



**BRENT COUNCIL**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

**DECISION NOTICE – APPROVAL**

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Application No: 22/4128

To: Mr Wheeler  
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: 13/06/2023

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

## SCHEDULE 'A'

### Appeals to the Secretary of State

The applicant may appeal to the Secretary of State if he or she is aggrieved by the decision of the local planning authority in respect of:

- (1) Refusal of a planning, Permission in Principle, Technical Details Consent, listed building consent or conservation area consent application, including refusal to vary or discharge conditions.
- (2) The conditions attached to a planning, Technical Details Consent, listed building consent or conservation area consent application.
- (3) Refusal, partial refusal or deemed refusal of a lawful development certificate.

The time period to do this will vary depending on the application type or development type. An appeal must be made within the following time periods of the decision date:

- (1) An advertisement application must be made within 8 weeks
- (2) A full application, removal or variation of condition for a householder\* development must be made within 12 weeks. (See below for definition of householder)
- (3) All other application types or development types must be made within 6 months

However, different timescales apply where the development is also the subject of an enforcement notice. If an enforcement notice has been served within two years of an application being submitted or is served before the time period for determining the application has expired, the time limit to appeal is 28 days from date of refusal or the date of determination. If an enforcement notice is served after the application's decision date or date for determination, the time limit is 28 days from the enforcement notice served date, unless this would extend the period beyond the usual time limit for cases not involving an enforcement notice.

- The Secretary of State can allow a longer period for giving notice of an appeal but he/she will not normally be prepared to use this power unless there are special circumstances which excuse the delay. Appeals must be made on a form obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate).
- The Secretary of State need not consider an appeal if it seems to him/her that the local planning authority would not have been able to have granted planning permission for the development or would not have been able to have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him/her.

### Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim he can neither put the land to a reasonably beneficial use in its existing state, nor render the land capable of a reasonably beneficial use, either carrying out any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land, in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

\*For the purposes of an appeal, a householder development is development in the boundary of, or to an existing dwellinghouse for purposes incidental to the enjoyment of the dwellinghouse, that does not involve change of use or a change to the number of dwellings. Please note, this does not include development in the boundary of, or to an existing flat or maisonette. This includes "prior approval" applications for larger household extensions.

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**Planning and Development**  
**Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ**  
Telephone: 020 8937 5210

**For information on making an appeal, visit: [www.planningportal.co.uk/planning/appeals](http://www.planningportal.co.uk/planning/appeals) or [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate)**



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

CONDITIONS

- 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. H  
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: To 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 the 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
- X. Details of cycle storage through the provision of four secure, weatherproof cycle storage facility, which shall each have capacity for a minimum of 2- long-stay spaces
- 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.

- 28 Prior to first occupation of the development hereby approved, details of measures to prevent vehicle parking within the curtilage of the dwellinghouses shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall thereafter be implemented in accordance with the approved measures and retained and maintained in accordance with those measures throughout the lifetime of the development.

Reason: To ensure a suitably sustainable development in terms of a car free development and in the interests of the amenities of users of Barham Park.

## 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](http://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](http://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/> )

- 8 This grant of planning consent does not take precedence over any restrictive covenants or rights of way or access which may be applicable to the land within the application site.