties. Construction therefore has the potential to contribute to cause nuisance to neighbours. A condition requiring a construction method statement to be submitted and approved is therefore recommended to protect the amenity of neighbours during construction.

Contaminated Land

69. Due to some of the land within the garden area being highlighted as potentially contaminated due to the railway use, two related conditions will be issued to require a full site investigation and remediation measures in the event that the desktop study concludes that contaminated land may be an issue of relevance.

Asbestos

70. 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. A relevant informative is recommended to be placed on the consent.

Sustainable Drainage

71. Brent policy BSUI4 states that “proposals for minor developments should make use of sustainable drainage measures wherever feasible and must ensure separate of surface and foul water systems. Proposals that would fail to make adequate provision for the control and reduction of surface water runoff will be refused”.
72. The site does not lie within land that is liable to a source of flooding (including surface water flooding) as identified within the policies map. The provision of separate systems has been confirmed by the applicant and a number of measures are proposed to reduce surface water flooding such as permeable paving and green roof. Overall the scheme would comply with policy Policy BSUI4.

Equalities

73. 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

74. Whilst the proposal has not provided details of the urban greening factor, the development is broadly 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 four homes including one family sized home within a priority area for new housing that would contribute the Council's housing targets, and the limited conflict with policy would be outweighed by the planning benefits.

75. Approval is accordingly recommended subject to conditions and completion of Section 106 Agreement.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 22/4249

To: Mr Bord
Stephen P Bord & Associates
21 Penn Road
Park Street
St Albans
Herts
AL2 2QT

I refer to your application dated **19/12/2022** proposing the following:

Demolition of existing building and construction of a two-storey block of flats to provide 4 residential units (Use Class C3), with associated landscaping and boundary treatments, refuse and cycle storage for bikes.

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

at **32 District Road, Wembley, HA0 2LG**

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: 28/04/2023

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework 2021
The London Plan 2021
Brent Local Plan 2019-2041

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

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

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

1001-SPB-BS-1 - Location and Block Plan,
1001-SPB-BS-3 – Existing Site Plan,
1001-SPB-BS-4 Existing Floor Plan,
1001-SPB-BS-5 - Existing front and rear elevations,
1001-SPB-BS-6 Existing Side Elevations,
1001-SPB-BS-20 REV E - Proposed Plans,
1001-SPB-BS-21 REV B - Proposed Sections and Front Elevation,
1001-SPB-BS-22 REV A - Proposed rear and side elevations,
1001/SPB/BS/23 - Plan to show 1-2 rule,
1001-SPB-BS-23 - Tree Survey,

Supporting Documents
Preliminary Ecological Appraisal (March 2022), Transport Statement (February 2022)

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

- 3 The window in the first floor east and west walls of the building shall be glazed with obscure glass and the windows shall fixed closed or open at high level only (not less than 1.7m above floor level) and top hung and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

- 4 The mitigation measures and recommendations set out within the Preliminary Ecological Appraisal prepared by TSA Ecology dated March 2022 shall be carried out in full throughout the construction of the development hereby approved.

Reason: To ensure that the proposed development does not materially impact ecology or protected species.

- 5 The development hereby approved shall not be occupied unless the vehicular crossover (access to the highway) has been reinstated to footway at the applicant's expense.

Reason: In the interest of vehicular and pedestrian safety and flow on the footway and carriageway.

- 6 The development hereby approved shall not be occupied unless the external amenity spaces

have been completed in full accordance with the approved drawings and those spaces shall thereafter be made available to residents of the development and shall not be used other than for purposes ancillary to the flats hereby approved.

Reason: To ensure a satisfactory standard of accommodation.

- 7 Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The development shall not be carried out other than in accordance with the approved Construction Method Statement.

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

Reason for pre-commencement condition: Construction nuisance can occur at any time during the construction process, and adequate controls need to be in place prior to works starting on site.

- 8 Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) shall be submitted to and approved in writing by the Local Planning Authority.

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

Pre-commencement reason: To ensure that the development will satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with the Local Plan and pursuant to section 197 of the Town and Country Planning Act 1990.

- 9 (a) (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 and approved in writing by 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.

(b) Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. The dwellings hereby approved shall not be occupied unless a verification report has been submitted to the Local Planning Authority demonstrating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

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

Time: Vibration dose values - Low probability of adverse comment (m/s 1.75)
16 h day (07:00-23:00): 0.2 to 0.4
8 h night (23:00-07:00): 0.1 to 0.2

Prior to commencement of development (excluding demolition and site preparation), evidence to demonstrate that the above levels will be achieved shall be submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be implemented in accordance with the approved details.

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

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

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

- 12 Prior to any works commencing, excluding demolition, site clearance and laying of foundations, details of the layout of the ground floor flats to demonstrate how they will be designed to achieve Building Regulations requirement M4(2) - 'accessible and adaptable dwellings shall be submitted to and approved in writing by the Local Planning Authority, and thereafter development shall be implemented in accordance with the approved plans.

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

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

(i) A planting plan with opportunities to enhance the amount of soft landscaping and tree planting with the use of native and/or wildlife attracting species, bird, bat and insect boxes, demonstrating how the recommendations set out within the Preliminary Ecological Appraisal prepared by TSA Ecology dated March 2022 have been taken into account.

(ii) details of garden wall, fences or other form of boundary treatment to be provided within the site (including details of external materials and heights)

(iii) details of surfacing materials to be used for hardstanding

(iv) 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.

(v) revised details of bin store which shall have capacity for 4 x 240l bins and 4 x kerb side containers.

(vi) details of any external lighting, including details demonstrating how the recommendations set out within the Preliminary Ecological Appraisal prepared by TSA Ecology dated March 2022 have been taken into account.

(vii) details to maximise the urban green factor (UGF) for the site in line with policy BH4 of Brent's Local Plan 2019-2041, including the requirement to submit a UGF Masterplan and score in line with the London Plan Open Space Categorisation.

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.

- 14 Prior to the commencement of development (excluding demolition, site clearance and the laying of foundations), revised details of secure weatherproof cycle storage for a minimum of 7 cycles within a revised shelter shall be submitted to and approved in writing by the local authority and the approved cycle store shall be implemented prior to first occupation of the dwellings hereby approved. The cycle store shall thereafter be made available to residents of the development, retained and maintained, and not used other than for purposes ancillary to the occupation of the flats within the development.

Reason: In the interest of sustainable transportation.

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

Time	Area	Maximum Noise Level
07:00-23:00	Living Rooms and Bedrooms	35 dB LAeq (16hr)
23:00 - 07:00	Bedrooms	30 dB LAeq (8hr); 45 dB LAmax

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

Reason: To obtain required sound insulation and prevent noise nuisance.

INFORMATIVES

- 1 The quality of imported soil must be verified by means of in-situ soil sampling and analysis. We do not accept soil quality certificates from the soil supplier as proof of soil quality.
- 2 The applicant is advised to apply to Brent's Highways Service for the crossover removal using the following link:
<https://www.brent.gov.uk/parking-roads-and-travel/roads-and-streets/vehicle-crossings-and-dropped-kerb>
- 3 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the government website: <https://www.gov.uk/government/publications/preventing-and-resolving-disputes-in-relation-to-party-walls/the-party-wall-etc-act-1996-explanatory-booklet>
- 4 The applicant is advised 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.
- 5 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.

6 Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried only between the hours of:

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

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 Nicola Blake, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5149