

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

24 June, 2020
04
19/2408

SITE INFORMATION

RECEIVED	5 July, 2019
WARD	Queens Park
PLANNING AREA	
LOCATION	111-115 Salusbury Road, London, NW6 6RG
PROPOSAL	Erection of a fourth and fifth storey over existing three-storey office building to create 8 self-contained flats (comprising 6 No. 2-bedroom and 2 No. 3-bedroom flats) with associated new street level entrance to the front and secondary entrance to the side, new lift and stairs along with glazed link bridge, amendments to car parking arrangements and provision for refuse and cycle stores to the rear
PLAN NO'S	See condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_146019</p> <p><u>When viewing this as an Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "19/2408" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

Resolve to **grant** planning permission subject to conditions.

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

1. Standard 3-year time limit
2. Approved Drawings/Documents
3. Landscape details
4. Car Free Condition
5. Details of Privacy Screens
6. Details of Communal Satellite Dish
7. Removal of C4 Home of Multiple Occupancy Permitted Development Rights
8. Materials to be Supplied
9. Cycle/Bin Storage

Plant Noise Detail, Assessment and Compliance

Informatives:

1. CIL Liable Approval
2. Party Wall
3. London Living Wage
4. Fire Safety

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, 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.

SITE MAP



Brent

Planning Committee Map

Site address: 111-115 Salusbury Road, London, NW6 6RG

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This map is indicative only.



PROPOSAL IN DETAIL

Erection of a fourth and fifth storey over existing three-storey office building to create 8 self-contained flats (comprising 6 No. 2-bedroom flats and 2 No. 3-bedroom). New street level entrance to the front and secondary entrance to the side, new lift and stairs along with glazed link bridge, amendments to car parking arrangements and provision for refuse and cycle stores to the rear.

EXISTING

The subject site comprises a 3-storey office (B1) building. To the rear of the site is a car park, accessed via shared gated service road. The site is located within the Queen's Park Town Centre and the ground floor is located within Secondary Shopping Frontage.

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:

1. **Representations received:** 12 objections have been received and considered. It is considered that the proposal accords with planning policy, having regard to material considerations, and it is recommended that planning permission is granted.
2. **Design, layout and height:** The proposal makes effective use of the existing site. It utilises good architecture and maximises the site's potential whilst regulating its form to respect surrounding development in the areas context.
3. **Quality of the resulting residential accommodation:** The residential accommodation proposed exceed policy size requirements and the proposed units are considered to provide a high quality living environment for future residents. The flats would have good outlook and light.
4. **Neighbouring amenity:** There would be acceptable impacts to neighbouring residential occupiers which would be comparable to a recent permission. The overall impact of the development is considered acceptable, given the mitigation measures used, the urban context.
5. **Highways and transportation:** The scheme is to provide suitable provision of cycle parking secured via a condition and will encourage sustainable travel patterns and mitigate the potential for parking due to the new units, a 'permit-free' development, with the exception of blue badge parking spaces.

RELEVANT SITE HISTORY

16/3731- Granted

Erection of a fourth and fifth storey over existing three-storey office building to create 8 self-contained flats (comprising 6 No. 2-bedroom flats and 2 No. 3-bedroom) with associated new street level entrance to the front and secondary entrance to the side, new lift and stairs along with glazed link bridge, amendments to car parking arrangements and provision for refuse and cycle stores to the rear.

This consent has recently expired.

CONSULTATIONS

A total of 66 nearby properties, as well as the Kilburn Neighbourhood Forums and Queen's Park Residents Association were consulted on the application on 9th July 2019.

A total of 12 objections were received, including one from the Queen's Park Resident Association. The table below summarises the concerns and provides some officer comment.

Objection Comments Summarised	Officer Comment
<u>Notification of Development</u>	
<p>No notification of application. Brent Council shows gross negligence as it has failed to follow an open process.</p> <p>States that further consultation is needed.</p>	<p>Nearby occupiers were notified by letter of the proposal in line with Brent's Statement of Community Involvement and the statutory requirements to advertise the application.</p>
<p>Objector states that 105-109 was under construction at time of application for which this is a renewal and as a buyer they were not informed. Further states, that duty not met by council and this invalidates 16/3731 decision.</p> <p>When purchasing adjacent flats owners were not advised of this development and would have impacted their decision to buy. Asks council to take account of hard working tax paying residents who bought in good faith.</p>	<p>As the flats were not complete (at the time of the previous application), naturally no notification letters could be sent by the Council as addresses did not exist.</p> <p>Consultation for the previous application was undertaken in line with statutory and local requirements and the full details of the application were available on the Council's website so were viewed for any prospective purchasers.</p> <p>All comments that are received are considered irrespective of whether or not those who make the comments pay council tax or income tax. Planning decisions must be based on planning policy and guidance.</p> <p>To reiterate properties at 105-109 were consulted as part of this application.</p>
<u>Impact to residential amenity</u>	
<p>Would negatively impact flats in 105-109 in terms of noise, light and outlook, no longer be able to see the sunset. Reduction in light, outlook and open view, would result in shadow and darkness. Including proposed building being set forward of adjacent building. Concerns raised it would result in a loss of privacy, asserts flats would look directly into opposing kitchen.</p>	<p>The impact of light, outlook and privacy is discussed in the detailed consideration section of the report.</p> <p>Residential use is not considered to be an inappropriately noisy use situated next to another residential use. If used reasonably the proposal would not have an unduly adverse impact on the neighbouring occupiers in terms of noise and disturbance.</p>
<p>Increase in traffic, parking, disruption and pollution.</p>	<p>The development would be subject to a car free condition. Notwithstanding this the development of 8 flats would not result in significant and harmful increases in traffic, disruption and pollution.</p>
<p><u>Concerns relating to building issues /developer</u> Notes developer and agent is same as a nearby development and states there are ongoing building issues. Refers to leaks, issues with pigeons and snagging.</p>	<p>The building issues at a different site and developer/agents are not considered to form a material planning consideration and this application must be judged on its own merits.</p>
<p>Freeholders not met council's standards of covered rubbish areas for commercial tenants and this attracts rodents.</p>	<p>The proposed dedicated refuse area to the rear provides sufficient space for waste capacity and appropriate management would minimise these risks. A separate area for commercial waste is shown and this is not impacted/related to this residential development.</p>

States that shops nearby attract rodents and have noisy deliveries outside acceptable hours, as well as an increase in crime and beggars.	<p>These rubbish/vermin matters, crime and beggar issues associated with nearby shops are not a material planning considerations that can be given any significant weight in the assessment of this application. There is no evidence that this proposal would significantly affect these concerns. The application proposes adequate waste facilities for the proposed development.</p> <p>Again the noise from deliveries is not relevant to this application.</p>
No ventilation in south facing lobbies which, high temperatures can lead to lifts not being in use. Request Council inspect from a health and safety point of view. Asserting that being in a glass elevator if its breaks down could be fatal.	<p>Issues with the building ventilation/operation of the existing lobby and lifts are not material planning considerations.</p> <p>The operation of the lifts and mechanics of the working in not a martial planning condition. The proposal would have to comply with Building Regulations which would assess the performance of the building to ensure it sufficiently meets the relevant standards.</p>
No provision for disability access within the building.	The application is not a major application, whilst disabled units are encouraged, they are not mandatory.
<p><u>Impact to character and appearance</u> Proposal disregards previous efforts to maintain the architecture on the street and low rise village atmosphere. Would be ugly blot of real estate.</p> <p>Outer edges crudely jammed to accommodate central atrium. They are minimally staggered to maximise profits, greedy by developer.</p> <p>Floors hardly staggered, style is not sensitive to historic charm or Victorian houses.</p> <p>Object to scale of development, it would be overdevelopment Solid plain façade with no decoration, different to local area.</p> <p>Zinc cladding would contrast and would deteriorate and look unsightly.</p> <p>Dominant building in context of adjacent studios.</p> <p>Taller than adjacent property and would impact on view from cemetery.</p>	<p>The impact to the character and appearance is discussed in the detailed considerations section of this report.</p> <p>The stagger is considered acceptable in both residential amenity and character and appearance terms, as discussed in the main report.</p> <p>Relationship and impact to the adjacent cemetery is discussed in the detailed considerations section of this report.</p>
<p><u>Other</u> States that these flats are not needed because there is unsold development nearby.</p>	There is an acute need to provide housing in Brent. A vacant development nearby does not negate this.
Leaseholder has a long term tenancy and they are not able to build, asserts that the business occupying building and would not like to see them pressured to leave.	The leasehold scenario is not considered a material consideration in this circumstance. The addition of flats is not considered to hinder the running of the business below.
Suggests developer should instead apply to	It is not for us to suggest other forms of

change the use of the lower floors after honouring existing tenants. Or should incorporate flats within the existing building.	development in this case. We must assess the acceptability of the proposal put forward.
Suggests better social housing offer should be sought. Concerns that prices of flats would not be affordable for the majority let alone the possibility of social housing.	The application site does not trigger the 10-unit threshold where we can consider requesting affordable housing.
Impact view to cemetery.	This is not a protected view from the adjacent apartments to the cemetery. Outlook is discussed in the main report.
Elevations not shown for adjacent properties.	Some drawings do plot the adjacent building for example the section drawing and some floorplans.
States adjacent building was originally an office but later changed to a shop. States this application would result in more retail units	This application was assessed against its merits. If a new retail unit is proposed it would have to seek planning permission.
Loss of value.	Value of neighbouring properties is not a material planning consideration.
Glazing results in overheating.	The proposal does not represent a specific overheating risk given the level of glazing and orientation. The performance of the materials of a development of this scale is managed through building regulations.
Noise and disruption during the build programme, noting that other works have overrun.	The impacts of construction, such as the hours of construction and noise impact are covered under separate legislation.
States that the proposal does little to address the need for more housing or retain or enhance the area, refers to siting across the roof from the Conservation Area and states one storey may be more appropriate.	The impact and merits of the proposal are discussed in the main body of the report.

On account of the adjacent Paddington Cemetery being a Listed Park & Garden, Brent's Heritage Officer and the Gardens Trust were consulted. Their response stated that they did not wish to comment on the application.

POLICY CONSIDERATIONS

Policy Considerations

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies Document and the 2016 London Plan (Consolidated with Alterations since 2011).

Key relevant policies include:

Regional Level

The London Plan (2016)

Policy 2.15 – Town centres

Policy 3.3 – Increasing housing supply

Policy 3.4 – Optimising housing potential

Policy 3.5 – Quality and design of housing developments

Policy 6.9 - Cycling
Policy 7.4 - Local Character
Policy 7.6 Architecture
Policy 7.8-Heritage assets and archaeology
Policy 7.15 - Reducing and Managing Noise

Local Level

Brent's Core Strategy 2010

CP1: Spatial Development Strategy
CP 2 Population and housing growth
CP 5 Placemaking
CP 6 Design & Density in Place Making
CP 16 Town Centres and the Sequential Approach to Development
CP 21 A Balanced Housing Stock

Brent's Local Plan Development Management Policies 2016

DMP1: Development Management General Policy
DMP 2: Supporting Strong Centres
DMP12: Parking
DMP18: Dwelling size and Residential Outbuildings
DMP19: Residential Amenity Space

In addition, the council is currently reviewing its Local Plan. Formal consultation on the draft Brent Local Plan was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 24 October and 5 December 2019. At its meeting on 19 February 2020 Full Council approved the draft Plan for submission to the Secretary of State for examination. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officer's that greater weight can now be applied to some policies contained within the draft Brent Local Plan.

Key draft Local Plan policies include:

BH1: Increasing Housing Supply in Brent
BHC1: Brent Heritage Assets
BH5: Affordable Housing
BH6: Housing Size Mix
BSUI2: Air Quality
BSUI4: On Site Water Management and Surface Water Attenuation
BT1: Sustainable Travel Choice
BT2: Parking and Car Free Development

Other Relevant Material Considerations include:

Supplementary Planning Guidance

Brent SPD1 - "Design Guide for New Development"
Waste planning guide
National Planning Practice Guidance
National Design Guide

Planning (Listed Buildings and Conservation Areas) Act 1990.

National Level

National Planning Policy Framework 2019
Technical Housing Standards - nationally described space standards

DETAILED CONSIDERATIONS

Background & Principle of Development

1. This application is the re-submission of planning consent under 16/3731. This consent expired on 15th December 2019 and can no longer be implemented. Some Planning Policy and guidance has changed since this approval and the application is now assessed with regard to updated policy and guidance set

out in the Policy Consideration section of this report.

2. Policy CP21 of the Core Strategy supports the principle of new residential accommodation where it is located in areas of appropriate character. Emerging policies BH1 and BH2 include updated targets for housing delivery and identify town centres (and other locations) as priority areas for the provision of new housing.
3. The existing building is in B1 Office Use. The site is located in an accessible location within Queen's Park Town Centre, which provides local shops and amenities. The principle of additional flats is considered to be in accordance with policy, subject to the other planning policies and considerations, which will be assessed in more detail below.

Standard of Accommodation

4. London Plan policy 3.5 also reflected in policy DMP18 of the Development Management Policies Plan (2016) outlines the minimum space standards required for new residential units. All units comply with the minimum space standards, it is also noted that many units far exceed the minimum requirement. Each unit is dual aspect with a good level of light and outlook. Within the draft London Plan, residential quality criteria are set out within policy D6 "Housing quality and standards".
5. Policy DMP19 and emerging policy BH13 relate to residential amenity space and prescribes that external private amenity space should be of a size and type to suit the needs of proposed residents. It states that 20sqm should be provided for each flat (of the proposed size, given that all units are above ground floor level). All units exceed this minimum standard with the provision of terraces accessed directly from each unit. It is noted that some of the amenity space provision is provided by more than one terrace, for example Units 1, 2, 3 and 4 all include 2 separate terraces, for each unit one terrace is located off the bedrooms and one access from the kitchen /diner. Although the overall amenity space for these units is split into two terraces, all of these spaces are considered practical and usable by reason of their size and shape. Furthermore, all terraces comply with the minimum depth of 1.5m prescribed in the Mayors' Housing SPG and emerging policy D6.
6. The proposed residential units are considered high quality with appropriate levels of floorspace, external amenity space, aspect and light and outlook.

Impact on Character and Appearance

7. The subject site is in a relatively sensitive location, being adjacent to the Paddington Cemetery (Grade II Listed Park), Grade II Listed Chapels within the Cemetery and opposite the Queens Park Conservation Area. Brent Policy DMP1 and London Plan policies 7.4 and 7.6 promote a high standard of architecture and design that responds well to its context. Brent policy DMP 7 *Brent's Heritage Assets*, London Plan policy 7.8 *Heritage Assets and archaeology* and emerging policy BHC1 and HC1 are relevant due to the proximity to and relationship with the heritage assets.
8. The proposal seeks two additional storeys on top of the existing three storey property. The increase in height is 6.2m (3.1 on each floor) and the proposal is staggered. Officers have considered the height, massing and siting of the schemes adjacent, their design approaches and the relative heights/setbacks in comparison to the proposal and the objections received in this respect.
9. The set in from the frontage of the third floor is over 3m and the fourth floor is set back by over 7m. Officers consider this to be an appropriate design response to a sensitive area and due to this set back and gaps between the buildings is unlikely to create a 'wind tunnelling' effect. The set in from the rear of the 2nd storey is over 5m for the third floor and over 7, for the top floor. Officers consider that the size and massing of the proposal is appropriate, given the local context and development adjacent to the subject site.
10. The roof addition is proposed to be clad in a zinc standing seam cladding with ppc aluminium frames to match the existing. This material approach is broadly acceptable however further details of this will be required as a condition.
11. Salusbury Road is a relatively wide road with a commercial character with the facilities of a town centre, where both sides of the road the buildings are three storeys in height, to the south and decreasing in density to the north as the buildings on the west side of the road reduce to two storeys. The scale of the

existing block and the one immediately to the south are at odds with the western side of the street in terms of numbers of storeys, floor to ceiling heights and width. In this context, providing additional storeys with a substantial set back is not considered harmful to the character of the existing building. The proposed extensions and alterations would be visible from the Conservation Area and within views to buildings within the Conservation Area. However, given the siting and scale of the proposed extensions and alterations, it is not considered to appear prominent or out of place and would not result in harm to the Conservation Area and its setting. Furthermore, the proposed development is of a similar scale to the completed additional two residential storeys at adjacent number 105-109 Salusbury Road. In summary, the proposed development is not considered to be harmful to the character and appearance of the area.

12. The applicant has submitted a Design & Access Statement to explain the significance of the proposal in relation to the designated and non-designated heritage assets. It is considered that the proposal would preserve the Character and Appearance of the Queen's Park Conservation Area. Brent's Heritage Officer was consulted and raised no objection to the proposal. The Gardens Trust were consulted and advised that Paddington Cemetery is a historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II. They advised that they do not wish to comment on the application.
13. The previous consent for the same development considered that the proposal would have less than substantial harm to Paddington Cemetery, a heritage asset. Since this assessment a similar development in terms of its scale has been constructed above 105-109 Salusbury Road and therefore the context of the Cemetery has changed adjacent to the proposal. As a result the proposal would not have the same level of prominence and would be in keeping with the existing development that frames the Cemetery, therefore resulting in a reduced impact. Officers have made an assessment in line with the NPPF (2019) Paragraphs 193-196 set out the policy on addressing substantial and less than substantial harm to a Heritage Asset.
14. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
15. Paragraph 196, asserts that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, and provided the harm is minimised.
16. The proposal would be visible from areas within Paddington Cemetery. Paddington Cemetery is a Grade II Statutory Listed Park and Garden. The setting is generally residential, with Queen's Park close by to the south-west. The approximately 10ha level rectangular site lies east of Salusbury Road. Housing, partly combined with gardens, marks the boundary of the cemetery to the north on Willesden Lane and Kimberley Road, to the east on Tennyson Road, to the south on Lonsdale Road, and to the west on Salusbury Road. The Salusbury County School lies at the south-west corner of the site.
17. The site contains two grade II Listed chapels towards the centre of the site and provide the centrepiece of the cemetery layout. The central belfry between the two arches is now (2000) used as a lodge. These are located some 150m north east of the nearest boundary with the site. Furthermore the listing states that the main internal views of the cemetery focus on the chapels while minor views following the straight paths south-east of the chapels terminate either at a stone cross or in the cemetery's landscape. Paddington Cemetery is designed in a near-symmetrical grid-pattern about a north-west/south-east axis. The north-west/south-east axis, which starts at two old tombs on the north boundary, terminates at a stone cross memorial on the south-east boundary. A war memorial lies c 20m west of the western entrance lodge.
18. Due to the surrounding buildings and context, the proposal would result in a subtle change to the development that surrounds the Cemetery and would not appear overly prominent or significantly out of character. When considering the adjacent development which has been constructed and the similar proportions of the proposal, it would be in keeping with the existing setting and would not appear out of place. The proposed development is therefore considered to not result in harm to the Heritage Assets (Paddington Cemetery Listed Park and Garden and Listed Chapels). Special attention should be paid to

the desirability of preserving a designated Heritage Asset. Furthermore, the proposal would result in some public benefit by providing good quality new homes in a sustainable location.

19. In summary, the proposals meet the NPPF's core principles; particularly that planning should be seeking to secure high quality design and a good standard of amenity whilst making efficient use of land. The proposal is considered to not harm or affect the significance of the adjacent Heritage Assets (Paddington Cemetery Listed Park and Garden and Listed Chapels) and is considered to accord with the NPPF together with adopted and emerging Development Plan policy and guidance.

Neighbouring Residential Amenity

20. DMP1 and SPD1, seek to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the right of land-owners to develop their property. On new developments such as this the main impact on amenity arises from (i) overbearing impact of the size and scale of the building(s); (ii) loss of outlook, which is related to overbearing impact; (iii) loss of privacy; and (iv) loss of sunlight. The Council has published supplementary planning guidance (SPD 1) which establishes generally acceptable standards relating to these matters, although site specific characteristics will mean these standards could be tightened or relaxed accordingly. Overbearing impact arising from the height of blocks is controlled via 30 degrees and 45 degree planes from neighbouring habitable rooms and relevant boundaries; privacy is quoted as distances between directly facing habitable windows and from boundaries. Neither outlook nor light have specific values, although light is generally controlled to BRE standards.

Outlook, Daylight/Sunlight and Overshadowing

21. There are recently constructed flats at third and fourth floor level within the adjacent building, Nos. 105-109, which have roof terraces near to and windows facing the subject site. The proposed development does not breach the SPD1 45 degree guidance with reference to the amenity spaces at third floor of 105-109 Salusbury Road. There are two single aspect flats at third floor level which have windows directly facing the proposed development, and the proposal does not breach the 30 degree guidance in relation to these windows. The fourth floor of 105-109 Salusbury Road over-sails the roof terraces, limiting the light and outlook from these rooms. However, these are existing features of the same building. There are two flats on the third floor of 105-109 which have secondary windows which face the subject site and the development would breach the 30 degree guidance from these windows. However, these are small secondary windows to the associated rooms, with the primary windows facing the street to the front or the cemetery to the rear. The proposed development complies with the 30 degree and 45 degree rule in reference to the adjacent fourth floor residential properties and their terraces at 105-109 Salusbury Road.
22. Objections have been received in regard to impact to the flats on 105-109 Salusbury Road in terms of outlook, light, shadowing and daylight/sunlight.
23. A Daylight/Sunlight Report was submitted to support the assessment of the previous application which examined the impact of the proposed development.
24. The original daylight/sunlight report undertook the following tests in regard to daylight and sunlight impact:
- Vertical Sky Component (VSC)
 - No Sky Contour (NSC)
 - Average Daylight Factor (ADF)
 - Annual Probable Sunlight Hours (APSH)
25. The following surrounding properties were assessed:
- 117-121 Salusbury Road (as proposed under planning ref:14/4719)
 - 105-109 Salusbury Road (as proposed under planning ref: 07/0863)
 - St Eugene Court, 82 Salusbury Road
26. Further information was requested because the initially submitted report assessed impact to

daylight/sunlight of the adjacent residential properties at number 105-109 Salusbury Road based upon the original consent. However in 2014 the layout of the approved scheme was varied under reference 14/0958, as such an assessment of the revised layout was requested.

27. Reasonable assumptions have been made that other surrounding properties previously tested remain unchanged, therefore the applicant was asked to undertake further analysis in regard to units at third floor of 105-109 Salusbury Road. As the layouts of fourth floor units at 105-109 Salusbury Road have not changed, the impact would be similar and these have not been re-modelled.

Impact to 117-121 Salusbury Road

28. The previous assessment referred to planning permissions for number 117-121 which included residential uses. However these were not implemented and the site is therefore in commercial use. Although there would be some loss of daylight and sunlight, the commercial uses are less sensitive to daylight/sunlight impacts and impact to residential uses is given more weight, impact to 117-121 is therefore considered acceptable.

Impact to St Eugene Court, 82 Salusbury Road

29. This is a two storey building beyond Salusbury Road. This is believed to be in use as an independent living residential home.

VSC Results

30. A total of four windows failed in the original report however these now appear to affect doorways which now have no windows. Therefore there is no impact to living conditions beyond this.

NSC Results

31. Only one window in the original assessment failed to meet BRE targets, this is listed as a doorway and therefore not applicable, with no windows therefore no impact.

APSH Results

32. Only one window (First Floor, Room 3) did not meet BRE targets, it is likely this is a single aspect bedroom.

Existing		Proposed		Total Retained	Winter Retained
Total	Winter	Total	Winter		
31	4	25	3	0.8	0.8

33. The level of impact is considered to be appropriate given the context of the site and benefits of the scheme.

Impact to numbers 105-109

34. Number 105-109 is a 5 storey mixed use building located adjacent and to the south of the site. The third and fourth floor residential properties are the only sensitive uses located in close proximity to the site that could be feasibly affected by the development in terms of daylight/sunlight impact.

Fourth Floor

35. All windows tested meet BRE Targets for VSC, NSC, and APSH. However two living kitchen diners at fourth floor do not meet the ADF targets. However, this is considered acceptable given that the rooms are dual aspect, with good better outlook to the front and rear.

36. A letter dated 06/01/2020 was submitted with additional assessments to assess the levels of daylight amenity to the adjacent flats within 105-109 Salusbury Road. The letter states that the summary provided should be read in conjunction with the July 2016 Report.

Third Floor

37. In line with BRE guidance, an assessment is made with and without balconies to capture the self-hampering effects of the balconies that are in situ on the adjacent building.

VSC Results

38. Eight windows were assessed, six fail to achieve the 0.8 times the former value as guided by BRE. Two of these windows (W02 & W07) are smaller secondary windows that serve Living Kitchen/Diners which benefit from larger windows facing the front and rear of the site. As such although these windows do not meet BRE Guidance for VSC measures the impact to the living conditions is considered to remain acceptable.

39. Four other windows at third floor (W03-W06) do not meet VSC BRE Guidance as outlined below:

Window/ Serving		Existing VSC		Proposed VSC		VSC Times Former Value	
		With over-sail element	Without over-sail element	With over-sail element	Without over-sail element	With over-sail element	Without over-sail element
W03	Bedroom	9.1	27.7	0.7	19.3	0.1	0.7
W04	Living Kitchen/Diner	12.8	37.6	0.1	25.6	0.1	0.7
W05	Living Kitchen/Diner	12.9	37.7	0.9	25.5	0.1	0.7
W06	Bedroom	9.0	27.7	0.5	19	0.1	0.7

40. It is important to recognise the differences in layout between the 2011 permission and the later amended 2014 consent. At third floor the worst affected north facing windows in the previous consent largely affected 'Flat 2' which included a Kitchen/Diner and two bedrooms. The proposed windows on the northern side of the development (W03-W06) serve two bedrooms and two living rooms in two flats (labelled flats 3 and 4).

41. The above table illustrates that the oversailing element of the adjacent properties result in self-hampering effects and shows that in the 'without over-sail' scenario that the windows would only see a marginal exceedance at 0.7 as opposed to the 0.8 BRE Guidance target. When comparing the with balconies scenario at 105-109 Salusbury Road to the previous consent the affected windows listed above now retain 0.1 times their former value compared to 0 on the previous scheme. While the loss of light will be significant, the BRE guidance takes into account features of the building that limit the light received by the associated rooms and windows, and the application of this principle suggests that the level of reduction is acceptable.

No Sky Line Results

42. No-sky line (NSL) is a measure of the distribution of diffuse daylight within a room. When comparing the NSL for existing buildings against that proposed following development, BRE guidelines have a target to retain 0.8 times their former value.

Window /Serving		NSL Times Former Value	
		With over-sail element	Without over-sail element
W03	Bedroom	0.2	0.9
W04	Living Kitchen/Diner	0.2	0.7
W05	Living Kitchen/Diner	0.2	0.7

W06	Bedroom	0.2	0.9
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43. The other rooms not listed in the table above retain at least 0.8 times their former value. The impact to the two single aspect flats which includes a bedroom and living room window for each would experience a noticeable reductions in the distribution of light within these rooms.

Average Daylight Factor Results

44. The table below outlines that the windows shown fail the ADF targets. The other rooms not listed in the table above retain at least 0.8 times their former value. The previous Daylight/Sunlight Assessment indicated that windows W02-U and W04-U did not meet the ADF target for former values. However, the dual aspect nature of both of these rooms affected means the impact to the living conditions of these units is not considered to be adverse.

Window /Serving		ADF Times Former Value		
		Pass Rate	With over-sail element	Without over-sail element
W03	Bedroom	1.0	0.2	1.8
W04	Living Kitchen/Diner	2.0	0.2	2.5
W05	Living Kitchen/Diner	2.0	0.2	2.5
W06	Bedroom	1.0	0.1	1.8

45. The impact to the two single aspect flats which includes a bedroom and living room window for each would experience noticeable reductions in the distribution of light within these rooms. The kitchen /diners and one bedroom would experience reductions of 80%, with the bedroom experiencing 90% reductions. When the ADF is tested in the 'without balconies scenario' all windows meet BRE targets and retain at least 0.8 times their former values.

Summary

46. In summary the proposed development would have a noticeable impact to sunlight of one single aspect bedroom at first floor within St Eugene Court. Two living/kitchen diners do not meet ADF targets serving two flats at fourth floor in 105-109 Salusbury Road. Impact to daylight to these two units is considered to be acceptable given that these rooms pass the BRE targets for VSC, NSC and APSH and that both rooms are dual aspect. The impact to these units remain the same as the previous approval and the key policy context remains the same despite new draft and adopted policies as set out in the policy considerations section.
47. Two one bed single aspect properties located at third floor (105-109 Salusbury Road) would experience reductions in daylight and sunlight as outlined above. The impacts of daylight/sunlight are very similar to that under the previous approval for the site. However, although the proposed scheme is exactly the same as previously approved, as a result of changes in layout to number 105-109 Salusbury Road, the scheme would now,not meet BRE Targets, in relation to two single aspect units at adjacent third floor compared to one unit under the scheme previously approved. Similarly there would be a reduction on daylight and sunlight of the adjacent private amenity terraces. The loss of light and level of overshadowing to the adjacent private amenity spaces would be the same but would affect the private amenity of two single aspect units as opposed to one unit as previously assessed. To conclude the proposed development would have a noticeable impact on two flats in terms of loss of daylight and sunlight. The impact is similar to the previously approved scheme and consideration has been given to the application of the BRE approach to also test adjoining buildings with over-sailing elements removed. Therefore, the impact to living conditions to surrounding properties is considered acceptable.

Privacy

48. SPD 1 (2018) asserts that directly facing habitable room windows will normally require a minimum separation distance of 18m, except where the existing character of the area varies from this. A distance of 9m should be kept between gardens and habitable rooms or balconies. Reduced distances between new frontages may be acceptable subject to consideration of overlooking and privacy.
49. The proposed development would not comply with the 18m and 9m distances as prescribed in SPD 1

(2018). The proposed third floor would have a staggered building line in relation to its southern boundary with distances from 105-109 Salusbury Road varying between 6.5m, with parts having a smaller distance of 4.1m. The proposed fourth floor would have a staggered building line in relation to its southern boundary with distances from 105-109 Salusbury Road. The separation distances vary owing to set back between 4.1 to 6.5m. Roof terraces are also proposed that are less than 9 m from the windows of the adjoining building and close to their roof terraces. However, the potential impact is mitigated through the inclusion of 1.8m high obscure glazed screens on the edge of the roof terraces on the third floor and directional oriel windows on the fourth. The screening and oriel windows would adequately protect privacy and from the adjacent units and is considered to be a reasonable solution given the location and setting of the site. It would reduce the outlook from the associated bedrooms within the proposed development, but the flats would benefit from living spaces with good outlook and daylight to the front and rear.

50. Although these prescribed distances have not been achieved officers have assessed the proposal to ensure there would not be an undue loss of privacy or any unjustified overlooking from the proposed development. The tight relationships which objectors raise concern about, are evident with the proposal, given the adjacent properties with planning permission, however with appropriate design responses (obscure glazing, directional oriel windows, internal balconies) the proposals have overcome this to a point that your officers find these relationships acceptable.
51. In conclusion, there would be impacts on the amenity of these neighbours, however they are not considered to be unacceptable, given the nature of the urban area, the existing relationships and the design responses to the proposal to reduce impacts.

Transportation

52. The previous application included a condition for details of secure storage for 10 bikes, the London Plan now advocates 2 bike per apartment and as such this condition is amended to request details for 16 bikes. It is noted that the applicant may need to explore double height bike racks.
53. Car parking allowances for the existing and proposed uses of the building are set out in standards within DMP 12 *Parking* and Appendix 1. As the site has good access to public transport services and is located within a CPZ, a reduced residential allowance applies to the proposed flats. The existing offices are therefore permitted up to 21 off-street car parking spaces and the existing provision of 16 spaces accords with standards, with the disabled parking provision (25% of the total) more than satisfying LBB standards.
54. The proposed addition of eight flats on two new floors above the building would increase the parking allowance by 6.6 spaces to 27 spaces. However, no new spaces are proposed to be allocated to the eight new flats. This is acceptable in principle in this location, subject to a car-free condition to remove the right of future residents to on-street parking permits and the applicant has offered this. There are no concerns if the owner wishes to make some of the existing office spaces on site available for use by residents at night and weekends, but they will need to manage this themselves.
55. Two existing spaces are proposed to be removed from the rear car park, including a disabled space. With a weekday CPZ in operation in the area to effectively prevent overspill parking by staff on local streets, this is fine in principle, helping to encourage travel by non-car modes. The reduction in disabled parking to three spaces is also fine, with only one space required as a minimum.
56. The London Plan requires two spaces for each 2bed proposed in this scenario. A secure storeroom is indicated at ground floor to the rear of the site for ten residents' bicycles to supplement the ten existing spaces for the offices, this does not meet the minimum requirement, as such a condition requiring this information and the provision of 16 bikes is recommended.
57. Space for four Eurobins has also been added to the rear of the site and it is assumed that refuse vehicles will continue to access the rear of the site via 105-109 to service the site, which is acceptable.
58. In summary, there are no objections on transportation grounds to this proposal subject to a 'car-free' condition to withdraw the right of future occupiers of these flats to on-street parking permits in the area and a cycle storage condition.

Noise Considerations

59. The proposed roofplan illustrates that the plant would be re-located from lower floors given that the proposal is now for more sensitive residential use and no further details have been provided. A pre-occupation condition requiring the application to provide further details; including a noise assessment to be carried out in regards to the noise from the plant and plans to be submitted illustrating the visual appearance and bulk is required.

60. Public Sector Equality Duty

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.

Summary

61. Since the previous approval, although Brent's Development Management Policies Plan (2016) and Core Strategy (2010) was adopted and remains unchanged, a revised NPPF (2019) and Brent Design Guide for New Development (2016) has been adopted, and weight is now applied to Brent's Draft Local Plan and the emerging London Plan, the scheme has been assessed in regard to the updated policies.

62. The proposal contains eight new dwellings of a good standard, in a sustainable location making efficient use of land. Significant weight to these points. The proposal would be acceptable in terms of design and heritage, resulting in no harm to neighbouring Heritage Assets (Paddington Cemetery) and no harm to the adjacent conservation area, and the surrounding streetscene. The proposal would affect the daylight and outlook of some adjoining properties, particularly the recently constructed single aspect flats within 105-109 Salusbury Road. However, the over-sailing elements of that building result in a level of impact is much higher than it would be if those elements were not present, and in line with BRE guidance, consideration has been given to the level of impact that would occur if those elements were not there. On balance, the level of impact is considered to be acceptable, with the benefits of the scheme being considered sufficient to outweigh the harm. The proposal contains eight new dwellings of a good standard, in a sustainable location making efficient use of land. Significant weight to these points. Given the very limited less than substantial harm to Heritage Asset (Paddington Cemetery) and no harm to the adjacent conservation area. When considering the impact to character and appearance of the area, level of impact to surrounding neighbours and standard of accommodation, the benefits of the scheme would clearly outweigh any harm and this application is therefore recommended for approval.

63. The proposals are considered to materially accord with the development plan, having regard to material planning, considerations and it is recommended the application be approved.

CIL DETAILS

This application is liable to pay **£467,095.87** * under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible* floorspace which on completion is to be demolished (E): sq. m.

Total amount of floorspace on completion (G): 1301.98 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Dwelling houses	1301.98	0	1301.98	£200.00	£0.00	£388,269.04	£0.00
(Mayoral) Dwelling houses	1301.98	0	1301.98	£0.00	£60.00	£0.00	£78,826.83

BCIS figure for year in which the charging schedule took effect (Ic)	224	331
BCIS figure for year in which the planning permission was granted (Ip)	334	
TOTAL CHARGEABLE AMOUNT	£388,269.04	£78,826.83

*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

**Eligible means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 19/2408

To: Mr Kumar
Five Development Consultancy LLP
43 Athenaeum Road
Whetstone
London
N20 9AL

I refer to your application dated **05/07/2019** proposing the following:

Erection of a fourth and fifth storey over existing three-storey office building to create 8 self-contained flats (comprising 6 No. 2-bedroom and 2 No. 3-bedroom flats) with associated new street level entrance to the front and secondary entrance to the side, new lift and stairs along with glazed link bridge, amendments to car parking arrangements and provision for refuse and cycle stores to the rear

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

at **111-115 Salusbury Road, London, NW6 6RG**

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: 15/06/2020

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework 2019
The London Plan (2016)
Brent's Core Strategy 2010
Development Management Policies 2016
Brent SPD1 - "Design Guide for New Development"

- 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 drawings:

Design and Access Statement prepared by ROH Architects dated January 2016

15017 E-100 REVA

15017 E-101 REVA

17 E-102 REVA

15017 E-103 REVA

15017 E-201 REVA

15017 E-301 REVA

15017 E-302 REVA

15017 LOC-01

15017 P-100 REVL

15017 P-101 REVA

15017 P-102 REVC

15017 P-103 REVP

15017 P-104 REVS

15017 P-105 REVF

15017 P-201 REVK

15017 P-301 REVJ

15017 P-302 REVK

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

- 3 Further details of the landscape works and planting, including the brown roof, shown on the

approved plans shall be submitted to and approved in writing prior to the occupation of the Development. Any planting shall take place within the first available planting season post occupation.

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same position, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the area.

- 4 Occupiers of the residential 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 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. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. On, or after, practical completion but prior to any occupation of the residential 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 residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

- 5 Prior to the occupation of the Development, further details of all privacy screens, oriel windows, opaque glazing and terrace balustrades shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as per the approved details prior to the occupation of the units and retained for the lifetime of the development.

Reason: To ensure that neighbouring residents are not unduly impacted by the proposal.

- 6 Further details of a communal television system/satellite dish provision shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any satellite dish. The approved details shall be fully implemented and retained for the lifetime of the development.

Reason: In order to mitigate the possibility of numerous satellite dishes being installed on the buildings hereby approved, in the interests of the visual appearance of the development, in particular, and the locality in general given the site's relationship with established heritage assets.

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

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

- 8 Details of materials for all external work, including samples and/or manufacturer's literature as appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any external work is commenced. The work shall be carried out in accordance with the approved details.

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

- 9 Notwithstanding the plans hereby approved, the development shall not be occupied until further details of secure and covered refuse storage and further details of 16 x secure and covered cycle spaces are submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved plans and such facilities shall be retained for the lifetime of the development.

Reason;- To ensure an adequate amounts of refuse and cycle facilities are available for future occupants

- 10 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. 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 the Local Planning Authority in writing for approval. The plant shall thereafter be installed and maintained in accordance with the approved details

Reason: To protect existing & future occupants.

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 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 5 The Council recommends that the maximum standards for fire safety are achieved within the development.

Any person wishing to inspect the above papers should contact Sarah Dilley, Planning and Regeneration,
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2500