

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

12 June, 2023
04
22/4128

SITE INFORMATION

RECEIVED	8 December, 2022
WARD	Wembley Central
PLANNING AREA	Sudbury Town Neighbourhood Forum
LOCATION	776 & 778, Harrow Road, Wembley, HA0 2HE
PROPOSAL	Demolition of 2 existing dwellings and construction of 4x new three storey dwellinghouses, associated cycle and refuse storage, amenity space and boundary treatment
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_162930</p> <p><u>When viewing this as a 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 "22/4128" (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. Restriction of PD rights for dwellinghouses
4. Water Consumption
5. Drainage Strategy compliance
6. Ecology report compliance
7. Car free development
8. Cycle and Bins compliance
9. External amenity compliance
10. Construction Method Statement
11. Construction Environmental Method Statement
12. Tree Protection measures
13. Network rail -risk assessment
14. Network rail- scaffolding
15. Network rail crane details
16. Thames water piling details
17. Network rail piling details
18. Network rail excavation details
19. Contaminated land condition 1-investigation
20. Network rail surface water and foul water disposal drainage strategy
21. External Materials
22. Water butts details
23. Hard/ soft landscaping and lighting details
24. Internal Noise insulation
25. Contaminated land condition 2- Remediation and verification
26. Plant Noise
27. Sustainability

Informative

1. CIL liability
2. Party Wall Act
3. Building Near Boundary
4. Asbestos
5. Fire Statement
6. Construction hours
7. Network Rail BAPA (Basic Asset Protection Agreement)

As set out within the draft decision notice

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

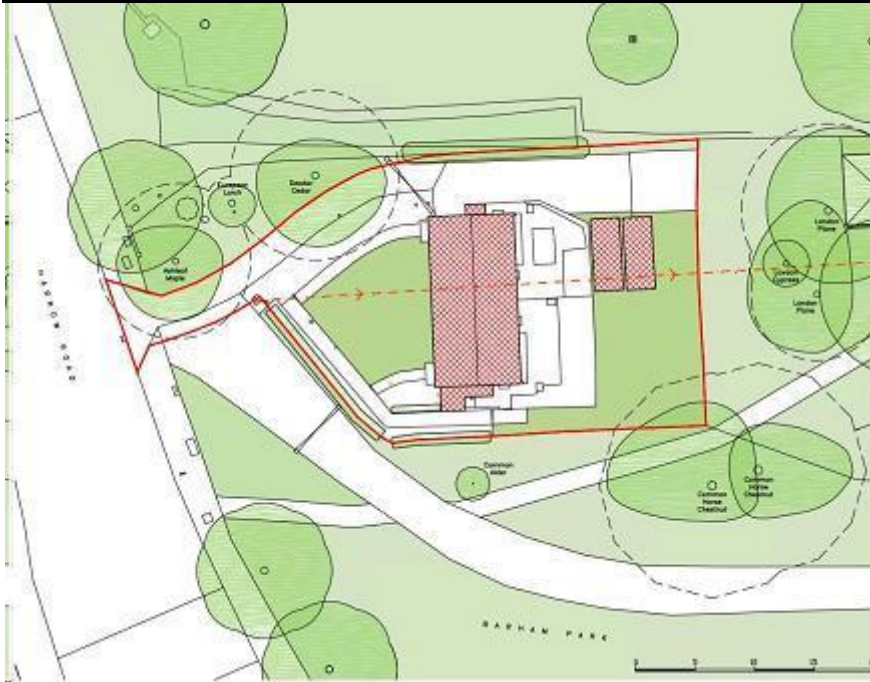


Brent

Planning Committee Map

Site address: 776 & 778, Harrow Road, Wembley, HA0 2HE

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This map is indicative only.

PROPOSAL IN DETAIL

Demolition of 2 existing 3-bedroom houses and construction of 4x three-storey 3-bedroom dwellinghouses, associated cycle and refuse storage, amenity space and boundary treatment

EXISTING

The application site comprises of a pair of semi-detached dwellinghouses located along the north-west corner of Barham Park, adjacent to the railway tracks for Network Rail service, in Sudbury. To the north is the embankment for the railway tracks, to the south and east is the public park, Barham Park and to the west are residential flats.

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 33 objectors and a petition containing 160 signatures in response to the consultation. A number of issues were raised including impact on the principle of development within the park, accuracy of the submission, impact on heritage assets, design and massing, trees, wildlife and ecology, flood risk, restrictive covenant of the land, highway safety concerns, vibration and noise. These The objections are summarised in more detail below and discussed in the report.

Principle of Development: The Brent Local Plan and London Plan recognise the role of small sites in the delivery of the new homes that are needed in the borough and the site has a PTAL of 5 and is Priority Area for housing. The general principle of residential development is supported in this location, contributing towards the Council's housing targets. The site is currently in residential use and contains 2 houses. It is outside of the London Plan open space designation and therefore the redevelopment for residential purposes accords with London Plan policies. The area shown for Barham Park within the policies map associated with the Sudbury Town Neighbourhood Plan includes the two houses, and policies LGS1 (Local Green Space), LGS2 (Barham Park) and BP1 (Barham Park) are therefore relevant. These policies set out that development which is not ancillary to the use of the land for recreational purposes will be resisted, and that any proposals for the re-use or redevelopment of park buildings for residential use will not be supported. However, the development relates to the development of existing houses and their gardens that are already within Use Class C3 and therefore does not result in the loss of any land that falls within the park use. Furthermore, the buildings are houses and not "park buildings". The demolition of the existing dwellings is considered acceptable as the buildings are not listed (although they do sit within the wider grounds of Barham Park which is locally listed) or located within a conservation area. The proposal to re-provide new family sized homes within the curtilage of the existing residential properties is be considered to acceptable on the site given that the established use of the land is currently residential in nature and does not form part of the park or open space.

Highway impacts: The proposed homes would be within an area with a high Public Transport Accessibility Level (PTAL) of 5 for public transport. No parking spaces would be provided and the homes would be "parking permit restricted" and as such are not 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 as the site does not have any immediate adjoining residential neighbours.

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

historical significance of the park.

Trees, landscaping and ecology: Landscaping and seven new trees has been provided with a practical layout along the frontage and a rear garden areas. The proposal would have a score of 0.65 exceeding the Urban Greening Factor target of 0.4 per London Plan and Local Plan policies. The proposal will not result in any tree loss and the Council's tree officer is satisfied with the proposals and recommended a condition in relation to Tree Protection Plans and Arboricultural report. 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 lies within fluvial Flood Zone 1 (low risk of flooding), however the site is designated as a Flood zone 3a for local surface water. The applicant has provided a Flood Risk Assessment with number of measures to be included ensuring that the development would be resistant and resilient to flooding. Moreover, the surface water runoff into public water sewer would occur at a rate of 5 l/s by using hydro-brake (or similar approved) fitted towards the end of the drainage run. An attenuation storage is shown within the rear garden of the site as well. The submitted FRA also notes the provision of a 65% betterment on the existing runoff rate for the 1 in 100-year design event. This will contribute to a net reduction in surface water entering London's sewer systems when compared with existing conditions as well.

RELEVANT SITE HISTORY

14/2078 - Demolition of 2 semi-detached dwellinghouses and erection of 4 new dwellinghouses, 2 two storeys (2 x 3 bed) and 2 three storeys high (2 x 5bed) with converted loft space, provision for car parking, bin stores and hard and soft landscaping to the front and associated amenity space and fencing – **Refused – 15/10/2021**

Reasons:

1. The proposed development, by reason of the design, scale and proximity with the boundaries of the site with Barham Park together with the proportion of hard landscaping with the frontage of the site, constitutes a development which has a poor and over-bearing relationship with the park and is therefore detrimental to the setting of the adjoining public open space. The development is therefore contrary to policies BE2, BE7, and BE9 of Brent's Unitary Development Plan, policy CP17 and CP18 of Brent's Core Strategy, 2010, and guidance contained within Brent's Supplementary Planning Guidance 17 on Design Guide for New Development.

2. The submission fails to demonstrate that the proposed development, including demolition of the existing building and the construction of the new building, will not have an impact on the root protection zone of mature trees located within the adjoining Barham Park and is likely to have impact on the trees that are close to the eastern and southern boundaries of the application site. As such, the proposal is likely to have a detrimental impact on the quality and quantity of trees within Barham Park and is contrary to Policy CP18 of Brent's Core Strategy 2010, and Supplementary Planning Guidance 17 "Design Guide for New Development".

3. The proposal would result in the provision of substandard forms of accommodation by reason of the poor light and outlook for habitable room windows within units 1 and 2 and the absence of useable private amenity space provision for proposed Unit 1, and the inadequate provision and poor quality of outdoor amenity space for proposed units 2, 3 and 4 which would be detrimental to the enjoyment and amenities of future occupiers. The proposal is therefore contrary to policies BE6, BE7 and H12, of Brent's Unitary Development Plan 2004 and the advice of Supplementary Planning Guidance 17: "Design Guide for New Development".

4. The submission fails to demonstrate that internal levels of noise and vibration for the proposed units will be acceptable (having regard to the standards described in BS8233:2014 and BS6472:2008) and as such, does not demonstrate that the proposal will result in a good standard of residential accommodation for future residents. The proposal is contrary with Policy EP2 of Brent's Unitary Development Plan 2004.

16/1209: Demolition of existing side extensions and erection of 2 storey side and rear extensions, 4 rear

dormer windows, 4 rooflights and conversion of the existing 2 dwellinghouses into 3 x 3bed dwellinghouses and 1 x 2bed dwellinghouse to also includes insertion of new windows and doors, car and cycle parking space, bin stores, landscaping and amenity space - Granted, 25/01/2017.

17/5067 - Demolition of semi-detached 3 bedroom houses and erection of three 3 bedroom and one 2 bedroom two storey dwelling houses including hard and soft landscaping, associated parking spaces, refuse and cycle storage (revised description) – **Granted, 06/03/2018.**

(based on the planning history it would appear that the above consents have not been implemented and have now expired).

19/0788 - Demolition of two semi-detached dwelling houses and construction of four 4-storey houses (3 x 4 bedroom and 1 x 5 bedroom) with associated car parking spaces, cycle/refuse storage and landscaping – **Refused**

Reasons:

1. The proposed development would incorporate an inappropriate height and associated bulk and massing that would appear prominent and have a negative impact on the open nature of the park setting. The overall layout of the development fails to provide an appropriate relationship onto Harrow Road frontage and would provide poor and unattractive environment for the residents of the proposed residential units. Overall the development would fail to comply with National Planning Policy Framework 2019, Policy 7.3 of the London Plan, DMP1 of the Development Management Policies 2016 and Supplementary Planning Document 1 – Brent Design Guide 2018.

2. The proposal by reason of the access pathway to the front doors of the new dwellinghouses in proximity to the ground floor habitable room windows with insufficient defensible space, would result in loss of privacy and noise and disturbance to the detriment of the amenities of the proposed occupiers of the new dwellinghouses. This is contrary to policy DMP1 of Brent's Development Management Policies 2019 and SPD1 "Brent's Design Guide" 2018.

20/1909 - Demolition of two semi-detached dwellinghouses and erection of 5 dwellinghouses with associated parking, landscaping and gardens – **Withdrawn, 30/09/2020.**

21/1106 - Demolition of dwellinghouses and erection of a four storey residential building comprising 9 self-contained flats with roof top terrace and associated access, parking and landscaping – **Withdrawn, 19/05/2021.**

CONSULTATIONS

73 properties within the vicinity of the site were notified by letter of this proposal for a 21 day period on 03/01/2023 together with the Sudbury Town Residents' Association. 126 properties were re-consulted on 18th of April 2023. A site notice was also erected on a lamp post in front of the site on 11/01/2023 and 24/04/2023 .

A petition was also submitted with 160 signatures on the grounds that the proposal is an over development in the local public park and the proposal should uphold the long standing Brent Council policy of protecting Parks and public places at all cost.

33 Objections were received raising the issues as discussed below:

Nature of Objection	Officer response
There is no reference to the adjoining mobile telephone operators being consulted (Virgin Media)	Consultation letters were not sent to Virgin Media, but it should be noted that all statutory consultation requirements have been met.
<u>Application form inaccuracy:</u>	<ul style="list-style-type: none"> The application form confirms that notice

<ul style="list-style-type: none"> • The Title deed number is incorrect within the application form which is the Barham Trust's freehold title number to the whole of the Park (excluding the applicant's land). As such notices should be given to all the tenants of the buildings at 660 Harrow Road, etc, tenants of the Trust, and certainly as far as the tenant of the Barham Community Library. Moreover, no notice was served on Trustees of the Barham Trust. • The application form refers to 776 Harrow Road, yet the proposal is for 776 and 778 Harrow road. • 	<p>has been served to Brent Council as the other party who has a legal interest in the land within the red edge site location plan submitted as part of this application where the development would take place.</p> <ul style="list-style-type: none"> • The application drawings including the red edge site plan show the extent of the application site and public consultation undertaken by the Council has referred to both 776 and 778 Harrow Road accordingly.
<p><u>Hardstanding:</u></p> <p>Hardstanding on site will be extended and inevitable parking will increase and the council doesn't have resources to monitor this. Referring to the "fire tender" area which will be a further area of hard standing attracting parking. The grassed area of the Park should remain intact, any extension/expansion of the access road and hardstanding would not be welcomed and would add to run off/potential flooding as well as Root Protection Areas. Moreover, reference to turning circle as part of fire tender is not indicated on the plans adding further to hardstanding area.</p>	<p>The hard standing of fire tender access (shown in blue line) has not been extended as part of this application. There are also no changes to the side gated access roads or landscaping within the park confirmed on the drawing number 1463-100 rev C. Moreover, turning circles facility would be required for situations, where without this provision a fire appliance would need to reverse more than 20m. This is not the case in this situation as the dwellings are within 45 metres from fire appliance location marked on the fire statement. It should be noted that the existing front soft landscaping on site is about 90 sqm and the proposal would improve to this to approx.154 sqm. The existing site as a whole has approx. 258 sqm of soft landscaping and the proposal would increase this to 311.3 sqm which is an improvement. The hardstanding proposed within the site would also be permeable paving to assist with the surface water discharge.</p>
<p>The boundary of the proposal needs to be scaled and drawn up to the exact area in both ownerships (Barham Trust/Zenastar). There are concerns with the red edge around the access road on whether this land is expected to be acquired as part of the application. The residents and beneficiaries of the Barham Trust are entitled to be made aware of any extra rights/land the applicant needs if planning is granted.</p>	<p>The site location plan includes the access road from Harrow Road owned by Brent Council which a notice has been served accordingly. The existing houses benefit from a right of way to Harrow Road and the proposed houses would look to use this access.</p>
<p>In view of the status of the development site as a public open space and part of a park, site of wildlife importance and nature conservation area of local importance, the Council fails to pay regard to extensively demonstrated opposition by local residents and actively promoting development in Barham Park.</p>	<p>The existing house are already in residential use (Use Class C3) and the proposal does not look to redevelop the park itself. Planning applications must be considered having regard to planning policy and guidance. All objections are considered, but the number of objections (whether high or low) does not dictate the outcome of a planning application.</p>
<p>The proposal is contrary to Para. 203 of NPPF. In this case, there are no public benefits from the proposed development. There would be four homes instead of two, but all of the new homes would be for private market rent. The only benefit</p>	<p>This is discussed within the report paragraph 5-16 The proposal would provide additional family homes within a priority area for housing and within "small site" supported by London plan policy H2 and contribute to Brent's Housing Supply. There is no</p>

would be to the developer, and the harm would be to the heritage asset, to the public who use Barham Park and other numerous aspects discussed within the objection summaries.

requirement for the provision of affordable housing for proposals for fewer than 5 new homes, but the provision of private homes also meets an identified need in the borough.

The narrative of the development is being badged as a screen against the railway line. In any event, the park doesn't need screening of its surroundings. The railway line in fact forms part of the heritage setting of the Park and legacy of Titus Barham, and his father Sir George Barham before him. The railway line on the embankment forms part of the framing of Barham Park, and are not an intrusion.

The proposal is considered to represent good design and an improvement over the appearance of the existing homes and has an appropriate relationship with the park. The design of the proposed homes and their relationship with the park are discussed below.

Section 5.3 of D&A statement states '*... Present a more communal and appropriate face to the park than is achieved by the existing semi-detached houses and their immediate context.*'
Apart from the fact that the existing boundary markers are unattractive and not entirely sympathetic to the park, and neglected which the applicant is responsible for their provision & maintenance, what possible evidence is there that the proposed building has a "communal and appropriate face to the park" at all - never mind that such a "face" is more "communal and appropriate" than the "face" of the low rise cottages and their "immediate context"?

Tree impact:

- The Arboricultural assessment actually recommends felling a couple of these trees T2 and T8, despite their value as wildlife resources and that they are park trees and not the place of the applicant to mandate the fate of park trees. The fact that also their alleged poor state was not recognised in the 2020 survey by Brent officers.
- The existing rear gardens of the two cottages are used as commercial premises and storage, mainly by the siting of two storage containers. These containers and commercial movement have undoubtedly damaged the trees around the entrance to the site and this application would further damage them.
- To allow a construction next to these trees with their estimated capacity for growth might mean that in the future a claim for subsidence/heave is wilful irresponsibility. Council is already risk averse when it comes to insurance claims for tree damage, and fells trees on complaints by households in future. The trees along the northern border of the park are an extremely valuable wildlife resource, and along a valuable wildlife corridor formed by the railway line; to risk

Please refer to paragraphs 59 -63 within the report below. Should be noted that no trees would be removed as part of the proposal.

It should be noted that 7 trees are also proposed to be planted as part of the development.

<p>their loss would be the grossest of irresponsible actions.</p>	
<p>Appropriateness of the development to the public open space/Barham Park and the history of the park keepers' cottage should be taken into account. The existing cottages are low rise and nestle in amongst the trees. The buildings are the subject of the very strict covenants preventing further development. The site owner has made efforts through the planning system, since acquisition to lift them, despite push back from local residents, users of the Park - the beneficiaries of the Barham Trust.</p>	<p>Restrictive Covenants of a land are not a planning matter and a granted planning permission does not override any restrictive covenants. They are not mutually exclusive and are entirely independent of one another and separate permission/agreement should still be obtained from the parties involved.</p>
<p><u>Inappropriate development in a heritage setting:</u></p> <ul style="list-style-type: none"> • It is not justified in law or planning practice to split "bits" of a heritage asset up into more and less heritage valuable areas. Para.2.4 of heritage statement is to detach 'the western part of the park' from the rest of Barham Park, in assessing its significance. Barham Park is a coherent whole, a setting, the subject of a charitable bequest and is used by residents for recreation without any recognition of better or worse areas from a "heritage "point of view. The statement is miss-leading on certain aspects such the argument that this section became part of the park in 20th century. • The Historic Environment Place-making Strategy is not even mentioned in the Heritage consultants' report, and it should be dealt with. This adds to the failure to comply with a minimum requirement to comply with NPPF 194. Why Statement of Significance and the Greater London Historic Environment Record was not requested from the applicant contrary to NPPF paragraph 194. The council's heritage officer comments are also very brief. • The design includes untreated timber cladding, it is nothing like the heritage buildings it intends to mimic and would actually be an ugly and intrusive "blot on the landscape", totally out of character with the park. The proposal is contrary to the London Plan heritage policy HC1 (part C) and Para. 197 of NPPF as it would detract from the significance of the Barham Park heritage asset and would not make a positive contribution to local character. It fails those two tests and should be refused. 	<p>Please refer to paragraph 19-27 within the main report.</p>
<p>The site has been deliberately neglected with changes to allow for vehicular entrance and parking since 2012 contrary to NPPF 196 and containers</p>	<p>The council must assess the application, site context and documents that have been submitted at this stage only related to planning terms.</p>

stored within the rear garden which the council should have taken action and against the land covenant.

The orientation of the building shows three levels with windows overlooking the park which would be an invasion of privacy for park users and unacceptable.

Please refer to paragraph 35. The park is a public space which is already overlooked by a number of windows (albeit from the opposite side of Harrow Road). The inclusion of windows overlooking public spaces is considered to improve natural surveillance, security and safety.

Design:

- The overall design and gabling to “reflect” some of the original Barham Park buildings is too far distant from this development site for any credible linking in the minds of either residents passing along Harrow Road at this point, or of users of the Park. The buildings will just look odd and out of context and a new urban block intruding into the park. The graphic representations look like a very dark block frontage, with large, dark framed windows. Very modern, doubtless progressive for a new Mock Tudor housing estate and “incongruous” in Barham Park.
- The view may be impaired from the bulk of the development. The proposal would have high largely blank faces towards the park.
- The 7/8 and/or 6 storey buildings across the Harrow Road, divided by the busy major thoroughfare are part of an urban landscape but the urban landscape must not come into the bounds of the park and are not linked for justification of the proposed mass and height.
- The proposal 19 metres x 9.5 metres x 11.85 metres of brick and timber clad building with prominent design gables on an increased footprint is certainly of greater “mass” than the tree groups to its east, and North.

Please refer to paragraphs 28-34. The proposal was reviewed by Council’s Urban Designer and heritage officer and found the proposal acceptable. There is a condition attached to the application for the materials as well ensure their good quality.

Noise, light and vibration:

- Nuisance issues which may arise from recreation issues in the Park /funfairs and trees nearby . Not only by overlooking but also the very real risk that residents of the blocks will complain of noise and other nuisance from the park. The windows will be lit up after dark creating an unwelcoming and very visible reminder that there are houses in the park compared to the existing cottages that blend into their park background.
- Noise and vibration levels incident on the future development have been predicted based on extensive environmental noise and vibration monitoring conducted at a comparable proxy site as well as DEFRA

There is no evidence to suggest that the reasonable use of the new homes would cause undue nuisance or complaints users of the park users or vice versa. It is also noted that the site already contains two houses.

Please also refer to paragraph 47-50 within the main report. Moreover, conditions are secured to ensure that mitigation measures in terms of noise and vibrations are in place as part of the development.

In terms of lighting please refer to paragraph 80 of the main report. There is also a condition attached to the application for lighting schemes that are bat friendly adhering to best practice.

<p>published noise maps - contrast this with the strictures from NR and Chiltern. Why isn't the report specific to the site? The properties are also by a very noisy road, with a bus stop including at night time to add to the issues. The acoustic report does not seem to pay full regard to the environmental facts.</p> <ul style="list-style-type: none"> • The applicant proposes a timber frame building with wooden upper stories despite the advice accompanying reports that it is recognised as 'allowing noise egress' instead relying on windows with limited openings. • Light and noise emanating from the houses. The housing may well generate its own noise, including at night, a disturbance to wildlife in this area of local nature conservation. Light intrusion to both the park frontages but most importantly the wildlife corridor along the tree belt below the railway embankment 	
<p>This building will block the view of the Cedar of Lebanon and the other specimen trees at the north-western corner of the Park from the south of the Park and east, and create a large artificial interruption to the views of this important area of local green space flowing naturally, as it always has, with uninterrupted aspect towards the railway line.</p>	<p>The site is in residential use and contains two houses. The development is larger than the existing houses and would continue to be visible from the park (as are the existing houses), but is not considered to result in a detrimental impact to the setting of the park or unduly affect views to nature.</p>
<p>Proposed private green space and bushes surrounding the buildings but the exact nature of this space is not clear and it is not clear if the species proposed and the way they are situated would enhance biodiversity and improve green space in Barham.</p>	<p>This is discussed within remarks section below under paragraphs 41-46. A landscaping condition is attached to this application for further details on the vegetation and native planting to be proposed taking into account the recommendations within the Ecology report.</p>
<p>This large intrusive building will slice a corner away from the park, blocking the use of the tree line at the northern end, breaking the tree margin along the boundaries and completely changing the character and extending the Sudbury "town centre" south beyond the railway line and into the park – moving the built environment into an important and historic piece of local green space, interfering with the aesthetics and original design of the piece of parkland . This would be contrary to LGS1 and LGS2 and BP1 of Sudbury Town Neighbourhood Plan (2015) of</p>	<p>Please refer to paragraphs 10-14 within the remarks below.</p>
<p><u>Flood and surface water:</u></p> <ul style="list-style-type: none"> • There is flooding risk on site and recent works have been carried out by Thames Water as well as other works funded by the Barham Trust and managed by the Council. The proposal includes attenuation tanks for run off from the building – but not dealing with the increased flooding risk from this 	<p>The Flood Risk Report confirms that there would be a betterment on site in terms of flooding and displace surface water discharge concerns on site with improvements. Thames Water was also consulted as part of this application which raised not objection subject to piling conditions. Please refer to paragraph 66-72 for further remarks.</p> <p>The FRA notes the provision of a 65% betterment on</p>

large building and additional hard surfacing in the area of the application site (displaced surface water run-off).

- The Trustees had plans in 2021 to carry out drainage works to the field and obtained consent of the Charity Commission to carry out works and expend up to £90,000. This was at a similar time to the actual carrying out of works by Thames Water to their surface water sewer along the northern boundary of the park. The TW work was done; the Trustees have not yet carried their works out. The foul water sewers shown on the plan run straight underneath the two existing houses.
- The drainage tank is said to be privately owned and who will own the system and be responsible for the inspections and maintenance and pay associated costs?
- Insurance/mortgages for properties: Whilst this may not be a planning matter in the strictest sense it does suggest that the intensity of development proposed whilst normally acceptable on such sites is not here because of the high to moderate risk of flooding not just to the site but to the surrounding degraded parkland.

the existing runoff rate for the 1 in 100-year design event. This will contribute to a net reduction in surface water entering London's sewer systems when compared with existing conditions as well.

The local planning authority must consider the development that is proposed, and the general maintenance of the tank cannot be considered when determining this planning application.

Ecological consideration:

- Ecological assessment took place in the daytime in October and previously February. As must be known to the ecologist, surveys in neither of these months will provide any bat activity, even if any part of the inspection took place as a monitoring at dusk or dawn.
- Pipistrelle bats fly in Barham Park. The authors of the survey recommended a larger survey including night-time observation for bats be undertaken unless that happens it cannot be known for certain this important legally protected species being protected by Barham Park and the risk to them of such a development.
- From a practical perspective, the development clearly shows light from the side and rear of the new development but demolition will, of course eradicate the potential roost.
- Ecological assessments being undertaken, commented on since at least 2013 – 10 years, has never monitored these cottages for bat activity at all. Most importantly, there must be proper dusk and dawn emergence surveys undertaken during the period April to September to ascertain the true position, and ensure that the presence of bats in the existing buildings is checked. The Council

Please refer to paragraphs 74-781.

<p>must not countenance the potential to disturb bats in a manner prohibited by legislation, and potentially involving the developer in criminal liability. The houses are buildings of a type, and era and within a wooded environment along a railway verge corridor with a strong potential for bat roosts and bat foraging corridors.</p> <ul style="list-style-type: none"> • 	
<p>The comments by Network Rail as to flooding are not insignificant and in particular the important safety aspect of not undermining the embankment. The reports indicate the slope of the site towards the railway line. The applicant's design raise the floor around 12 inches and ramps the entrance.</p>	<p>Please refer to paragraph 82-84 within the main report. Conditions are attached as per Network Rail consultation with this application.</p>
<p><u>Highway safety and parking:</u></p> <ul style="list-style-type: none"> • From the drawings there seems to be an intention to extend the bell mouth but with no detail and – as above – this land is not owned by the applicants, and the land itself is subject to the trust which, if it is going to dispose, will need the consent of the Charity Commission. The land is part of the Trust's permanent endowment, and sales have to be in pursuance of objects of the charity. • The existing cottages have a much more modest refuse collection requirement. So there will be an increase in vehicular access to the site including collection of waste requiring HGV access to the site, and reversing in or out of the site across a bus lane and heavily used road. • It is a largely blind corner coming from Sudbury Town. Delivery vehicles or cars (as we must envisage that cars will attempt access and parking and the area created for the fire tender will “invite” this) trying to get in and out of the proposed development have to access Harrow Road at a very unusual angle, turning more than 90 degrees in order to get onto the road. This causes issues with traffic flow for cars and cyclists, in an area of Harrow Road which is already heavily congested and with poor sight lines and with several heavily used junctions to the immediate south of the site. • The footway near this bus stop is currently far too narrow for these purposes, forcing users to sit around the green space near it .Pedestrians passing through those waiting at the stop face a challenge in trying to get through and fight for space. • The current low usage of the site means these problems are currently very modest 	<p>The front access road to the site has not been changed or extended as part of this application.</p> <p>Please refer to paragraph 51-55 within the remarks below.</p>

<p>but they will not remain so with 4 3 bedroomed houses.</p> <ul style="list-style-type: none"> • Just because there are no car parking spaces in the development does not mean that 4 3 bedroomed properties will not add to parking problems in the area. 	
<p>According to Network Rail's comments on this planning application of April 2023, the land could be contaminated.</p>	<p>Please refer to paragraphs 57 of the remarks below.</p>
<p>The sustainability report within the design and access statement is poor. Carbon cost & whole carbon cost are not mentioned in the sustainability section. Biodiversity is not mentioned in the applicant's design and access statement. What is the back up if the air source heat pump fails? Should these pumps be situated on the roof in terms of health & safety for potential owners. Also costs of scaffolding needed on the 3 storey house to access the equipment.</p>	<p>London Plan policy S12 requires the consideration of whole life cycle carbon for applications referable to the Mayor of London (150+ new homes, 30+ m tall etc). This is not required for a scheme which looks to provide 4 new homes.</p> <p>Air source heat pumps are promoted by planning policy and through wider low carbon initiatives. They are not considered to be inherently unreliable.</p> <p>The sustainability measures are discussed in the sustainability section below para 85.</p> <p>The biodiversity is assessed within the Ecology report and recommendations have been conditioned with the application.</p>

Internal consultation

Local Lead Flood Officer - no objections raised subject to smart water butts details

Environmental Health - no objections subject to conditions being secured in relation to contaminated land, demolition/construction method statement and internal noise levels as well as any plants to be installed

Transport Team - no objections raised. subject to car free development

Principle Heritage officer and Design officer - no objections raised.

Tree Officer: no objections raised subject to Tree Protection Plan (TPP, at para. 5.5 BS 5837) and an Arboricultural Method Statement (AMS, at para. 6.1 BS 5837)

External Consultation:

Chiltern Railways: no objection raised subject to suitable noise proofing and glazing to be in place per internal noise condition attached.

Network Rail : no objection subject to conditions attached such as risk assessment, scaffolds, piling, crane details, excavations, details of surface water and foul water drainage directed away from the railway be submitted. Informative have also been added per Network Rail comments such as Network Rail's Asset Protection requirements.

Thames Water: no objection raised subject to piling method statement to prevent damage to sewerage infrastructure

Natural England: no comments received

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 comprises of the

London Plan 2021
Brent Local Plan 2019-2041
Sudbury Neighbourhood Plan 2015

Key policies include:

London Plan 2021

GG2: Making the best use of land
GG4: Delivering the homes Londoners need
D3 Optimising site capacity through the design-led approach
D4 Delivering good design
D6 Housing quality and standards
D7 Accessible housing
D12 – Fire Safety
H1 - Increasing housing supply
H2 – Small sites
HC1 Heritage conservation and growth
G5 Urban greening
G6 – Biodiversity and access to nature
G7 Trees and woodlands
SI 1 Improving air quality
SI5: Water infrastructure
SI 13 Sustainable drainage
T1: Strategic approach to transport
T4 Assessing and mitigating transport impacts
T5 Cycling
T6 Car parking
T6.1 Residential parking
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 in Brent
BH2 – Priority Areas for Additional Housing Provision within Brent
BH4 – Small Sites and Small Housing Developments in Brent
BH5 - Affordable Housing

BH6 - Housing Size Mix
BH13 – Residential Amenity Space
BHC1 – Brent's Heritage Assets
BGI1 – Green and Blue Infrastructure in Brent
BGI2 – Trees and Woodland
BSUI2 – Air Quality
BSUI3 – Managing Flood Risk
BSUI4 - On-Site Water Management and surface water Attenuation
BT1 – Sustainable Travel Choice
BT2 – Parking and Car Free Development
BT3 – Freight and Servicing
BT4 Forming an Access on to a Road

Sudbury Neighbourhood Plan 2015

LGS1: Local Green Space (LGS2 Barham Park)

BP1: Barham Park

The following are also relevant material considerations:

National Planning Policy Framework 2021

Brent Waste Planning Guide 2013

Brent's Design Guide – Supplementary Planning Document 1 2018

Draft Residential Amenity Space & Place Quality – SPD – 2023

Draft Sustainable Environment & Development – SPD – 2023

DETAILED CONSIDERATIONS

Proposal in Detail

1. The application is seeking planning permission to demolish the existing two x 3-bedroom houses and to construct 4 x 3-bedroom houses with studies. The development would result in a row of terraced properties with the front elevation facing Harrow Road and rear gardens located along the western portion of the site. The new dwellings would have the appearance of 2.5 stories with a series gabled roof features included to each elevation. Private gardens would include a green buffer with cycle and bin storage located along the front portions of the dwellings. A green buffer would be introduced surrounding the site and areas adjacent to the park.
2. Amendments were provided during the course of the application to re-arrange the landscaping to the front of the properties and updated roof plan was provided demonstrating the PV panels. Such amendments were not considered to result in material changes to the scheme and therefore re-consultation was not carried out.

Planning History Background

3. Application 17/5067 granted permission for the demolition of the existing dwellings and reconstruction of 4 terraces properties. This consent has now expired and is no longer a material consideration. It should be noted that since this application was determined, the development plan has been replaced. The London Plan 2011 has been revoked and is now replaced with London Plan 2021, and at a local level both Brent's Core Strategy 2010 and Brent's Development Management Policies 2016 have been revoked and replaced with Brent's Local Plan 2019-2041. The Sudbury Town Neighbourhood Plan was adopted in July 2015 and still forms part of the development plan.
4. Application 19/0788 was seeking permission to redevelop the site by introducing four terrace properties that would be four stories in height primarily located along the southern portion of site. The application was refused based on the height, bulk and mass of the scheme and the negative impact this would have on the open nature of the park setting. The overall layout failed to provide an appropriate relationship onto Harrow Road frontage resulting in an unattractive relationship. The relationship between the access pathway and the proposed units was considered a poor relationship resulting in a poor standard of accommodation occupiers.

Principle

General Principle of Use

5. Brent's Housing targets have significantly increased through the adoption of the London Plan 2021, with the target increasing to 2,325 dwellings per annum for the period 2019/20-2028/29 with Policy H1 of the London Plan recognising the increasing demand for delivery of new homes across London. Local Plan policy BH1 reflects this target.
6. Policy D3 of London Plan 2021 requires developments to make the best use of land by following a design-led approach that optimises the capacity of the site, with development that is the most appropriate form and land use for the site, with the policy recognising that small sites make a significant contribution towards increasing housing supply within London.
7. This policy position is set out in further detail within policy H2 of London Plan which states that boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to amongst other considerations significantly increase the contribution of small sites to meeting London's housing needs.
8. In response to the strategic policy position above, within Brent's Local Plan, the Council has set out its own policy on small housing sites under policy BH4. This policy relates to small housing sites (below 0.25 hectares or 25 dwellings in size) 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). Outside of priority locations greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easily accessible on foot when determining the intensity of development appropriate.
9. The site contains a PTAL rating of 5 and therefore a priority area for new homes. The site is located within a sustainable location in close proximity to Sudbury Town Centre and local transport links.
10. Barham Park is designated as an open space under policy G4 of the London Plan. However, the Policies Map shows that the houses and their gardens do not fall within the area designated as public open space aside from a small element along the southern and western boundary and part of the existing access between Harrow Road and the houses. Policy G4 of the London Plan highlights that development proposals should not result in the loss of protected open space. DMP1 of the Local Plan 2019-2041 highlights the importance of retaining open space.
11. The Sudbury Town Neighbourhood Plan designated Barham Park including the land within the application site as a Local Green Space under Policy LGS1, with LGS2 relating to Barham Park. This policy highlights that the Local Green Spaces will be given long term protection and proposals for development which is not ancillary to the use of the land for recreational purposes will be resisted. The Local Green Space

designation for Barham Park includes the houses and the majority of their curtilages as being within the designated space. It is set out within Neighbourhood Plan policy BP1 (Barham Park) that any proposals for the re-use or redevelopment of park buildings for residential use (Use Class C3) will not be supported.

12. The site contains an established Use Class C3 residential use and therefore does not include a change of use of any land. As such, while Policy G4 is relevant to small elements of the site (along the southern and western edge and part of the site access as discussed above), the proposal is not considered to result in the loss of any open space. The proposal is considered to accord with policy G4.
13. Neighbourhood Plan Policies LGS1, LGS2 and BP1 are relevant to the proposal as the site is within the area defined as Local Green Space by the plan. However, the proposal does not result in the loss of any Local Green Space. The site contains a house for which the authorised use is as dwellings within Use Class C3 and as such, the proposal is not considered to result in the redevelopment of park buildings. The proposal is considered to accord with policies LGS1, LGS2 and BP1. Nevertheless, if one contended that Policy BP1 relates to all buildings within the area designated Local Green Space as opposed to all buildings within the park itself, it is noted that the fall-back position for the applicant would be the continued use of the houses and their curtilages for their current lawful use, for purposes within Use Class C3. In this instance the proposed redevelopment of the site would continue to be acceptable having regard to the existing use of the site.
14. The location of the land owned by the applicant has been queried by some objectors, particularly around the entrance / access to the site. Concern has been raised with these objections about parts of the park potentially being acquired to serve the proposed development. The applicant has confirmed that the houses and their gardens fall within their ownership. The access is an existing right-of-way which serves the development. No changes are shown to this access, with the changes that are proposed being within the curtilage of the existing houses.
15. The demolition of the existing dwellings is considered acceptable as the buildings are not listed (although they do sit within the wider grounds of Barham Park which is locally listed) or located within a conservation area, and the loss of the existing family sized houses would be mitigated by the provision of new family sized homes.
16. Overall, it is considered that the principle of development is acceptable, with the residential use of the site (within Use Class C3) being existing and established, and the proposed development would provide a greater number of family sized homes within the Borough within a priority location for housing.

Housing Mix

17. Policy BH6 of the Local Plan highlights the need for 3 bedroom accommodation within the Borough, setting out a target per individual sites of 1 in new 4 new homes to be family sized. The proposal would also result in the demolition of two family sized homes and the provision of at least 2 family sized homes would therefore be required to ensure that there is no net loss of family sized housing. This proposal would result in the provision of 4 x three-bedroom homes which complies with Policy BH6 and BH10.
18. Policy BH5 requires developments of between 5-9 dwellings to make a financial contribution for the provision of affordable housing off-site. In this case, as only four homes are proposed, an off site contribution is not required by this policy.

Relationship with Barham Park - Locally Listed Non - Designated Asset

19. Barham Park is designated as a Locally Listed heritage asset (non-designated). Other heritage assets include the statutory listed garden features and locally listed cottages within the wider Barham Park grounds. The Old Court complex of buildings at Barham Park comprises the original Crab's House, and additions, which were made to it up to the early 20th century. The group of buildings facing Harrow Road are mainly Victorian, constructed in a mixture of London Stock brick with red brick dressings. The central block (set back) was original main entrance to Crab's House. The group of cottages known as Old Court has origins from the 18th century and was the home of the Crab family. The estate was acquired by George Barham the founder of the Express Dairies (that had a Royal Warrant to supply milk to Queen Victoria) in

20. Paragraph 189 of the NPPF 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. 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.
21. Policy HC1 of the London Plan development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. Policy BHC1 states that proposals affecting heritage assets should consider the wider historic context and provide a detailed analysis and justification of the potential impact (including incremental and cumulative) of the development on the heritage asset and its context. Policy BP7 'South West' requires proposals to positively deliver the place vision through character, heritage and design by conserving and enhancing heritage assets including the gardens of Barham Park.
22. The application was accompanied by a Heritage Statement concluded that the existing houses have no heritage value, as shown by a previous permission for their demolition and replacement. Further to this the report outlined that the proposed design has been developed following a careful assessment of the heritage significance and character of the area, in particular drawing design cues from historic buildings within the park area. The materials and orientation are intended to allow the building to form an association with the park rather than be seen as bland urban development encroaching into the park. The findings also concluded that the scale of the proposed building is not considered to be too large in the context of this site where it will be seen in association with buildings of seven to eight storeys, tall mature trees, and will have a backdrop of the railway embankment.
23. The Heritage Officer was satisfied with the Heritage Statement submitted with the application as the document describes the significance of the heritage asset(s) while understanding the potential impact of the proposal in line with the NPPF 194. The Officer is satisfied with the overall design approach based on the half-timbering present in the existing locally listed buildings and also concluded that the new build would not harm the significance or setting of the park given the location.
24. The western part of the park was outside the original 'Sudbury Lodge' grounds and only became part of the park in the 20th century and is not the most significant part of the park. The proposed development, although more visible in relation to this area, will not harm the importance of the public open space nor impact upon the ability to experience the area of the original historic landscape park.
25. Additional views were requested during the course of the application as requested by the Heritage Officer. Views from within the heart of the park show that the development will be mainly masked by trees and in any case, its overall scale and design would not be seen as out of keeping. In terms of the setting of the locally and listed buildings, they are set within a very secluded area where they are screened from view from the wider area of the park.
26. Heritage Officer highlighted that the document submitted should have included a Statement of Significance and the Greater London Historic Environment Record consulted however after further discussions the officer agreed that's these requirements are not needed.
27. The Council can be content that the proposal would preserve the character and setting of the park of local special architectural or historic interest.

Design, Character and Impact on Street Scene

28. The NPPF emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials, while not discouraging appropriate innovation, and Policy DMP1 requires the scale, type and design of development to complement the locality. Policy BD1 of the Local Plan stipulates that innovative contemporary design will be supported where it respects and

complements historic character but is also fit for the future.

29. The proposal would see the introduction of a row of terraced properties that would have the appearance of 3 storeys with gabled roof additions on each elevation. The design team have taken some design cues from buildings within Barham Park and its built heritage highlights the cluster of buildings around the Community Library, formerly Crab's House, as defining the parks architectural character. These buildings are distinguished by their half-timbered facades and varied gable ends.
30. The site is positioned north west of the park and the Barham Park estate re-development is situated further to the west. The areas further north west and south west comprise of a mixture of commercial and residential properties along Harrow Road. A railway line is positioned directly to the north of the site which serves national rail links.
31. The proposal would see the introduction of a row of terraced properties that would have the appearance of 3 storeys with gabled roof additions on each elevation. The design team have obtained design initiatives from buildings within Barham Park and its built heritage highlights the cluster of buildings around the Community Library, formerly Crab's House, as defining the parks architectural character. These buildings are distinguished by their half-timbered facades and varied gable ends.
32. The proposed height of the development is considered suitable at site and would not appear prominent or out of context. The application has been accompanied by a number of views while considering the surrounding context. The roof profile here is acceptable and suitably reinterprets the prevailing language of the surrounding area. The facades are well-composed with a simple design approach that would not appear out of context when viewed from the nearby streets. SPD1 highlights the importance for development to ensure animated facades towards public routes and spaces while avoiding blank walls. The proposed orientation and layout would ensure the main frontages facing Harrow Road providing good activity and value when perceived from Harrow Road at street level. The proposal would incorporate a significant amount of planting along the edges and the front of the dwellings further enhancing the appearance of the development and this would be betterment when considering the existing situation on site, further adding great value to the street scene and setting of the park.
33. SPD1 highlights the importance of the use of durable and attractive materials is essential in order to create development that is appealing, robust and sustainable and fits in with local character. The Design and Access Statement outlines that the materials proposed would comprise of brown multi stock brickwork with untreated timber cladding. The doors would include timber matchboard while the windows would comprise of ppc aluminium framed windows. The principle of the materials is considered acceptable, however given the relationship with the neighbouring non-heritage asset i.e. the park, details of the materials have been conditioned.
34. The Urban Design Officer was satisfied with the materials and general design approach. The officer requested detailed bay studies and these were provided during the course of the application. The proposed materials are considered acceptable in principle and draws on the surrounding context. Overall, the buildings would be of a high-quality design and contain a traditional and elements of a contemporary design that would benefit from positive architectural features. However, further details including samples of the external materials are recommended to be secured as a condition.

Impact on Residential Amenity

35. The site does not have any immediate adjoining residential neighbours. The nearest residential properties are located on the opposite side of Harrow Road (the flats within Williams Way) and are a significant distance from the proposed dwellings. The properties to the north on Elton Avenue are separated by the railway line and are also a significant distance away. As such, there is no requirement to apply 30/45 degree lines as set out within SPD1 or 18m separation distance as these constraints would not be applicable in this instance. Overall the development would not harmful from a residential amenity perspective given the surrounding context of the site.

Standard of Accommodation

36. Policy D6 of London Plan sets out standards for housing quality. It requires new homes to be of high quality design and provide adequately sized rooms with comfortable and functional layouts. Policy D6 requires new housing developments to maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings.
37. Policy D6 of London Plan sets out minimum floorspace requirements. It also requires single bedrooms to have a floor area of at least 7.5sqm and be at least 2.15m wide. A double or twin bedroom must have a floor area of at least 11.5sqm, with at least one of the double bedrooms at 2.75m wide, and the remaining double bedrooms at 2.55m wide. Policy D6 further highlights that minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.
38. The drawings show the provision of 4 x 3-bedroom 5 person homes situated over three floors with a study also situated on the second floor. As the homes are situated over three floors, the minimum floorspace required in accordance with London Plan policy would be 99 sqm. The proposed end-of-terrace properties would have a floorspace of approximately 143 sqm and the two mid-terrace dwellings would have a floorspace of approximately 151 sqm, both exceeding the London Plan minimum standards. It is noted that the top floor of each dwelling contains a study which could be used as an additional bedroom, resulting in the provision of 4 x 4-bedroom 6-person homes. These would still meet the London Plan floorspace standard of 112sqm. The internal configuration of each unit would allow for good levels of outlook and access to light, with all homes being dual aspect. The elevations show that the new homes would achieve an internal floor height of at least 2.5m for 75% of the internal floorspace. Sufficient storage is also provided in line with London Plan requirements.

Accessible homes

39. Policy D7 of the London Plan states that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children all dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.
40. Each of the proposed homes would have level access from street level. They would all be designed in line with M4(2) as set out within policy D7 of London Plan.

Amenity Space

41. 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 (homes with 3 or more bedrooms) located at ground floor level and 20sqm in all other cases.
42. The BH13 requirement for external private amenity space is for it to be of a "sufficient size and type".
43. This may be achieved even when the "normal expectation" of 20sqm or 50sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
44. 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.
45. London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The minimum depth and 1.5 m is reconfirmed in the policy. Whilst Brent's local standard is more stringent, as discussed above, there is also an expectation that the core requirements of

D6 would be met alongside achievement of Brent's BH13 policy.

46. Each end dwelling would have access to a rear garden that measures 50sqm however the middle units would fall marginally below 50sqm with a rear garden of 45sqm each. However each unit would have access to a front garden and the site is within very close proximity to the entrance of Barham Park. Therefore the external amenity space for the homes would be of a sufficient size and type, in accordance with policy BH13.

Noise and Vibration

47. Given the relationship with the railway directly north of the site an Acoustics Assessment Report was submitted with the application. The report has provided findings of an assessment of the likely significant effects of noise and vibration as a result of the proposed development. The assessment considers both the impact of the existing noise and vibration climate on the future development to determine the suitability of the site for the proposed usage, and the potential noise impact of the new development on the existing environment.
48. The report highlights that the proposal will have external walls with timber infills has the potential to allow noise ingress through the wall construction to be greater than through the windows, especially at low frequencies. The external wall build-up above ground floor level should be required to achieve a minimum R_w of 50 dB in order to mitigate noise break-in. This will necessitate the inclusion of some mass layers within the construction, for example cement particle board and double-layered internal linings. This will need to be developed at the design stage.
49. The report concluded that design of the building will need to incorporate good acoustic design measures in the form of robust external building fabric specifications and an appropriate ventilation strategy in order to minimise the adverse effects of noise on future occupants. -Areas of the façades affected by the highest noise levels will required R_w 40 dB glazing and $D_{n,e,w}$ 40 dB trickle vents in order to achieve suitable internal conditions. Other areas will require lower specifications. Vibration levels are predicted to be within acceptable standards both in terms of tactile vibration and re-radiated noise as a result of ground-borne vibration from road and rail sources.
50. The Environmental Health Noise Team have reviewed the report and confirmed that the mitigation measures would be acceptable and that a condition is secured to ensure that the mitigation measures are in place.

Transport Considerations

51. The site lies within Controlled Parking Zone "SA", operational between 10am-3pm on weekdays. A bus stop and clearway are located immediately north of the site, with a bus lane in operation between 7am-7pm Mondays to Saturdays along the site frontage. Otherwise, on-street parking and loading along Harrow Road are prohibited between 8am-6.30pm Mondays to Saturdays. The site contains a PTAL rating of 5 (Very Good).
52. The proposals include the provision of 4 cycle lockers, each of which would be of a sufficient size for them to each accommodate 2 cycles. This complies with the minimum number of cycle parking spaces required. The Design and Access Statement also confirms that the spaces will be in secure undercover lockable compounds, thus meeting security requirements.
53. Bin stores have been proposed along the site frontage and within 20m of the collection point from Harrow Road, which is acceptable.
54. With regard to pedestrian access, separate footpaths are proposed to each pair of houses. Servicing will take place from the carriageway of Harrow Road, as per the existing houses. Any increase in servicing activity would not be significant enough to cause concern compared to the existing homes.
55. The Transport Officer raised no objections to the proposed development and requested a car free condition to be included to any consent.

Environmental Health Considerations

56. The Environmental Health Officer requested an Air Quality Neutral Assessment, however given the scale and nature of the development which is “car free” and includes the use of Air Source Heat Pumps, this is not considered to be necessary. A condition has been included requesting a Construction Method Statement given that the development is within an Air Quality Management Area. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours.
57. The proposed site for redevelopment has been identified as previously contaminated and therefore a full assessment of land contamination should be undertaken. These reports are to be secured through condition.

Asbestos

58. Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant has been reminded through the use of an informative 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.

Tree Considerations

59. Policy BGI2 of the Local Plan 2019-2041 stipulates that development with either existing trees on site or adjoining that could affect trees will require the submission of a BS5837 or equivalent tree survey detailing all tree(s) that are on, or adjoining the development site.
60. A Tree Report has been provided with the application revealing that there 10 trees recorded within or adjacent to the site - 6 individual category ‘B’ grade trees, 2 individual trees which have been identified as category ‘C’ grade trees, 2 individual ‘U’ grade trees. The report confirms that no trees are proposed to be removed to facilitate the development although two category U trees (T2 and T8) should be removed irrespective of development due to their decline. Both of these trees lie outside of the application site.
61. The proposal is accompanied by a Tree Protection Plan that includes a Construction Exclusion Zone (CEZ) both within the south eastern corner of the site in relation to trees T5/T6 that sit within the park and within the northern western end of the site in relation to trees T1 to T4. The Council's tree officer has confirmed that they have no concerns with the protective fencing proposed to ensure the RPA's of T5 and T6 to the rear are protected. Whilst trees T1 to T4 also sit outside the application site, the Council's tree officer has advised that the trees to the front of the site are those most likely to be negatively impacted by the proposed development. The removal of the existing hardstanding and installation of new hardstanding, cycle storage and bin stores would be proposed within the Root Protection Area (RPA) of these trees. In response the applicant arboricultural consultant has pointed out that the proposed site plan confirms that there is no vehicle access proposed within the RPA of the T4. The part tarmac/part concrete surface to the existing vehicle access that currently passes over the RPA to T4 would be removed and the surface mostly landscaped a lawn as part of the front garden to no.4, or would otherwise be paved to provide pedestrian access to nos. 3 and 4. Such paving would be laid on sand blinding and would require no digging at all other than that required to remove the existing tarmac and concrete finishes. The paths so formed will have grassed edges and would not therefore require footings for kerbs or any other form of edging. The consultant also points out that these works would enhance the environment of T4 as a far greater area of the RPA will have access to natural precipitation and air.
62. The Council's tree officer has also confirmed that they do not have any concerns with the raising of the canopies for T1 and T4 to a height of 5m.
63. The Council's tree officer has confirmed that they are happy with these principles as set out above but requested a condition be secured in relation to a Tree Protection Plan and Arboricultural Method Statement.

Fire Safety Considerations

64. Policy D12a of the London Plan highlights the importance for all development proposal achieving the highest standards of fire safety. The application has been accompanied by a Fire Safety Strategy

Statement which reveals the proposal has been designed as a series of four stand-alone dwellings with all fire safety measures to comply with Building Regulations Approved Document B1, 2019 incorporated. The report provides detailed discussions regarding evacuation assembly points, fire safety measures, minimising fire spread, means of escape, evacuation strategy and fire-fighting access. The addition of wood externally was questioned with the agent who confirmed that the construction details that the team have confirm the use of cavity barriers and non-combustible insulation within the external envelope at 1st and 2nd floor levels and the overall construction will comply with the relevant building regulations.

65. Overall, it is considered that the submitted information is sufficient to cover the considerations set out within policy D12a of London Plan 2021. It should also be noted that the development would also be subject to consideration under the building regulations where fire safety would be evaluated in further detail.

Flooding and Drainage Considerations

66. Policy BSUI3 of Brent's Local Plan that highlights the need for proposal that require a flood risk assessment to demonstrate that the development will be resistant and resilient to all relevant sources of flooding including surface water. Policy BSUI4 highlights that substantial weight will be afforded to the target for mains water consumption of 105 litres or less per person per day and to the achievement of greenfield runoff rates for surface water. Where greenfield run-off rates cannot be achieved this should be clearly justified by the applicant.
67. The site is within a Flood Zone 1 however the site is designated as a Floodzone 3a for local surface water. A Flood Risk Assessment was submitted with the application highlighting that the site currently benefits from an existing drainage network. The existing dwellings have a number of down water pipes, which accommodate rainfall generated from the roof surfaces. It is understood by the consultant that the site surface water drainage network discharges into this public surface water sewer system. The document reveals that a public drainage network is present to the west of the site, which may under certain conditions pose a flood risk through surcharge of the sewers. The West London SFRA does not identify there to be any historic sewer flood incidents in the proximity of the site. The Flood risk assessment has demonstrated that a number of measures would be included to ensure that the development would be resistant and resilient to flooding through raised finished floor level by 300mm, evacuation plan in the event of a flood and flood resilient materials used
68. The surface water from the existing site is disposed to this public surface water sewer. It is therefore proposed that this connectivity will be retained and runoff from the site will be discharged to this public surface water sewer. The surface water runoff from the site into the public surface water sewer will occur at a rate of 5 l/s. This restriction will be achieved using a hydro-brake (or similar approved) fitted towards the end of the drainage run.
69. The report recommends that an appropriately located and sized areas of attenuation storage would be required to restrict the post-development runoff rates to these rates. This would be achieved using a gravel sub-base located beneath an area of permeable block paving and an attenuation tank. The permeable block paving would allow rainfall that falls onto the surface to infiltrate into the underlying gravel sub-base. Roof areas from proposed cycle stores will also be directed into the sub-base. The surface water drainage strategy would ensure that the exceedance flows are directed into the drainage system (permeable paving) and thus shall not encroach onto third party land.
70. More detailed design works, would be necessary once planning permission has been granted and these details have been requested via a condition. The Principal Engineer raised no objections to the proposed development and requested a condition for smart water butts to be included.
71. Thames Water were consulted during the course of the application raising no objection. A Piling Method Statement was requested via a planning condition.
72. A condition would be secured to target mains water consumption of 105 litres or less per person per day in line with policy BSUI4.

Urban Greening Factor

73. Policy G5 of The London Plan and Policy BH4 of the Local Plan require developments to contribute to Urban Greening and a target Urban Greening Factor (UGF) of 0.4 is recommended. The application has provided calculations demonstrating that a score of 0.65 would be achieved on site. Further details of the UGF are recommended to be conditioned to any forthcoming consent.

Ecological Considerations

74. The proposal lies within SNIC Grade 2 Barham Park with the railway line to the north being a designated SNIC Grade 1 Chiltern Line and a wildlife corridor, which all have ecological value. Policy G6 of London Plan highlights that where harm to a SINIC 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.
75. 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.
76. 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;
77. 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.
78. An Ecology Assessment was submitted with the application which highlights that the two properties have some external bat roosting potential as suitable features are present such as scattered crevices behind roof tiles and ridge tiles as well as lead flashing, although the potential would still be classified as low. It highlighted that no bird nests were found within the development footprint at this site during the survey visit. Although there was the potential for the occasional hidden bird nest to be present in the vegetation present. Likewise, the trees outside the application site provide nesting bird structure. Hedgehogs are known to be present in the wider area. Therefore, the report recommends that hedgehogs are not impacted during the proposed development related works. This should include no uncovered hole during the works and the restoration of any valuable habitat lost by new habitat creation. The report also concluded that the habitat value within the site was low with hedging and grass.
79. The report did not highlight any evidence of badgers, reptiles or great crested newt potential within the application site.
80. As part of the recommendations, the report concluded that a standard follow-up bat emergence survey is undertaken at the application site. The future lighting scheme must be bat friendly and adhere to best practice on this aspect. There must be no UV elements to the new lighting and no metal halide or fluorescent sources used. The proposal should install 3-4 bat boxes at the site boundaries. New bird nesting boxes should be installed as widely spaced apart as possible. The exact number of boxes would need to be appropriate for the size of the application site as nest boxes should not be located close together. But between 1-2 boxes would be suitable. Invertebrate nesting boxes will also be provided in the new landscape scheme. Native and wildlife friendly planting is also recommended together with the protection of the trees outside of the application site.
81. It is recommended that the above recommendations are secured through a condition attached to the consent.

Relationship with Railway

82. Chiltern Rails were consulted during the course of the application raising no objection to the proposed development and was satisfied with the contents of the acoustic assessment report to help mitigate potential impacts.
83. Network Rail were consulted during the course of the application raising no objections to the proposed development, subject to a number of measures being conditioned to any forthcoming consent as the proposal would include works within 10m of the railway boundary and an interface with the railway boundary therefore undertaking the with the agreement and supervision of Network Rail is required. This is to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the existing operational railway.
84. As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The BAPA will be in addition to any planning consent which is within the informative notes of this application that no works are to commence until agreed with Network Rail on the BAPA.

Sustainability

85. Local Plan Policy BSUI4 applies substantial weight to the target for mains water consumption of 105 litres or less per person per day, and a condition has been recommended to require this to be achieved. Proposals for sustainability and energy have been set out within the Design and Access statement, including proposed fabric targets for thermal performance which go beyond building regulation requirements together with the use of Air Source Heat Pumps (ASHP) and the provision of photovoltaic (PV) panels. These measures are strongly supported. It is noted that the ASHP units are located on the roof of one of the houses, with a hatch indicated from one home but not all of the homes. Is it possible that this may prove impractical in terms of any future maintenance and further details of the ASHP and PV panels is recommended to be secured through condition. ASHPs also generate noise and a condition has also been recommended to ensure that this does not significantly impact the amenity of sensitive receptors.

Equality

86. 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).

Summary

87. The proposal is considered to accord with the development plan, and having regard to all material planning considerations. The proposal would deliver the provision of four family sized homes, contributing towards the Council's housing targets.
88. Planning permission is therefore recommended to be granted subject to conditions.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 22/4128

To: Mr Gilbertson
Mackenzie Wheeler Architects
Mackenzie Wheeler
11 - 13 Batemans Row
London
EC2A 3HH

I refer to your application dated **08/12/2022** proposing the following:

Demolition of 2 existing dwellings and construction of 4x new three storey dwellinghouses, associated cycle and refuse storage, amenity space and boundary treatment

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

at **776 & 778, Harrow Road, Wembley, HA0 2HE**

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: 02/06/2023

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 material accordance with the:-

National Planning Policy Framework 2021

London Plan 2021

Local Plan 2019-2041

Sudbury Town Neighbourhood Plan 2015

- 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):

Drawing Numbers:

1463-001 Rev. B

1463-002 Rev. A

1463-100 Rev. E

1463-101 Rev. G

1463-102 Rev. G

1463-103 Rev. E

1463-104 Rev. B

1463-120 Rev. E

1463-121 Rev. E

1463-122 Rev. D

1463-123 Rev. D

1463/130

BP/2/3

BP/5

Supporting Documents

Preliminary Ecological Assessment prepared by ASW Ecology Ltd - ASW/ZPL/111/26/2022

Fire Statement

Arboricultural Impact Assessment prepared by Connick Tree Care - 194974

Flood Risk Assessment conducted by Zenastar Properties Limited - 184351A Rev D

Acoustics Assessment Report Planning Stage prepared by RBA Acoustics - 10764.RP01.AAR.1

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

- 3 No extensions or buildings shall be constructed within the curtilage of the dwellinghouses subject of this application, notwithstanding the provisions of Classes A, B, D, E & 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: o prevent an over development of the site and undue loss of amenity to adjoining occupiers.

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

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

- 5 The works shall be carried out in accordance with the approved Flood Risk Assessment Drainage Strategy (Flood Risk Assessment conducted by Zenastar Properties Limited - 184351A Rev D) prior to occupation of the development unless an alternative strategy is submitted to and approved in writing by the Local Planning Authority 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 Preliminary Ecological Assessment prepared by ASW Ecology Ltd - ASW/ZPL/111/26/2022 shall be implemented in full throughout the construction of the development.

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

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

Reason: In order to ensure that the development does not result in an increased demand for parking.

- 8 The development hereby approved shall not be occupied unless the cycle storage and refuse stores have been completed in full accordance with the approved drawings and the facilities shall thereafter be made available to residents of the development and shall not be used other than for purposes ancillary to the dwellinghouses hereby approved.

Reason: To ensure a satisfactory standard of accommodation.

- 9 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 dwellinghouses hereby approved.

Reason: To ensure a satisfactory standard of accommodation.

- 10 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.

- 11 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. All recommendations within the approved CEMP shall be carried out throughout the construction of the development.

Reason: In order to ensure that the development results in no net loss to biodiversity and impact upon wildlife.

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.

- 12 Prior to the commencement of the development hereby approved (including demolition and all preparatory work), 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

- 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: To protect and enhance the appearance and character of site and locality, in accordance with DMP1 and BGI 2.

Pre-commencement 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.

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

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

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

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

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

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

- 15 Prior to the commencement of the development a crane lift methodology shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, and thereafter implemented in accordance with the approved details throughout the construction of the development.

Reason:: To ensure that the crane works can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

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

- 16 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

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

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

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

Reason:: To protect the adjacent railway and its boundary.

- 19 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.

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

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

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

- 22 Prior to commencement of development hereby approved (but excluding demolition, site preparation and the laying of foundations), details of smart water butts providing attenuation in a flash rainfall event preventing any surcharge in the system shall be submitted to and approved in

writing to the Local Planning Authority. The development shall be built in accordance with the approved details and therefore retained throughout the lifetime of the development.

Reason: To ensure a surface water run off is managed appropriately.

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

- I. A scaled plan showing vegetation to be retained and trees and plants to be planted
- II. A schedule detailing sizes and numbers of all proposed trees and use of native and/or wildlife attracting species as per the recommendations made within the Ecological Impact Assessment
- III. Sufficient specification to ensure successful establishment and survival of new planting
- IV. Details of all proposed hardstanding
- V. Details of garden wall, fences or other form of boundary treatment to be provided within the site (including details of external materials and heights)
- VI. Details of a suitable trespass proof fence adjacent to the boundary with the railway line (including details of external materials and heights) in consultation with Network Rail
- VII. Details of appropriate vehicle safety protection measures along the boundary with the railway in consultation with Network Rail
- VIII. Details of wildlife enhancements within the site as per the recommendation sets out within Ecological Impact Assessment, including the use of insect nest boxes/ dead wood piles, nest boxes for bird species and bat boxes in areas of minimal light spill
- IX. 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
- X. Details of cycle storage through the provision of secure, weatherproof cycle storage facility, which shall include capacity for a minimum of 2- long-stay spaces per storage facility
- XI. Details of any external lighting and overspill diagram in relation to the park and railway line in terms of wildlife and pedestrian
- XII. Details of refuse store facilities
- XIII. A schedule of landscape maintenance for a period of 5 years. which shall include details of the arrangements for its implementation and sufficient specification to ensure successful establishment and survival of new planting.

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

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

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

the adjoining railway in accordance with policies DMP1 and BGI 2

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

Time	Area	Maximum noise level
Daytime Noise 07:00 – 23:00	Living rooms and bedrooms	35 dB LAeq (16hr)
Night time noise 23:00 – 07:00	Bedrooms	30 dB LAeq (8hr) 45 dB LAmax

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

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

- 25 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

- 26 Any plant shall be installed, together with any associated ancillary equipment, so as to prevent the transmission of noise and vibration into neighbouring premises. The rated noise level from all plant and ancillary equipment shall be 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises.

Prior to first occupation or use of the development, an assessment of the expected noise levels shall be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' and any mitigation measures necessary to achieve the above required noise levels shall be submitted to and approved in writing by the Local Planning Authority,

The plant shall thereafter be installed and maintained in accordance with the approved details

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

- 27 The energy and sustainability measures set out with the Design and Access Statement shall be implemented in full. Further details of the Air Source Heat Pumps and PV panels shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works (excluding demolition, site clearance and any below ground works), including the location of the units and access arrangements for future maintenance. The Air Source Heat Pumps and PV panels shall thereafter be implemented in accordance with the approved details.

Reason: To ensure a suitably sustainable development.

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the

applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.

- 2 The 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
- 3 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.
- 4 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.
- 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 The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any works commence on site. Network Rail recommends that the applicant ensures that the BAPA is in place and that Network Rail has reviewed and agreed the documents as part of the discharge of any conditions.

The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent. The Early engagement with Network Rail is strongly recommended.

All new enquiries will need to be submitted via the Asset Protection and Optimisation - Customer Portal

Link to ASPRO ACE Portal (

<https://erjy-odcsvbcs-11211655-1568-cacctnetworkrail.builder.ocp.oraclecloud.com/ic/builder/rt/CustomerPortal/live/webApps/dcs/>)

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