



DECISION NOTICE

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Application No: 21/3679

To: Miss Taylor
Stantec UK Ltd
78 Cowcross Street
London
EC1M 6EJ

I refer to your request dated **29/09/2021** seeking the following:

Demolition of the existing building and the erection of a part three, part four and part five storey building to provide residential dwellings (Use Class C3); car and cycle parking; landscaping, amenity space and play area; and refuse storage and other associated works.

and accompanied by plans or documents listed here:

Drawing Numbers: _

2111-BG-00-00-DR-A-00.101, 2111-BG-00-00-DR-A-10.201, 2111-BG-00-00-DR-A-15.101,
2111-BG-00-00-DR-A-20.101 , 2111-BG-00-00-DR-A-20.201, 2111-BG-00-01-DR-A-10.202,
2111-BG-00-01-DR-A-20.202, 2111-BG-00-02-DR-A-20.203, 2111-BG-00-03-DR-A-20.204,
2111-BG-00-04-DR-A-20.205 , 2111-BG-00-05-DR-A-20.206, 2111-BG-00-B1-DR-A-10.200 ,
2111-BG-00-ZZ-DR-A-10.271, 2111-BG-00-ZZ-DR-A-20.251, 2111-BG-00-ZZ-DR-A-20.252 ,
2111-BG-00-ZZ-DR-A-20.271, 2111-BG-00-ZZ-DR-A-20.272, 2111-BG-00-ZZ-DR-A-20.273 ,
2111-BG-00-ZZ-DR-A-20.274, 9020-01, 9020-02

Documents:

- Air Quality Assessment (prepared by Stroma Built Environment Ltd)
- Daylight/Sunlight Assessment (prepared by Daylight Sunlight Consulting Ltd)
- Design and Access Statement (prepared by Barr Gazetas)
- Drainage Management Plan (prepared by Waterman)
- Energy Strategy Report and Sustainability Statement (prepared by Elkoms Consulting Ltd)
- Financial Viability Assessment (prepared by Turner Morum);
- Fire Statement (prepared by Bespoke Fire);
- Flood Risk Assessment (prepared by Ardent Consulting Engineers)
- Foul Sewage Assessment (prepared by Waterman)
- Framework Travel Plan (prepared by Waterman);
- Heritage Statement (prepared by Montagu Evans);

Document Imaged

Landscape Design Statement, Initial Landscape Specification and Urban Greening Factor Report and Calculations (prepared by Concept Landscape Architects)

Noise Impact Assessment (prepared by Acoustics Plus)

Servicing and Refuse Management Plan (prepared by Waterman)

Statement of Community Involvement (prepared by Your Shout)

Transport Assessment (prepared by Waterman)

Tree Report and Tree Protection Plan (prepared by Andrew Day Consultancy)

Utilities Report (prepared by Elkoms Consulting Ltd)

at **231 Watford Road, Harrow, HA1 3TU**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **REFUSE** permission for the reasons set out on the attached Schedule B.

Date: 29/12/2021

Signature:

A handwritten signature in black ink, appearing to read 'G. Ansell', written in a cursive style.

Gerry Ansell
Head of Planning and Development Services

DnStdR

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 correct form must be used to appeal – Planning; Permission in Principle, Householder Planning; Listed Building Consent; Conservation Area Consent or Certificate of Lawful Use or Development Appeal Forms. Please specify form required, if requesting from Inspectorate. 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.planningportal.gov.uk/pcs.
- 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 practise, 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.

FOR OTHER INFORMATION OR ADVICE ON THIS NOTICE PLEASE CONTACT:
Planning and Regeneration Service

PROACTIVE WORKING STATEMENT

- 1 To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and offers a pre planning application advice service. The scheme does not comply with guidance.

REASONS

- 1 The proposed development by reason of its scale, design, bulk, massing and siting in relation to the suburban context of the site would appear as an excessively bulky building which would result in a poor transition to the suburban housing immediately to the south of the application site. The development would be detrimental to the character of the area and the streetscene, contrary to Policy CP17 of Brent's Core Strategy 2010, policy DMP1 within Brent's Development Management Policy 2016, policies DMP1 and BD1 of Brent's Draft Local Plan 2020 and the guidance within Brent's Design Guide SPD 2018.
- 2 Based on the information provided the application has failed to fully assess the relationship between the proposed building and nearby Conservation Area. Therefore the proposal fails to demonstrate that the proposal will have an appropriate relationship with the Sudbury Court Conservation Area. The application therefore fails to comply with Policies DMP1 and DMP7 of the Development Management Policies 2016 and Policies BHC1 and BD1 of the Draft Local Plan and policy HC1 of the London Plan 2021.
- 3 The proposal would result in a poor standard of accommodation for future residents, by virtue of the following reasons:
 - The bedroom serving G.01 would be located within close proximity to the main entrance of the development.
 - Positioning of the south facing bedroom serving Unit G. 02
 - The bedroom within Unit G.05 located to north would also obtain poor levels of outlook.

The proximity between the proposed flats to the rear of the site and the existing sub station would result in a poor relationship to the detriment of future occupiers based on the information submitted with the application. No evidence has been submitted to demonstrate that the future occupiers would not be adversely affected in health terms in respect of the substation in terms of electromagnetic waves and background noise.

Overall the development would fail to comply with Policy D6 and D14 of the London Plan, Policy DMP1 of the Development Management Policies, Policies DMP1 and BD1 of the Draft Local Plan and Brent's Design Guide –Supplementary Planning Document 1.

- 4 The Sunlight and Daylight report has failed to provide an assessment in relation to an overshadowing to the adjacent residential garden areas on Amery Road. As such, the proposal has failed to demonstrate that the rear gardens of these properties would not adversely affected through undue levels of overshadowing. This would be contrary to policy DMP1 of Brent's Development Management Policies 2016, policy DMP1 of Brent's Draft Local Plan 2020 and the guidance set out in SPD1 "Brent's Design Guide" 2018.
- 5 The proposal by virtue of the proximity of habitable room windows and balconies/terraces to the

upper floor flats at third floor level within the front section of the proposed building in relation to the boundary with No. 135 Sudbury Court Drive would result in outlook over the neighbouring site and unacceptable levels of overlooking and loss of privacy to the detriment of the amenities of the occupiers of No. 135 Sudbury Court Drive. In addition, by reason of the size and siting of the proposed development, the proposal would result in an over-bearing relationship with the garden and rear facing windows of No. 135 Sudbury Court Drive to the detriment of the amenities of the occupiers of that property. Overall, this would result in an adverse impact on the amenities of No. 135 Sudbury Court Drive through overlooking, loss of privacy and undue sense of enclosure. This would be contrary to policy DMP1 of Brent's Development Management Policies 2016, emerging policy DMP1 in Brent's Draft Local Plan 2020, and the guidance set out in SPD1 "Brent's Design Guide" 2018.

- 6 The proposal, by reason of the proximity of habitable room windows of the proposed development to the boundary with the adjoining site to the north, and lack of evidence on the access rights to the substation to demonstrate that this would need to be retained in the long term, would fail to have an appropriate regard to the nature of the adjoining site as a development site for mix-use purposes. As such, the submission fails to appropriately demonstrate that the proposal will result in an acceptable relationship with adjoining development site thus resulting in an impact on the capacity of the adjoining site for industrial and residential purposes. This is contrary to policy DMP1 and DMP14 of Brent's Development Management Policies and emerging policies E4 and E7 of the London Plan and policy DMP1 BE3 of Brent's emerging draft Local Plan.
- 7 The proposal has failed to demonstrate that adequate cycle parking provision in a secure and weather tight area can be provided. As such, it fails to comply with policy T5 of London Plan 2021 and draft policy BT1 of Brent's emerging Local Plan 2020.
- 8 The proposed development is not subject to a legal agreement under Section 106 of the Planning Act which would ensure that the delivery of the maximum reasonable amount of Affordable housing together with an appropriate Affordable Housing review mechanism, and an appropriate level of carbon reduction across the scheme. As such, the impacts of the development would not be mitigated and the proposal would be contrary to London Plan Policies H4, H5, H6, SI2, Core Strategy Policies CP1, CP2 and CP19 and Development Management Policy DMP15. The proposal would also fail to comply with the emerging policies BH5 and BSU1 of the emerging Local Plan, and Brent's S106 Planning Obligations SPD.

INFORMATIVES

- 1 The applicant is advised that this development would be liable to pay the Community Infrastructure Levy if approved. In the event of a successful appeal, 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.