



Planning Committee

Wednesday 15 October 2014 at 7.00 pm

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Membership:

Members

Councillors:

Marquis (Chair)
Colacicco (Vice-Chair)
Agha
S Choudhary
Filson
Hylton
Kansagra
Mahmood

Substitute Members

Councillors:

Chohan, A Choudry, Conneely, Duffy,
Ezeajughi, W Mitchell Murray and M Patel

Councillors

Colwill and BM Patel

For further information contact: Joe Kwateng, Democratic Services Officer
020 8937 1354, joe.kwateng@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Members' briefing will take place at 5.30pm in Boardrooms 7 and 8

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting (to follow)		
Extract of Planning Code of Practice		
NORTHERN AREA		
3. Land at 255, Ealing Road, Wembley, HA9 (Ref. 14/2276)	Alperton	5 - 32
4. Land next to Fairbanks Court, Atlip Road, Wembley, HA0 (Ref. 14/1515)	Alperton	33 - 40
5. Sarena House and Allied Manufacture, Grove Park, London, NW9 0EB (Ref. 14/2930)	Fryent	41 - 74
SOUTHERN AREA		
6. 163 & 165 Chatsworth Road, London, NW2 5QT (Ref. 14/1628)	Brondesbury Park	75 - 80
SPECIAL ITEM		
7. Walm Lane Public Inquiry - Affordable Housing	Mapesbury	81 - 88
8. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.		

Site Visit - 11 October 2014

SITE VISITS – SATURDAY 11 OCTOBER 2014

Members are reminded that the coach leaves the Civic Centre at 9.30am

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
14/2276	Land at 255, Ealing Road, Wembley, HA9	3	Alperton	9:45	5 – 32

14/1515	Land next to Fairbanks Court, Atlip Road, Wembley, HA0	4	Alperton	10.30	33 - 40
14/2930	Sarena House and Allied Manufacture, Grove Park, London, NW9 0EB	5	Fryent	11:00	41 - 74
14/1628	163 & 165 Chatsworth Road, London, NW2 5QT	6	Brondesbury Park	11:45	75 - 80

Date of the next meeting: Wednesday 12 November 2014

The site visits for that meeting will take place the preceding Saturday **8 November 2014** at 9.30am when the coach leaves the Civic Centre.



Please remember to switch your mobile phone to silent during the meeting.

- The Conference Hall is accessible by lift and seats will be provided for members of the public on a first come first served principle.

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EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

The Planning Code of Practice has been adopted by Brent Council to regulate the performance of its planning function. Its major objectives are to guide Members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers. The Planning Code of Practice is in addition to the Brent Members Code of Conduct adopted by the Council under the provisions of the Local Government Act 2000. The provisions of this code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that Members making such decisions are, and are perceived as being, accountable for those decisions. Extracts from the Code and the Standing Orders are reproduced below as a reminder of their content.

Accountability and Interests

4. If an approach is made to a Member of the Planning Committee from an applicant or agent or other interested party in relation to a particular planning application or any matter which may give rise to a planning application, the Member shall:
 - a) inform the person making such an approach that such matters should be addressed to officers or to Members who are not Members of the Planning Committee;
 - b) disclose the fact and nature of such an approach at any meeting of the Planning Committee where the planning application or matter in question is considered.
7. If the Chair decides to allow a non-member of the Committee to speak, the non-member shall state the reason for wishing to speak. Such a Member shall disclose the fact he/she has been in contact with the applicant, agent or interested party if this be the case.
8. When the circumstances of any elected Member are such that they have
 - (i) a personal interest in any planning application or other matter, then the Member, if present, shall declare a personal interest at any meeting where the particular application or other matter is considered, and if the interest is also a prejudicial interest shall withdraw from the room where the meeting is being held and not take part in the discussion or vote on the application or other matter.
11. If any Member of the Council requests a Site Visit, prior to the debate at Planning Committee, their name shall be recorded. They shall provide and a

record kept of, their reason for the request and whether or not they have been approached concerning the application or other matter and if so, by whom.

Meetings of the Planning Committee

24. If the Planning Committee wishes to grant planning permission contrary to officers' recommendation the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the Minutes of the meeting.

25. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the Minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the Minutes of the Meeting.

29. The Minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:
 - (i) on any resolution of "Minded to Grant or minded to refuse contrary to Officers Recommendation";
 - (ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.

STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions may do

so for a maximum of 2 minutes. Where more than one person wishes to speak on the same application the Chair shall have the discretion to limit the number of speakers to no more than 2 people and in so doing will seek to give priority to occupiers nearest to the application site or representing a group of people or to one objector and one supporter if there are both. In addition (and after hearing any members of the public who wish to speak) the applicant (or one person on the applicant's behalf) may speak to the Committee for a maximum of 3 minutes. In respect of both members of the public and applicants the Chair and members of the sub-committee may ask them questions after they have spoken.

- (b) Persons wishing to speak to the Committee shall give notice to the Democratic Services Manager or his representatives prior to the commencement of the meeting. Normally such notice shall be given 24 hours before the commencement of the meeting. At the meeting the Chair shall call out the address of the application when it is reached and only if the applicant (or representative) and/or members of the public are present and then signify a desire to speak shall such persons be called to speak.
- (c) In the event that all persons present at the meeting who have indicated that they wish to speak on any matter under consideration indicate that they agree with the officers recommendations and if the members then indicate that they are minded to agree the officers recommendation in full without further debate the Chair may dispense with the calling member of the public to speak on that matter.

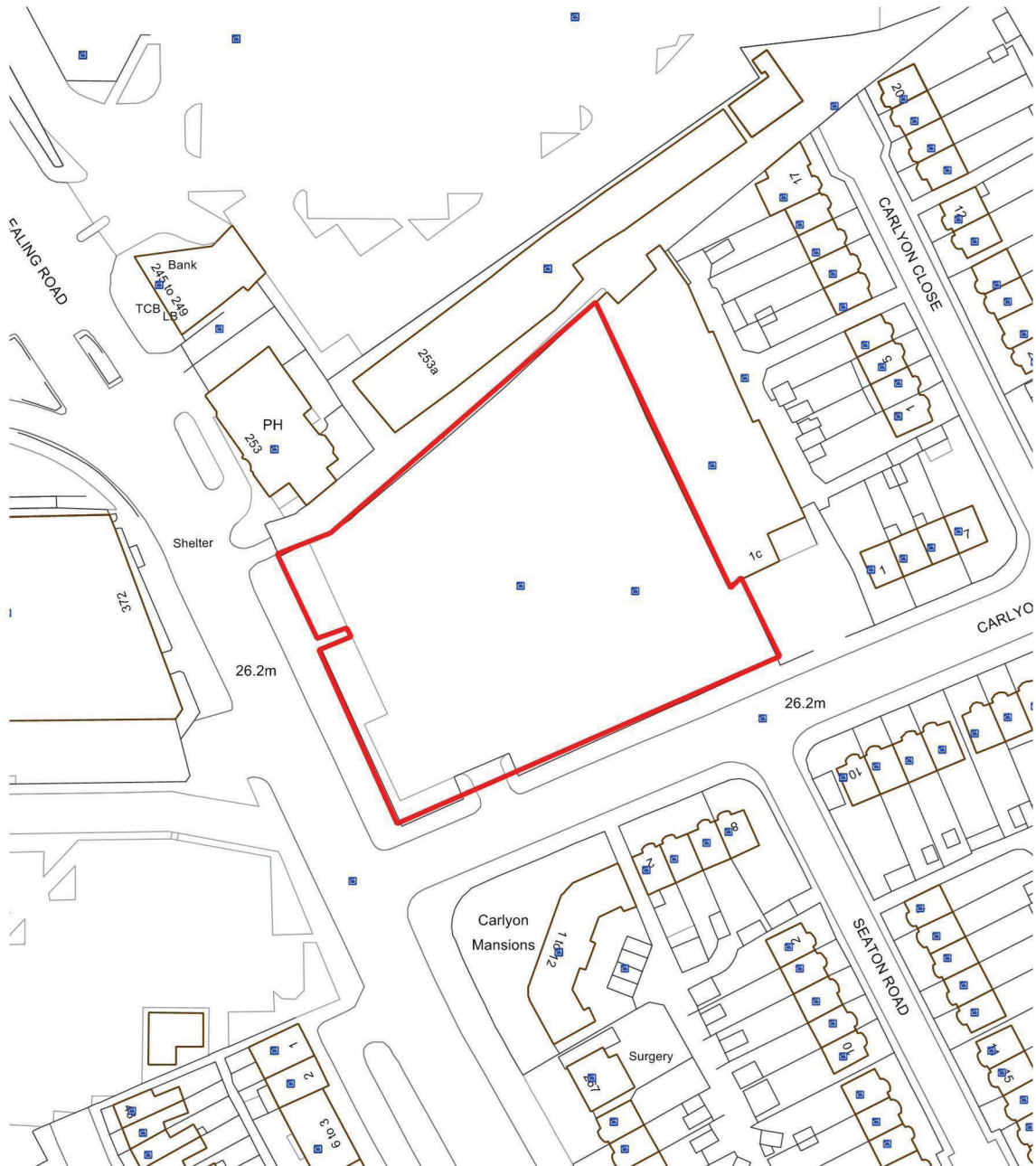
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Planning Committee Map

Site address: Land at 255, Ealing Road, Wembley, HA9

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This map is indicative only.

RECEIVED: 11 June, 2014

WARD: Alperton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Land at 255, Ealing Road, Wembley, HA9

PROPOSAL: Construction of 3- to 9-storey building comprising 125 residential units and 277 sqms of affordable workspace (Use Class B1) and associated parking, access, landscaping and related ancillary works.

APPLICANT: R55 Ealing Road/Marvelairs Limited

CONTACT: Dalton Warner Davis LLP

PLAN NO'S:
See Condition 2

RECOMMENDATION

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report and subject to conditions listed after paragraph 75, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Planning, or other duly authorised person, to refuse planning permission

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

1. Payment of the Council's legal and other professional costs in a) preparing and completing the agreement and b) monitoring and enforcing its performance
2. Minimum of 19 affordable rented units (6 x 1 bed, 6 x 2 bed and 7 x 3 bed) and 19 shared ownership units (10 x 1 bed and 9 x 2 bed) 21 affordable rented units representing 30% affordable housing on a habitable rooms basis
3. A detailed 'Sustainability Implementation Strategy' shall be submitted to the Local Planning Authority and approved in writing prior to the piling of foundations for the development hereby approved. This shall demonstrate:
 - a. How the development will achieve Code for Sustainable Homes Level 4 in relation to residential homes (Use Class C3);
 - b. How the indicated Brent Sustainability Checklist measures will be implemented within the scheme (or other such measures approved by the Council which meet a level of at least 46.5%).
 - c. How the scheme will achieve a minimum CO2 reduction of 26.6 % from 2013 TER (regulated) including a minimum of reduction of 20 % through on-site renewables (after "be lean" and "be clean" measures have been applied) or other such revised measures as approved by the Council which achieve the same levels of CO2 reduction, together with an agreed Carbon Offset Fund contribution based on the calculated shortfall on the 2013 TER (regulated);
 - d. The applicant shall implement the approved Sustainability Implementation Strategy and shall

thereafter retain those measures.

4. On completion, independent evidence (through a BRE Post-Construction Review and completion certificates) shall be submitted on the scheme as built, to verify the achievement of Code for Sustainable Homes Level 4
5. If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the following will accordingly be required:
 - a. The submission and approval in writing by the Local Planning Authority of measures to remedy the omission; or, if this is not feasible,
 - b. The submission and approval in writing by the Local Planning Authority of acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of the omitted measures to be agreed by the Local Planning Authority, to be used by the Council to secure sustainability measures on other sites in the Borough.
6. To provide measures to establish and promote a Car Club on the site from first occupation of the development, including the setting aside of two parking spaces for Car Club vehicles and the funding of three years' free membership for all new residents;
7. To implement the Travel Plan from first occupation of the development, to include funding to be used towards reviews of waiting restrictions in the area including potential Controlled Parking Zones;
8. To provide an agreed contribution towards the funding of a CPZ prior to first occupation of the residential units together with the scheme being "parking permit restricted" whereby the future owners and occupiers of the development are not eligible for on-street parking permits if a Controlled Parking Zone is introduced within 300 m of the site in the future.
9. Highway works along Carlyon Road and Ealing Road to be undertaken at the developer's expense under S278 of the Highways Act to provide "KEEP CLEAR" marking on Carlyon Road; road marking for 'Car Club' spaces; and new landscape works
10. Submission and approval of a Car Park Management Plan;
13. Provide the affordable workspace to shell, core and utilities prior to Occupation of the residential units. Should the unit(s) not be occupied within a 2 year period starting 6 months after being provided, to make the unit(s) available for community use (use class D1) at a subsidised rate;
14. Training and employment
 - a. To prepare and gain approval of a Employment Enterprise and Training Plan prior to commencement and to implement the Plan
 - b. To offer an interview to any job applicant who is a resident in Brent and meets the minimum criteria for the job
 - c. To use reasonable endeavours to: achieve 1 in 10 of the projected construction jobs to be held by Brent residents and for every 1 in 100 construction jobs to provide paid training for a previously unemployed Brent resident or Brent school leaver for at least 6 months
 - d. From material start, to provide monthly verification of the number of Brent Residents employed or provided training during construction and if the above targets are not being met, to implement measures to achieve them
 - e. Prior to occupation, verify to the Council the number of Brent Residents employed during construction and unemployed/school leavers who received training.
15. To pay to the Council a total of £26,400 (index linked by RPI from the date of committee decision) towards the planting of street trees along the route between the development and the Alperton Sports Ground public open space

And, to authorise the Head of Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by

concluding an appropriate agreement.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£2,643,964.61** of which £2,266,071 is Brent CIL and £407,893.61 is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The application site comprises a vacant plot of land which is approx. 0.45 hectares. It is a corner plot fronting Ealing Road and Carlyon Road. It formally contained Marvelfairs House, which was an office building with attached warehousing unit. Outline planning permission was granted in 2005 to demolish the existing buildings and redevelop the site for 2000sqm of non food retail floor space. This planning permission was not implemented. Further details on the planning history are set out below.

The site is surrounded by a mix of uses. It immediately adjoins a single storey industrial building known as 1C Carlyon Road. To the north it abuts a rear service road that serves industrial units at 253A Ealing Road. Beyond the service road to the north is a public house and commercial uses fronting Ealing Road and slightly further north a site known as 243 Ealing Road (former B&Q site) which is being redeveloped to provide a residential led mixed use development with 441 residential units in seven blocks between 6 to 14 storeys high (LPA Ref: 09/2116). To the south and east of the site is predominantly suburban two and three storey residential properties and on the opposite side of Ealing Road a car showroom and storage warehouse.

The application site is located within the Alperton Growth Area and is allocated within the Site Specific Allocation Document (A.3 - Former B&Q and Marvelfairs House).

DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain
assembly and leisure	0		0	0	
businesses / research and development	0		0	259	259
businesses and light industry	0		0	0	
businesses and offices	0		0	0	
drinking establishments (2004)	0		0	0	
financial and professional services	0		0	0	
general industrial	0		0	0	
hot food take aw ay (2004)	0		0	0	
hotels	0		0	0	
non-residential institutions	0		0	0	
residential institutions	0		0	0	
restaurants and cafes	0		0	0	
shops	0		0	0	
storage and distribution	0		0	0	

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0		0	259	259

Monitoring Residential Breakdown

Existing

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Flats ú Market										
Affordable Rent Flat										
Flats ú Intermediate										

Proposed

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Flats ú Market	33	48	6							87
Affordable Rent Flat	6	6	7							19
Flats ú Intermediate	10	9								19

PROPOSAL

Construction of 3- to 9-storey building comprising 125 residential units and 277 sqms of affordable workspace (Use Class B1) and associated parking, access, landscaping and related ancillary works.

HISTORY

Relevant planning history

10/2623: Detail pursuant to conditions 2 (lighting), 3 (refuse storage) & 4 (soft landscaping) of reserved matters approval (reference 08/3045) granted 28/01/2009 and conditions 6 (wheel washing) & 10 (external materials) of outline planning permission (reference 99/0566) granted 19/12/2005 - **Granted, 24/01/2011.**

10/2014: Non-material amendment for proposed sub division of premises - **Granted, 29/09/2010.**

08/3045: Submission of reserved matters (siting, design, appearance, landscaping) and details pursuant to conditions 4 (planting), 8 (siting, design, external appearance and sections of the building; means of vehicular and pedestrian access to and movement within the site; the use and treatment of all open areas; provision for car-parking and loading, unloading and parking of service vehicles, provision of vehicle turning-space, and provision of lighting), 9 (refuse), 10 (relating to parts of the external materials), 12 (finished floor levels), 13 (disabled facilities), 16 (landscaping), 17 (means of enclosure), 19 (cycle spaces) and 20 (parking) relating to outline planning permission 99/0566 - **Granted, 28/01/2009.**

99/0566: Outline application for clearance of site and redevelopment to provide 2000msqm of non-food retail floorspace with associated parking and servicing (matters for determination : means of access) accompanied by Supporting statement by P M Property Consultancy Ltd. (March 1999) Retail assessment January 2004 by RPS and subject to a Deed of Agreement dated 07th December 2005 under Section 106 of the Town and Country Planning Act 1990, as amended - **Granted, 20/12/2005.**

E4462 6843: Full Planning Permission sought for demolition of part of existing buildings, renovation of remainder, erection of 3 storey extension, construction of car park and alterations to provide industrial units with ancillary offices - **Granted, 20/05/1974.**

POLICY CONSIDERATIONS

National policy guidance

National Planning Policy Framework 2012

This sets out 12 core planning principles, of which the following are relevant. Planning should:

- be genuinely plan-led, empowering local people to shape their surroundings;

- proactively drive and support sustainable economic development to deliver the homes, infrastructure and thriving local places.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this and future generations;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Regional policy guidance

The London Plan 2011 and Revised Early Minor Alterations to the London Plan published on 11 October 2013

The London Plan is the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London to 2031. London boroughs' local plans need to be in general conformity with the London Plan, and its policies guide decisions on planning applications.

Chapter 3 - London's People

Policy 3.3: Increasing Housing Supply

Policy 3.4: Optimising Housing Potential

Policy 3.5: Quality and Design of Housing Development

Policy 3.6: Children and Young People's Play and Informal Recreation Facilities

Policy 3.8: Housing Choice

Policy 3.9: Mixed and Balanced Communities

Policy 3.10: Definition of Affordable Housing

Policy 3.11: Affordable Housing Targets

Policy 3.12: Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes

Policy 3.13: Affordable Housing Thresholds

Policy 3.16: Protection and Enhancement of Social Infrastructure

Chapter 5 - London's Response to Climate Change

Policy 5.2: Minimising Carbon Dioxide Emissions

Policy 5.3: Sustainable Design and Construction

Policy 5.6: Decentralised Energy in Development Proposals

Policy 5.7: Renewable Energy

Policy 5.9: Overheating and Cooling

Policy 5.13: Sustainable Drainage

Chapter 6 - London's Transport

Policy 6.3: Assessing Effects of Development on Transport Capacity

Policy 6.9: Cycling

Policy 6.13: Parking

Chapter 7 - London's Living Places and Spaces

Policy 7.2: An Inclusive Environment
Policy 7.3: Designing Out Crime
Policy 7.4: Local Character
Policy 7.5: Public Realm
Policy 7.6: Architecture
Policy 7.14: Improving Air Quality
Policy 7.15: Reducing Noise and Enhancing Soundscapes
Policy 7.19: Biodiversity and Access to Nature

Chapter 8 - Implementation, Monitoring and Review

Policy 8.2: Planning Obligations

Local policy guidance

Brent's Core Strategy 2010

The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight. The relevant policies for this application include:

CP1: Spatial Development Strategy
CP2: Population and Housing Growth
CP8: Alperton Growth Area
CP19: Brent Strategic Climate Change Mitigation and Adaption Measures
CP21: A Balanced Housing Stock

Brent's Unitary Development Plan 2004

In addition to the Core Strategy, there are a number of policies which have been saved within the Unitary Development Plan (UDP), which was formally adopted on 15 January 2004. The saved policies will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:

Built Environment

BE2: Townscape - Local Context & Character
BE3: Urban Structure - Space & Movement
BE4: Access for Disabled People
BE5: Urban Clarity & Safety
BE6: Public Realm - Landscape Design
BE7: Public Realm - Streetscape
BE8: Lighting & Light Pollution
BE9: Architectural Quality
BE10: High Buildings
BE11: Intensive and Mixed Use Developments
BE12: Sustainable Design Principles
BE17: Building Services Equipment

Environmental Protection

EP2: Noise & Vibration
EP3: Local Air Quality Management
EP4: Potentially Polluting Development
EP6: Contaminated Land
EP14: New Energy, Renewable Energy and Fuel Storage Development

EP15: Infrastructure

Housing

H12: Residential Quality - Layout Considerations

H13: Residential Density

Town Centres and Shopping

SH10: Food and Drink Uses

SH11: Conditions for A3 Uses

Transport

TRN3: Environmental Impact of Traffic

TRN4: Measures to make Transport Impact Acceptable

TRN10: Walkable Environments

TRN11: The London Cycle Network

TRN22: Parking Standards - Non Residential Developments

TRN23: Parking Standards - Residential Developments

TRN34: Servicing in New Developments

TRN35: Transport Access for Disabled People and Others with Mobility Difficulties

Brent's Site Specific Allocations DPD adopted July 2011

The above document forms part of Brent's Local Plan and sets out the planning policies and guidance for the future development of over 70 key opportunity sites around the borough. One of these sites is known as A.3 (B&Q and Marvelfairs House).

Supplementary Planning Guidance and Design Guides

Mayor's Housing SPG, November 2012

S106 Planning Obligations SPD, July 2013

Supplementary Planning Guidance 17 "Design Guide for New Development", October 2001

Alperton Masterplan SPD 2011

CONSULTATION

Consultation Period: 13/06/2014 - 04/07/2014

Site Notice: 20/06/2014 - 11/07/2014

Press Notice: 19/06/2014 - 10/07/2014

206 neighbours consulted - 6 letters of objection received raising the following concerns:

- Whilst the principle of redeveloping Alperton is supported this should not be achieved through high rise, high density housing which will have a huge negative impact on all residents. Already high density development at 243 Ealing Road and Minavil House.
- Redevelopment should include family sized housing with rear gardens, community spaces, a modern healthcare centre, quality retail/restaurants and activities for the already expanding community
- Parking provision on site completely inadequate especially as nearby sites being redeveloped. Residents already parking illegally (such as on double yellow lines) due to lack of parking spaces and future development will force existing residents to sign up to CPZ at their expense.
- Lack of affordable housing compared to other sites within the Alperton Growth Area.
- The development will change the character of the area, it will look out of place, and will not fit in with the surrounding architecture as it is too high.
- No proper plans for infrastructure to support the increased population (medical centres and schools)
- Increase in anti social behaviour

- Proposal will adversely impact on amenities of nearby residential properties due to overlooking, overshadowing and additional noise and disturbance.
- Retail unit on ground floor unlikely to come forward due to limited footfall in area.
- Residents on Carlyon Close have already lost afternoon sunlight as a result of the redevelopment of B&Q site (243 Ealing Road).
- Proximity of new residential units to employment uses at 253A Ealing Road will adversely impact the ability for the employment uses to function.
- Proposal will compromise the redevelopment of the wider SSA including 253A Ealing Road.
- Proposal exceeds density matrix in London Plan and fails to meet minimum internal unit sizes as set out in London Plan.
- Proposal fails SPG17 and will overshadow neighbouring site at 253A Ealing Road significantly reducing sunlight and daylight to below BRE standards

One letter of support received advising that it will assist in the redevelopment of the wider Alperton area.

Cromwell and Burns Residents' Association (CABRA)

- High density redevelopment is taken place in Alperton without due consideration for the necessary infrastructure to service future and existing residents in the area
- Parking problems are already very bad in the area and this proposal combined with other ones such as 243 Ealing Road will worsen the situation. Residents already struggle to find parking spaces during the evening/night.
- Residents will be forced in to entering into a CPZ.
- GP Surgeries overstretched and not able to accommodate new patients.
- Schools and nurseries are already full.
- Other essential public Services such as Social and Adult Care, the Police and Fire Services plus our Refuse Collection Services are all understaffed and struggling to cope with the needs of the existing population.
- There is already a chronic shortage of Community and Leisure facilities for all age groups and that the site should be used as a Health Centre and a Community Centre with Car parking ,to meet the needs of the existing residents and the new occupants of 243 Ealing Road.

Petition

An petition has been received prepared by CABRA which contains 233 signatures. The petition raising the following objections:

-
- Totally opposed to any more tower blocks of flats in the Alperton area (from Alperton Tube Station to Alperton Lane and from Abbey Estate to Manor Farm Road.
- There is already severe parking problems and traffic congestion
- Existing infrastructure is already severely stretched, i.e. GP surgery, schools and nurseries
- Other essential public services such as refuse collection, police and fire service and adult social care are understaffed and struggling to cope with existing population.
- Shortage of community and leisure facilities
- There is an urgent need for a new medical centre and community centre with car parks

Thames Water

Requires a planning condition in relation to details of a drainage strategy.

Internal Consultation

Environmental Health - Proposal can be supported subject to a number of conditions covering matters including noise from Ealing Road, plant equipment and substation, air quality and contaminated land.

Landscape - Full details of the landscape scheme and tree protection to be conditioned to any forthcoming consent.

Transportation - Proposal can be supported on transportation ground subject to adequate mitigation measures provided to address potential overspill parking problems from the site on adjoining streets and for adequate off-street servicing would be provided within the site for the commercial uses.

REMARKS

Background and principle of development

1. The application site is located within the Alperton Growth Area. Policy CP8 of Brent's Core Strategy relates to Alperton Growth Area where it identifies Alperton for mixed use regeneration along the Grand Union Canal. It seeks to provide at least 1,600 new homes to 2026, supported by infrastructure to be identified within the Infrastructure and Investment Framework. Anticipated infrastructure will include new and/or improved education facilities at nursery, primary and secondary school level, new health facilities, new and improved public open space and new community centre.

2. To support Brent's Core Strategy the Council has produced and adopted its Site Specific Allocations Development Plan Document. This document sets out the planning policies and guidance for the future development of over 70 key opportunity sites around the borough. One of these sites known as A.3 is the "Former B&Q and Marvellairs House" site. Marvellairs House was the building that once stood on the application site which was recently demolished. Site A.3 is identified for a comprehensive mixed use development including residential, amenity space, B1 employment and A3 uses. There is indicative development capacity and phasing which is set out below:

Indicative development capacity	211 units	115 units	115 units
Indicative development phasing	2011-12	2013-14	2015-16

3. Planning permission has already been granted for the former B&Q part of the SSA for a mixed use development containing 440 flats and a dwellinghouse together with commercial and community space with associated landscaping and car parking (LPA Ref: 09/2116). Work has commenced on implementing this permission. The site also contains 245 to 253a Ealing Road and No. 1 Carlyon Road which are yet to be redeveloped.

4. In addition to the above policy documents, the Council has produced and adopted the "Alperton Masterplan" Supplementary Planning Document. The purpose of the Masterplan is to set out in detail how the Council will bring about the transformation of this industrial area into a new, mostly residential neighbourhood. It is intended to provide clear guidance for developers, landowners and residents about the scale of change which the Council would like to see happen. The Masterplan vision is to create three distinctive new neighbourhoods linked by a high quality and lively stretch of canal, which are:

- Alperton's core: a cultural centre
- Waterside residential neighbourhood
- Northfields Industrial Estate.

5. The application site lies just to the south of Alperton Core. The regeneration principles for Alperton Core is defined by

- distinctive buildings up to 17 storeys in height in specific locations
- high-density flatted development,
- new housing promoted for smaller households.

6. The redevelopment of the application site proposes a mixed use residential led scheme with two affordable workspaces . It is proposed that should the unit not be occupied, that it is made available within a specified period as community space which will be secured through the Section 106 Agreement.

7. The scheme is considered to meet the objectives of Brent's Core Strategy, the SSA and the Alperton Masterplan. It is therefore acceptable in principle subject to the scheme providing an appropriate mix and quality of accommodation of residential accommodation, consideration of neighbouring sites and overspill parking onto surrounding streets.

8. Each of these matters is discussed in detail below:

Design, scale and massing

9. The development will contain three buildings known as A, B and C that are connected to one another, forming a "U" shape fronting Ealing Road, Carlyon Road and No. 1 Carlyon Road. A distance of approx. 24m is maintained between Blocks A and B with a communal garden located within the central courtyard. Buildings A and C are both staggered and the scale reduces towards Carlyon Road to break up the overall bulk and massing of the development. All three buildings are to be built in a buff brick with brick lattice detailing, deep window reveals and recessed open balconies Which add visual interest and will result in a quality development. Parts of the upper floors will be clad in grey metal panelling to add variety to the palette of materials and assist in breaking up the bulk of the building. Full details of external materials, including samples of brick work to ensure that a high quality brick is provided, is recommended to be condition to any forthcoming consent. Each building is discussed in detail below.

10. Building A fronts Ealing Road and contains the commercial B1 uses at ground floor with a mezzanine level and residential flats above. Building A is 9 storeys high at the northern end of the site to reflect the scale of the development at the former B&Q site and its location on the busy Ealing Road; the building then steps down to 5 storeys at the southern end of the site where it fronts the corner of Ealing Road and Carlyon Road. The scale of the building has been stepped to reflect the suburban character of Carlyon Road which predominantly contains 2 to 3 storey dwellinghouses and flatted developments. Building A is proposed to be built up to the back edge of the pavement of Ealing Road on its northern end and up to the access road to No. 253a Ealing Road; the building then steps in away from the back edge of the pavement where it meets the corner of Carlyon Road through a series of staggered building lines achieving an overall set in of 7.2m from the pavement of Ealing Road and 0.93m set in from the pavement of Carlyon Road. Officers raised concerns regarding the 9 storey element being built up to the back edge of the pavement of Ealing Road and the access road to No. 253a Ealing Road due to its setting in the streetscene. This concern was reinforced due to the visibility of the substation doors on the flank elevation which would be prominent when viewed from Ealing Road. In response to these concerns, whilst more significant revisions were sought to set the building in from these site boundaries, revised plans have been submitted which make changes to relocate the substation on ground floor level to the north east corner of this plot further away from Ealing Road and extend the commercial unit at this point with further glazing . The architect for the scheme is of the view that more significant changes would impact on the design quality of the building. Whilst officers are of the view that more significant changes to the design of the scheme would improve the setting of the building in the streetscene, the changes have made some improvements to the quality of the ground floor and on balance can be supported.

11. A low level planter is proposed within the public pavement in front of part of Building A on Ealing Road which assist in improving the general visual amenity along Ealing Road. Such works will need to be secured through a section 273 agreement with the Council's highways department. Officers in Transportation have advised that sufficient width of pavement will be retained. The indicative proposals will be secured though maybe subject to some modification due to the location of equipment housing.

12. Building C is located at the eastern end of the site and runs parallel to the adjoining site at No. 1C Carlyon Road. At its northern end it is 8 storeys high and step down to 5 storeys high at the southern end. It achieves a set back of approx. 4.65m from the back edge of pavement on Carlyon Road. The lower 5 storey element is to be built up to the boundary with the front service yard of 1C Carlyon Road and then as the building increases in height a set in of 8.05m increasing to 14.5m is achieved to the boundary with No. 1C Carlyon Road. A minimum set in of 2.8m is provided to the boundary with the service road to No. 253a Ealing Road. The scale of this building reflects Building A which is higher at the northern end to reflect the scale of the development at the former B&Q site and then reduced in height towards Cralyon Road to reflect the more suburban residential character.

13. Building B fronts Carlyon Road and is 4 storeys high and contains residential units at all levels. The lower scale is intended to reflect the lower scale of surrounding buildings which predominantly contain 2 to 3 storey high residential properties. Building B is set back approx. 5m from the Carlyon Road frontage. Carlyon Road also contains the vehicular entrance to the site with seven car parking spaces fronting Carlyon Road together with entrances to the residential units in Blocks B and C. It is therefore important that this frontage is as active as possible. To achieve this the residential entrances have been clearly designed so that they are . Landscape

buffers are proposed in front of the car park grilles and in front of the residential units on ground floor to a defensible space to the pavement.

Residential Density

14. The scheme proposed a density of 753 habitable rooms per hectare. This has been calculated using a site area of 0.45 hectares and a total of 339 habitable rooms. The proposed density exceeds London Plan density range for this site, which recommends density between 200 to 700 habitable rooms per hectare for urban sites with PTAL 4. However it should be noted that increased densities are accepted in the London Plan and the Alperton Masterplan where public transport accessibility is good due to the need to use land more efficiently, increase housing delivery and in part due to the sustainability advantages increased density can provide.

Affordable Housing

15. Policy 3.13 of the London Plan requires affordable housing to be provided on sites which are capable of providing 10 or more homes. Policy CP2 of Brent's Core Strategy sets a strategic target that 50% of new homes to be delivered in the borough are affordable and in line with London Policy 3.12 the maximum reasonable amount of affordable housing will be sought when negotiating on individual private residential and mixed use schemes, with due regard to a number of factors including development viability.

16. The applicant originally proposed 9 affordable rented units (5 x 1 bed, 2 x 2 bed and 2 x 3 bed flats) accounting for 7% of the overall units. In line with planning policy, the applicant submitted a development appraisal seeking to demonstrate that this represented the maximum reasonable amount of affordable housing that could be delivered on the scheme. Officers have instructed an independent assessor to review the development appraisal, who concluded that the scheme could reasonably and viably deliver additional affordable housing beyond the 7% proposed.

17. A further offer of 19 affordable rented units (6 x 1 bed, 6 x 2 bed and 7 x 3 bed) and 19 shared ownership units (10 x 1 bed and 9 x 2 bed) has been offered by the applicant accounting for 30% of the overall units. This revised offer has been accompanied by a viability assessment, which was also reviewed by the independent assessor whom concluded that 30% affordable housing is the maximum reasonable amount of affordable housing that can be delivered on the site. The revised affordable housing offer will be secured as part of a Section 106 Agreement.

Quality of proposed accommodation

Size and mix of units

18. The application originally proposed 128 residential units which has now been reduced to 125 residential units as a result of a number of amendments to the proposal which include increasing the distance from the boundary with the service road to No. 253a Ealing Road and the provision of increased car parking on site. Buildings A and B contain the private units, building A, B and C contains the shared ownership units and Block B contains the affordable rent units. A breakdown of the unit mix is set out below:

	One bed units	Two bed units	Three bed units	Total Units
Overall scheme	49 (%)	63 (50%)	13 (10%)	125
Private Units	33 (67%)	48 (76%)	6 (46%)	87 (69%)
Shared Ownership	10 (21%)	9 (14%)	0 (0%)	19 (15%)
Affordable units	6 (12%)	6 (10%)	7 (54%)	19 (15%)

19. Policy CP21 of Brent's Core Strategy seeks an appropriate mix of unit sizes within a scheme including a proportion of 25% of units to be three bedrooms or more. The Alperton Masterplan promotes new housing to be for smaller households, with a predominance of one and two bedroom homes. It does however seek to provide 54% of affordable rented homes to be 3 bedrooms for more. In this case overall scheme predominantly comprises smaller one and two bedroom flats. However within the affordable units it will include a high proportion of family sized units, which is considered to meet the overall objectives of the Masterplan. The overall unit mix is therefore considered acceptable.

20. The London Plan requires residential units to provide the following internal floor space standards:

- 1 bed 2 person - 50sqm
- 2 bed 3 person - 61sqm
- 2 bed 4 person - 70sqm
- 3 bed 4 person - 74sqm
- 3 bed 5 person - 86sqm
- 3 bed 6 person - 95sqm

21. Further guidance on the internal room sizes within the residential units are set out in the Mayor's Housing SPG that states that a minimum area of 8sqm should be provided for a single bedroom and 12sqm for a twin/double bedroom. The floor space for living/dining and kitchen is recommended to be:

- 1 person/2 person - 23
- 3 person - 25
- 4 person - 27
- 5 person - 29
- 6 person - 31

22. A total of 33 units fall short of the internal floor space standard as set out in the London Plan. The majority of these units only marginally fall short of the required standard and generally meet or exceed the key room space standards for the living areas and bedrooms as set out above. As such it is considered that these units meet an acceptable standard of accommodation and the shortfall in the overall size is not considered significant to warrant a reason for refusal.

Outlook and privacy

23. The majority of units are dual aspect and where there are single aspect units these do not face in a northerly direction. The main window to the second bedroom in Flat types 21, 40 and 46 on the first to fourth floors in Block B are proposed to be obscured glazed. This is to prevent overlooking to the neighbouring site at No. 1C Carlyon Road as a distance of only 8.2m is provided to the boundary with 1C Carlyon Road rather than 10m as set out in SPG17. This secondary bedroom does have outlook into the open balcony area and as such is considered acceptable.

24. A distance of 24m is maintained between directly facing habitable windows within the development. This exceeds the minimum requirement as set out in SPG17 which requires 20m, and as such an acceptable level of privacy is provided between units within the development. The ground floor residential units are proposed with good landscape buffers and terraces to ensure that they will not experience a loss of privacy. In addition, the ground floor units will overlook Carlyon Road and the communal external amenity space providing natural surveillance to both these public and semi public spaces.

Daylight and Sunlight

25. A daylight, sunlight and overshadowing assessment has been submitted to consider the available of daylight and sunlight to residential units within the scheme given the layout of the development which is U shaped with the taller elements at the northern end of the site. This study concludes that acceptable levels of daylight and sunlight will be provided including the residential units on the lower floors that face into the communal garden and the residential units in Building C. Notwithstanding the advice contained within the daylight/sunlight study, further consideration has been given to unit type 20 which is located within the inside corner of the building. These units will experience the lower levels of daylight and sunlight, particularly at lower floor levels. To improve the general living conditions for these units, the layout has been amended to relocate the living areas furthest away from the inside corner of the building.

Wheelchair units and lifetime homes

26. Ten units within the scheme are proposed to be designed as wheelchair accessible housing . The number of wheelchair units account for approx. 8% of units which marginally falls short of the 10% requirement as set out in policy CP21 in Brent's Core Strategy 2010. A condition will be imposed to require a further 2 units to be

provided which are wheelchair accessible. All homes will be built to lifetime home standards.

External amenity space

27. Each residential flat has access to its own private balcony or terrace. The majority of these balconies/terraces meet or exceed the minimum requirement as set out in the mayor's Housing SPG (5sqm for 1 to 2 bed person units and an extra 1sqm for each additional occupant). In addition all residents will have access to a communal garden which is 888sqm and two small roof terraces on the sixth floor which adds an additional 127sqm. The daylight and sunlight study concludes that 69% of the communal amenity space will receive a minimum 2 hours of direct sunlight per day which exceeds the minimum requirement of 50% of the communal amenity area receiving a minimum of 2 hours of direct sunlight

28. Consideration also needs to be given to SPG17 which requires 20sqm of external amenity space per unit. Based on 125 flats this would amount to 2500sqm of external amenity space. The scheme provides a total of 2202sqm of external amenity space, which accounts for a shortfall of 298sqm or 2.3sqm per unit. On balance, this shortfall is not considered to justify a reason for refusal, particularly given that the main communal space is centrally located in the site and readily accessible to all residents.

Play and Recreation

29. The projected child yield of the development and the required play space provision has been calculated using the Mayor of London's play space calculator. The projected child yield for the development is:

Age	Projected child yield
Under 5	15
5-11 years	9
12+ years	6

30. The Mayor's Supplementary Planning Guidance sets out that play space (10 square metres per child) should be provided within 100 m of the dwellings for under 5s, within 400 m for 5-11 year olds and 800 m for 12+ year olds.

There are three open spaces near to the application site:

Open space	Size	Facilities	Distance to open space	Distance to play area
One Tree Hill Recreation Ground	Large	Equipped play area, Multi-Use Games Area	555	900
Alperton Sports Ground	Moderate	Equipped play area, Multi-Use Games Area, tennis courts	419	574
Abbey Estate Open Space	Small	Small equipped play area	521	700

Note: The specified distances represent the walking distance in metres

31. A minimum of 150 square metres of play space for under 5 year olds should be provided within the development. An area of approx. 90sqm of play space has been indicatively shown on the revised plans. Further details of the quality of this play space will be conditioned to any forthcoming consent. Other areas can be used for informal play and given that all units have access to private amenity space, the provision on balance is considered acceptable.

32. There are no open spaces within 400 m (walking distance) of the application site. The development should therefore also include 90 square metres of play space for 5 to 11 year olds which could be provided in the courtyard for informal play. There are existing public open spaces that are slightly over 400 square metres from the site. However, the distance to the play facilities is significantly greater than this and the route to the two of the public spaces is not ideal, being next to a busy four lane road. Nevertheless, if this application was

recommended for approval then Section 106 funding could be secured for improvements to the routes to the public open spaces such as by tree planting. In addition, the Alperton Masterplan aims to provide further publicly accessible open space.

33. There are existing play and recreation facilities for over 12s, including the three open spaces, one of which includes tennis courts (440 m, from the site) and a Multi-Use Games Area (530 m from the site).

34. In summary, the proposal does not demonstrate that the development will comply with the Mayor's Supplementary Planning Guidance regarding play and recreation. However, this could be addressed through the use of a condition regarding on-site play space and Section 106 contributions towards improvements to the routes to existing off-site public open spaces. With regard to the section 106 contributions, it is recommended that these are secured to improve the route between the development and the Alperton Sports Ground public open space through the planting of street trees along this route. Such trees can be planted at a cost of £1,200 per tree (including the required surveys and a maintenance contract). The council's Landscape Design team have recommended that trees are planted at 10 m intervals to improve this route. When taking existing trees, road junctions and large crossovers into account, a total of 26 trees should be planted along this 419 m route. The total contribution is therefore £26,400.

Environmental Constraints

Noise Impact

35. A Noise Impact Assessment has been submitted which concludes that to achieve required internal noise levels a robust glazing specification is required. Officers in Environmental Health have recommended that a condition is attached to any forthcoming consent that requires the residential units to be designed in accordance with BS8233:2014 'Sound insulation and noise reduction for buildings - Code of Practice' to attain required internal noise levels and bedrooms and living rooms. They also recommend that a condition is secured regarding any plant equipment such as heating and ventilation to achieve noise level at least 10dB below background noise level.

Air Quality

36. As the site is located within an Air Quality Management Area and is sited next to Ealing Road an Air Quality Assessment has been submitted. This report identifies that mitigation measures are required to protect future residents from the impact of poor air quality in the residential units on the ground, first and second floors facing Ealing Road. Officers in Environmental Health have advised that a condition is secured to any forthcoming consent requiring details of mitigation measures to be provided.

Contaminated Land

37. A desk study has been submitted and reviewed by officers in Environmental Health who have advised that the study is acceptable. The desk study identifies the potential for on-site contamination. It is therefore recommended that conditions are secured to any forthcoming consent for a site investigation to be carried out to determine the nature and extent of any soil contamination present and for a verification report to be provided confirming that remediation has been carried out in accordance with the agreed remediation strategy.

Substation

38. A new substation is proposed on the ground floor of Building A at the northern end of this building. As the substation will be located within 10m of the proposed residential units officers in Environmental Health have advised that a condition is required to secure a BS4142:1997 assessment and ICNIRP Report. This is to consider electromagnetic radiation (EMF) and noise/vibration.

Impact on adjoining neighbours

39. The application is accompanied by a Daylight, Sunlight and Overshadowing assessment which examines the potential impact on the adjoining non-industrial sites. This included a detailed analysis of the impact of the scheme on the daylight and sunlight received by the windows of the nearby Carlyon Close units together with

the public house at 243 Ealing Road. This assessment was undertaken using the BRE guidance "Site layout planning for daylight and sunlight: A guide to good practice". This guidance document is routinely used across the Country to determine the potential impacts on adjoining properties and represents standard practice for this type of assessment.

40. The submitted report demonstrates that the proposed development will not have a significant impact on the levels of daylight or sunlight received by the Carlyon Close properties, and that the levels of daylight and sunlight for these properties will remain within the levels that are considered to be appropriate for residential dwellings.

41. The report shows that the scheme will have a "major adverse" impact on the levels of daylight and sunlight received by the adjoining public house. However, neither the Council's policies nor the BRE guidance protects the levels of daylight and sunlight received by windows of public houses and as such, the reduction in the levels of daylight and sunlight for the pub are considered to be acceptable. No objections have been received from the pub and that it is likely to benefit from the additional residents who would live locally if this scheme is approved.

42. This report did not examine the potential impact on the adjoining industrial units, namely Number 253a Ealing Road and 1c Carlyon Road. Whilst the Council's policies do not protect the levels of daylight or sunlight for such units, these sites are included in the Alperton Growth Area and the Site Specific Allocation and as such, consideration of the potential impact on those sites is considered to be necessary.

43. SPG17 sets out general guidance for the massing of new buildings, to ensure they do not have an overbearing impact on the neighbouring properties and avoid unnecessary overshadowing. In general, where proposed development adjoins private amenity/garden area, then the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. It is noted that the proposed development would breach the 45 degree line. As such, the applicant subsequently submitted a shadow casting report which examines the potential levels of overshadowing associated with the development, showing the extent of shadows cast by the development on 21 March, 21 May and 21 July. The 21 March date is routinely used to examine the potential overshadowing of adjoining sites while the 21 July assessment shows the "best case" for overshadowing. The winter months are not typically used for shadow casting exercises as the shadows are significantly long, even for low density suburban development. The applicant has modelled an indicative scheme on the adjoining site to the north (253a Ealing Road) as planning permission has not been sought for the redevelopment of that site.

44. The study shows that shadow will be cast across the adjoining sites, although, this will be limited during the summer months. Not surprisingly, the western end of the 253a Ealing Road site will experience a greater level of overshadowing, but will experience good levels of sunlight earlier in the morning and later in the afternoon (after 3pm). The eastern end of this site will not be significantly overshadowed. With regard to adjoining site at 1c Carlyon Road, overshadowing will occur from around 1 pm in March and later in the day within the summer months.

45. The submission does not demonstrate the potential effects on the daylight received by the adjoining units. However, it is possible if not likely that levels of daylight will be low for any future homes within 253a Ealing Road that are immediately adjacent to and face the tall elements of the proposed building. An objection has been submitted on behalf of the owners of 253a Road which specifies that the proposed development will blight the delivery of residential development on No 253a and make it impossible to bring forward a viable development that achieves the Council's amenity standards.

46. The two adjoining sites are constrained by their size. The predominant width of 253a Ealing Road is between 14 m and 22 m while the width of 1c Carlyon Road varies between 17 and 19 m. Proposals for residential development are expected to provide sufficient outlook from habitable room windows within the site itself without relying on adjoining sites for this. The Council would normally expect that there is a minimum distance of 10 m between habitable room windows and the site boundaries unless that outlook is to an existing road or other public space. The size of these sites accordingly restricts the development potential of these sites irrespective of the scale of development on the application site.

47. When considering the impacts of the proposal on the levels of daylight and sunlight that may be received by future homes within these sites, the Council will have regard to the nature of the development that is

anticipated within this part of the Alperton Growth Area. The BRE guidance specifies that it may be appropriate to adopt a flexible approach within high density residential environments. In this instance the Council typically seeks to maximise the number of units that accord with the BRE guidance levels of daylight and sunlight but would not necessarily stipulate that development could not occur on the areas of the adjoining site that are overshadowed by the proposed development.

48. As such, it is not considered likely that the effects of the proposed development on the levels of daylight and sunlight received by the adjoining industrial sites will have a significant impact on their development capacity.

49. In summary, the submission demonstrates that the proposed development will not have a significant impact on the levels of daylight and sunlight received by existing homes in the immediate vicinity. It will have a significant impact on the adjoining public house. However, the Council's policies and guidance do not look to protect the levels of daylight and sunlight for public houses. The proposal may affect the daylight and sunlight of the parts of the adjoining industrial sites that are immediately adjacent to the taller element of the proposed development. However, it is not considered likely that this will have a significant impact on the development potential of these sites.

Landscape and nature conservation

50. There is an existing London Plane tree located on the pavement on Ealing Road. The landscape officer has advised that a tree survey and protection method statement for this tree is provided during the construction phase in accordance with BS5387:12. New trees are proposed within the Carlyon Road pavement and such tree planting will need to be secured as part of the Section 106 Agreement.

51. A habitat survey has been undertaken for the existing site which concludes that the site is of low ecological value and the presence of protected species is negligible. The report recommends as precautionary measures that any site clearance is undertaken outside of the bird nesting season (March to end of August). The report goes into recommend that a sensitive landscape scheme could enhance the biodiversity potential of the site including native landscaping, bat and/or bird boxes.

52. It is recommended that the above requirements are conditioned to any forthcoming consent.

Transportation

53. The site is not located within any Controlled Parking Zone. On-street parking is prohibited between 8am-6.30pm Mondays to Saturdays along the site frontage, with loading also prohibited between 8-9.30am & 4.30-6.30pm on weekdays along the Ealing Road frontage. A bus stop is also located along the Ealing Road frontage. Carlyon Road is not noted as being heavily parked, although the 2013 survey showed it to be only marginally under 80% parked. Nearby cul-de-sacs (Seaton Road, Tiverton Road & Carlyon Close) are noted in Appendix TRN3 of the UDP as being heavily parked at night, with recent surveys from 2013 confirming this is still the case. Footway parking is therefore commonplace in these narrow streets (n.b. the overnight parking surveys included in Appendix H of the Transport Assessment for these streets have ignored the prevalence of footway parking and thus overestimate existing practical parking capacity). Public transport access to the site is good (PTAL 4), with Alperton Underground station (Piccadilly line) and six bus services (79, 83, 224, 245, 297 & 487) within 640 metres (8 minutes' walk).

Car parking

54. The application originally proposed 45 car parking spaces (including 13 disabled spaces) and two on site car club bays. The ratio of parking was 0.35 spaces per unit. As the application site is just outside the Alperton Core and is located closer to residential streets which are heavily parked with no controlled parking zone at present, your officers required an increase in on site car parking spaces. The amount of on site parking has increased to 60 spaces (including 14 disabled bays) and two car club spaces relocated on Carlyon Road. The ratio of parking has increased to 0.48 spaces per unit which is more in line with the neighbouring former B&Q site which provides a ratio of 0.5 spaces per unit.

55. Whilst the Alperton Masterplan seeks 0.4 car parking spaces per unit within the Alperton Core, given that

this site is located just outside Alperton Core and is in close proximity to residential streets that are currently heavily parked with no controlled parking zone, consideration needs to be given to any overspill parking onto neighbouring streets. Car parking allowances for the proposed uses within the site are set out in standards PS7 and PS14 of the adopted UDP 2004. As the site is not located within a CPZ, the full residential allowance applies, even though public transport access to the site is good. With regard to potential overspill parking, the change to the number and mix of units and the increase in the affordable housing provision reduces the estimated parking demand amongst residents to 104 cars. With 60 spaces now proposed within the development, estimated parking overspill would fall from 65 cars to 44 cars. As previously stated, the surrounding streets have very limited scope to accommodate overspill parking, particularly within 100m walk of the site.

56. To address concerns regarding overspill parking it is recommended that an upfront contribution is secured as part of the Section 106 Agreement rather than a penalty scheme secured through a Travel Plan towards implementing a Controlled Parking Zone in the event that one is required and supported by existed residents. Officers in Transportation have advised that a contribution of £60,000 towards the implementation of a CPZ and contribution towards a permit for existing residents in the area would be reasonable and this figure would be indexed link as part of the Section 106 Agreement. The contribution is recommended to be held for a long term period (i.e. 10 years from the date of first occupation of the residential units) and in the event that a CPZ is not required within that period the monies returned to the applicant. The Section 106 Agreement would also restrict the rights for occupiers within the new development to be able to obtain a parking permit in the event that a CPZ is implemented and this would be drawn to their attention when purchasing one of the units.

57. Whilst it is recognised that over time parking situation naturally vary, such as children within families obtaining driving licenses when they reach adulthood, and thus increasing the amount of cars within a household, given that the surrounding streets are already at capacity with regards to on street parking, only a small amount of overspill parking from this development is likely to have a significant impact on the surrounding residential roads. It is for this reason combined with the proximity of this development to the residential roads that warrants the need for an up front contribution rather than a penalty system. A penalty system is considered to be ineffective for this particular site as even a small amount of over spill parking is likely to have a significant impact and only small monies would be obtained for vehicles exceeding 50% parking cap to be able to implement a CPZ. A penalty system within the Travel Plan was secured as part of the legal agreement for the former B&Q site as it was considered to be more effective for the B&Q site context located further away from residential streets and thus less likely to result in overspill parking.

58. A number of other sustainable transport measures are also proposed to reduce car ownership. These include the provision of two car club spaces on Carlyon Road and a residential travel plan. The Travel Plan will be secured through a Section 106 Agreement to any forthcoming consent and officers in transportation have confirmed that the location of the two car club bays is acceptable subject measures being secured to fund the alterations of the Traffic Regulation Order to formalise these bays.

59. The above measures are consistent with the objectives of the Alperton Masterplan which supports the need for a sustainable transport strategy including improved public transport, car clubs, and the roll out and subsidy of local controlled parking zones should be considered if it is in the interest of existing residents.

Junction capacity and impact on existing transport network

60. Vehicular access arrangements to the site remain as existing (i.e. off Carlyon Road) and to help to assess the future interaction of the access with the nearby junction of Ealing Road and Carlyon Road, a model of the existing signalised junction operation has been developed. The results suggest that in the morning peak hour, queues of 5-6 cars can be expected on the Carlyon Road arm of the junction, which would extend past the site access. This causes potential concern that vehicles turning right out of the site would not be able to join the traffic queue on the approach to the signals and would be tempted to block traffic entering Carlyon Road from Ealing Road.

61. However, it is recognised that a site access has been provided in this location for many years to access former buildings on the site (although the historic use of the access preceded the introduction of traffic signals at the Carlyon Road/Ealing Road junction). It is therefore recommended that a KEEP CLEAR marking be provided on Carlyon Road opposite the site entrance to help traffic to turn right out of the site. This will be

secured as part of the highway works within the Section 106 Agreement.

Cycle parking

62. Standard PS16 requires at least one secure bicycle parking space per flat and the proposed provision of 144 covered spaces within a secure storeroom alongside the car park is sufficient to satisfy this requirement. An additional 14 external spaces are also proposed to the Ealing Road frontage which is welcomed, providing two areas where visitors to the affordable workspace units can safely leave their bicycles.

Servicing and Refuse facilities

63. The two affordable workspaces are to be served by a shared transit sized bay located in the southeastern corner of the car park. Parking standard PS19 requires a 8m rigid vehicle bay. The width and headroom of the proposed space is sufficient to accommodate a Luton van-type vehicle and the only practical concern would be that such vehicles would temporarily obstruct access to parking space 2. However, as the two units only marginally exceed the threshold above which an 8m bay is required, this shortcoming can be accepted in this case as visits by vans larger than a transit are likely to be comparatively rare.

64. However, officers in Transportation have advised that trolleying distance between the bay and the commercial units should be minimised, to make the bay as convenient as possible and thus discourage unloading taking place from the vicinity of the Ealing Road bus stop. Both of the commercial units have a service door located as close as practically possible to the loading bay. In addition, it is recommended that a Servicing Management Plan is conditioned in any forthcoming consent.

65. Refuse storage for 25 x 1,100 litre Eurobins is proposed alongside the car park in a reasonably central location within about 30m of each of the residential entrance cores, thus minimising carrying distances for residents. However, it is over 20m from the highway boundary, so a standing area for refuse bins has been indicated along the Carlyon Road frontage of the site, to which bins will be moved on collection days.

Sustainability and Thames Water

66. Achieving sustainable development is essential to climate change mitigation and adaptation. The most recent relevant policy framework includes Brent's adopted Core Strategy 2010 policy CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures and the GLA's London Plan 2011 policies within Chapter Five London's Response to Climate Change.

Compliance with Brent policies

67. In support of the objective of satisfying Core Strategy policy CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures, a Code of Sustainable Homes Pre Assessment Report has been submitted predicting the development would exceed the minimum requirement for Code Level 4, providing flexibility within the design should credits be lost through the detailed design and construction process. This is to be secured as part of the section 106 agreement.

68. Brent's UDP 2004 policy BE12 and SPG19 Sustainable Design, Construction & Pollution Control 2003 require the submission of a Sustainable Development Checklist; the application is supported by a completed Brent Sustainable Development Checklist which demonstrates a score of 46.5% can be achieved. Whilst this score falls marginally short of 50%, it is considered that given that the scheme will achieve Code for Sustainable Homes Level 4 and the maximum reasonable amount of Carbon saving over Part L of Building Regulations 2013 can be achieved with appropriate off site contributions (see comments below), that this shortfall is can be accepted. The Sustainable Development Checklist is to be secured as part of the section 106 agreement.

69. In respect of Brent's sustainability policies, the proposal is considered acceptable.

Compliance with London Plan 2011

70. The scheme includes measures to minimise the impact of this proposal on, and mitigate for the effects of,

climate change and your officers consider the proposal to be in accordance with the energy hierarchy as required by London Plan 2011 policy 5.2 Minimising carbon dioxide emissions part (a): (i) be lean: use less energy; (ii) be clean: supply energy efficiently; (iii) be green: use renewable energy.

71. The application is supported by an Energy Strategy. In summary, the proposal does not meet the criteria of London Plan policy 5.2 for 35% improvement on Part L 2013 Building Regulations as a carbon saving of only 26.6% is achieved. The Energy Report has been reviewed by an independent energy consultant, and based on their recommendations. this shortfall is not considered significant to justify a reason for refusal and this is explained in more detail below.

- Lean measures

72. The buildings will be constructed using a range of passive design features, including a higher fabric specification; improvement over building regulations air permeability target; highly efficient heating and hot water system; and low energy efficient lighting.

73. It is estimated that a reduction in regulated CO2 emission of -2.1 tonnes per annum or -1.3% over baseline will be achieved through this first element ('Be Lean') of the energy hierarchy. This is a shortfall against the baseline at the energy efficiency 'Be Lean' stage. Pragmatically speaking this is only a negligible amount and whilst further improvements could be made the energy consultant has advised that it would probably not be cost effective for the developer to make further changes to achieve the target. Instead it would probably be more cost effective to pay into the carbon offset fund. The Carbon Offset Fund is part of the Government's Strategy known as "Allowable Solutions" for the delivery of mainstream zero carbon new homes from 2016. Through the mechanism of Allowable Solutions, the carbon emissions which can not be cost-effectively off-set on-site, after Carbon Compliance has been achieved, will be tackled through nearby or remote measures.

- Clean measures

The proposal will incorporate a communal gas boiler system to serve the residential units and Spilt Units for the commercial units. There is flexibility to allow future connections to a District Heating System via plate heat exchangers.

It is estimated that a reduction in regulated CO2 emission of 13.3 tonnes per annum or 9.7% over baseline will be achieved through this second element ('Be Clean') of the energy hierarchy.

- Green measures

The scheme proposes to install 66.05KwP (329.5sqm) of roof mounted Photovoltaic Panels. A reduction in regulated CO2 emissions of 43.6 tonnes per annum or 20% over baseline will be achieved through this third element ('Be Green') of the energy hierarchy. This meets the minimum requirement of 20% renewable energy requirement set out in policy 5.7 of the London Plan.

74. It is recommended that the Energy Strategy and the requirement to achieve a minimum of 26.6% improvement on Part L of 2013 Building Regulations together with appropriate contribution towards the carbon offset fund is secured as part of the Section 106 Agreement.

Further Response to objections

Objection	Response
High rise and high density development is inappropriate for the area.	As discussed in paragraph 5 above, the principle of high density development is supported within the growth area.
Proposal exceeds density matrix in London Plan and fails to meet minimum internal unit sizes as set out in London Plan.	More detailed discussions on density for this scheme is discussed in paragraph 14 above
Lack of on site car parking and impact on	Car parking and consideration of overspill parking

surrounding roads which already suffer congestion	has been discussed within paragraphs 54 to 59 above.
A CPZ would be at the expense of existing residents	Any CPZ would be subject to public consultation. In the event that a CPZ was introduced, there would be a requirement for the applicant to fund permits for existing residents for a three year period.
Lack of affordable housing compared to other sites within the Alperton Growth Area.	Please refer to paragraphs 15 to 17 above.
Scheme not in keeping with character of area	Please refer to paragraphs 9 to 14 above
Scheme is not supported by infrastructure such as doctors, schools, community facilities etc and will had further stress on existing services	<p>The site is located within the Alperton Growth Area which is strategically identified by the Council for housing growth. This growth will be supported by infrastructure identified within the Infrastructure and Investment Framework which is currently being developed. Anticipated infrastructure includes new primary school; new health services; new and improved public open spaces and recreational facilities; new bus services; community centre and new tree planting.</p> <p>This scheme will provide affordable workspace units, and in the event that these are not occupied within a two year period, these units will be made available for community access (use class D1) at a reduced rate. Such details will be secured as part of the Section 106 Agreement.</p>
Increase in anti social behaviour	There is no evidence to suggest that this scheme will result in anti social behaviour.
Nearby residential properties due to overlooking, overshadowing and additional noise and disturbance to nearby residential properties	Please refer to paragraphs 39 to 49 above
Proximity of new residential units to employment uses at 253A Ealing Road will adversely impact the ability for the employment uses to function.	Block B has been set in away from the boundary to provide a buffer to the nearby employment uses. Neither Block A or B have windows or balconies that face directly onto the employment use.
Proposal will compromise the redevelopment of the wider SSA including overshadowing 253A Ealing Road.	Please refer to paragraphs 39 to 49 above.

Conclusion

75. The application proposes the redevelopment of this former industrial site with a residential led mixed use development. It will contribute towards the objectives of the Alperton Growth Area, including the delivery of affordable and family housing in the Growth Area.

116. It is recommended that the scheme be granted consent, subject to a legal agreement and planning condition, to secure the required planning merits.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Employment: in terms of maintaining and sustaining a range of employment opportunities
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services
Site-Specific Policies

Supplementary Planning Guidance and Design Guides

CONDITIONS/REASONS:

- (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):

11193 A P 001 - Location Plan
11193 A P 002 - Existing Plan
11193 A E 020 - Ealing Road & Carlyon Road Elevations

11193 A E 140 Rev B - Ealing Road Elevation 02
11193 A E 141 Rev B - Carlyon Road & East Elevations
11193 A E 142 Rev B - Elevation 04 & North Elevation
11193 A E 143 Rev B - Courtyard Elevation & Car Park Elevation to 1C Carlyon Road

11193 A S 120 Rev B - Sections 01 & 02
11193 A S 121 Rev B - Sections 03 & 04
11193 A S 122 Rev B - Sections 05 & 06

11193 A P 100 Rev C - Ground Floor Plan
11193 A P 101 Rev C - First Floor Plan
11193 A P 102 Rev C - Second Floor Plan
11193 A P 103 Rev C - Third Floor Plan
11193 A P 104 Rev C - Fourth Floor Plan
11193 A P 105 Rev C - Fifth Floor Plan
11193 A P 106 Rev C - Sixth Floor Plan
11193 A P 107 Rev C - Seventh Floor Plan
11193 A P 108 Rev C - Eighth Floor Plan
11193 A P 109 Rev C - Roof Plan

11193 A P 100 Rev B - Ground Floor Plan to indicatively show the tenure mix
11193 A P 101 Rev B - First Floor Plan to indicatively show the tenure mix
11193 A P 102 Rev B - Second Floor Plan to indicatively show the tenure mix
11193 A P 103 Rev B - Third Floor Plan to indicatively show the tenure mix

11193 A P 104 Rev B - Fourth Floor Plan to indicatively show the tenure mix
11193 A P 105 Rev B - Fifth Floor Plan to indicatively show the tenure mix
11193 A P 106 Rev B - Sixth Floor Plan to indicatively show the tenure mix
11193 A P 107 Rev B - Seventh Floor Plan to indicatively show the tenure mix
11193 A P 108 Rev B - Eighth Floor Plan to indicatively show the tenure mix

Other supporting documents

Air Quality Assessment prepared by Syntegra Consulting
BREEAM New Construction Assessment 2014 prepared by Syntegra Consulting
CGIs of proposed development
Daylight, Sunlight & Overshadowing prepared by Syntegra Consulting
Desk Study and Stage I Risk Assessment prepared by MRH Geotechnical
Design and Access Statement prepared by Francis Architects
Extended Phase 1 Habitat Survey prepared by Syntegra Consulting
Ecological Baseline and Code for Sustainable Homes Assessment Report prepared by Syntegra Consulting
Noise Impact Assessment prepared by Syntegra Consulting
Planning and Consultation Statement prepared by Dalton Warner Davis
Shadow Analysis with 253a Ealing Road
Sustainability and Energy Strategy Report Rev A, prepared by Syntegra Consulting
Transport Statement with Addendum Transport Note, dated July 2014
Table showing accommodation schedule with tenure type highlighted

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

- (3) All parking spaces (including disabled bays), Electric Vehicle Charging Points (including passive provision), cycle parking stands and refuse and recycling facilities shall be provided and permanently marked out prior to occupation of any part of the approved development in full accordance with approved plans, and thereafter retained in accordance with the approved details throughout the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic, or the conditions of general safety within the site and along the neighbouring highway & amenity and to provide sufficient cycle parking facilities and refuse and recycling facilities.

- (4) No works shall commence on site prior to a Construction Method Statement and Tree Protection Plan in accordance with to BS 5837:2012 in relation to the existing London Plane on Ealing Road frontage has been submitted to and approved in writing by the Local Planning Authority.

Provision shall also be made for supervision of tree protection by a suitably qualified and experience arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure retention and protection of trees on the site in the interests of amenity.

- (5) Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental

impact upon the community.

- (6) No works shall commence on site until a Construction Environmental Management Plan (CEMP) have been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of measures to mitigate the impact of the demolition, construction and all associated works on noise, vibration and air quality for sensitive receptors including:
- (i) Management: Appointment of a Construction Liaison Officer to take primary responsibility for day-to-day contact on environmental matters for the borough, other external bodies and the general public.
 - (ii) Working Hours: Standard construction hours (e.g. Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 hours, with no working on Sundays or Bank Holidays), subject to consultation with the borough.
 - (iii) Access Routes: Routing construction traffic away from NSRs.
 - (iv) Equipment: The use of quieter alternative methods, plant and/or equipment, where reasonably practicable.
 - (v) Screening: The use of site hoardings, enclosures, portable screens and/or screening nosier items of plant from NSRs, where reasonably practicable.
 - (vi) Location: Positioning plant, equipment, site offices, storage areas and worksites away from NSRs, where reasonably practicable.
 - (vii) Maintenance: Maintaining and operating all vehicles, plant and equipment in an appropriate manner, to ensure that extraneous noise from mechanical vibration, creaking and squeaking is kept to a minimum.
 - (viii) Piling: Ensuring that piling is undertaken using most appropriate technique, with minimal noise and vibration generation in mind. The piling method will be agreed in conjunction with the LBB, prior to work commencing.
 - (ix) BS 5228-1 indicates that between 10 and 20dB attenuation may be achieved during the construction phase by selecting the most appropriate plant and equipment and enclosing and/or screening noisier items of plant or equipment.
 - (x) Site Planning: Erect solid barriers to site boundary; no bonfires; machinery and dust causing activities located away from sensitive receptors; training and management; hard surface site haul routes.
 - (xi) Construction Traffic: vehicles to switch off engines; vehicle cleaning and specific fixed wheel washing on leaving site and damping down of haul routes; all loads entering and leaving site to be covered; ensure no site runoff of water or mud; all non-road mobile machinery to be fitted with appropriate exhaust after-treatment; on-road vehicles to comply with the requirements of a possible future LEZ as a minimum; minimise movement of construction traffic around site.
 - (xii) Demolition: use water as dust suppressant; use enclosed chutes and covered skips; and wrap buildings to be demolished.
 - (xiii) Site Activities: minimise dust generating activities ensuring that any crushing and screening machinery is located well within the site boundary; use water as dust suppressant where applicable; enclose stockpiles or keep them securely sheeted; if applicable, ensure concrete crusher or concrete batcher has a permit to operate

The development shall be carried out strictly in accordance with the agreed details.

Reason: To minimise the noise and air quality impact of the demolition and construction works on sensitive receptors and to ensure demolition and construction works follow Best Practicable Means (BPM) of Section 72 of the Control of Pollution Act 1974 to minimise noise and vibration effects.

- (7) Vegetation clearance shall be undertaken outside of the nesting bird season (generally extends between March and September inclusive). If this is not possible then any vegetation that is to be removed or disturbed shall be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may

affect them is required to be deleted until the young have fledged and the nest has been abandoned naturally.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

- (8) Notwithstanding the details of the external materials set out in the Design and Access Statement, further details of the following external materials shall be submitted to and approved in writing by the local planning authority prior to commencement of building works on site. Such details shall include::

- Details of facing bricks including samples to be pre arranged to be viewed on site
- Details of the specification and colour of the window frames and doors
- Details of the finishing material and colour for balconies, parapets, canopies, balustrades and railings

The works shall be carried out in full accordance with the approved details.

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

- (9) Within three months of commencement of any works on site, further details of the following shall be submitted to and approved in writing by the local planning authority. Such details shall include drawings, including sections where appropriate, at a suitably large scale (e.g. 1:5, 1:10, 1:20, 1:50) or manufacturer's literature which show

- (a) details of the window and door reveals, headers and sills, including the depth of the reveals and the junction of materials around the returns;
- (b) details of proportion of window openings
- (c) details of the design and finish of the electricity substation door

The development shall be completed in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

- (10) Notwithstanding the unit layout plans otherwise approved, a revised layout shall be submitted to and approved in writing by the Local Planning Authority within three months of commencement of building works, providing a total provision of 12 wheelchair accessible/wheelchair adaptable units (accounting for c. 10%). These units shall thereafter be fully provided prior to first occupation of the residential units hereby approved.

Reason: To provide sufficient wheelchair accessible and adaptable units within the scheme.

- (11) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development shall be submitted to and approved in writing by the Local Planning Authority within 6 months of commencement of development. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (a) all planting including location, species, size, density and number incorporating native species of local provenance along the southern boundary
- (b) details of the play equipment wfor formal and informal play area for under-fives and for 5

to 11 year olds within the courtyard

- (d) details of the provision of artificial bird and bat boxes
- (e) areas of hard landscape works including details of materials and finishes. These shall have a permeable construction and include features to ensure safe use by visually impaired and other users
- (f) the location of, details of materials and finishes of, all street furniture and external cycle stands
- (g) proposed boundary treatments including walls, fencing and retaining walls, indicating materials and height
- (h) details of external lighting (including proposed sitting within the site and on buildings and light spillage plans showing details of lux levels across the surface of the site and at residential windows)
- (i) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

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

- (12) Details of the roof plan, showing the areas of the proposed photovoltaic panels in accordance with the sustainability measures secured as part of this development, shall be submitted to and approved in writing by the Local Planning Authority, prior to completion of construction work and shall be installed prior to occupation of the development hereby approved.

Reason: To demonstrate these are adequate and suitable to provide the level of carbon offset sought.

- (13) Following the demolition of the existing buildings and prior to commencement of building works, a site investigation shall be submitted to and approved in writing by the Local Planning Authority. The site investigation shall be carried out in accordance with BS 10175:2011 by competent persons to determine the nature and extent of any soil contamination present.

The site investigation shall include 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.

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

- (14) Any soil contamination remediation measures identified in condition 15 shall be carried out in full accordance with the approved details. A verification report shall be submitted to and approved in writing by the Local Planning Authority prior to occupation stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted 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

- (15) Prior to first occupation of the residential units hereby approved, details of the mitigation measures to protect future residents from the impact of poor air quality (as identified in the Air

Quality Assessment) shall be submitted to and approved in writing by the Local Planning Authority. All approved measures shall be implemented in full.

Reason: To protect future residents from the impacts of poor air quality.

(16) Prior to first occupation of the residential units hereby approved, the following information shall be submitted to and approved in writing by the Local Planning Authority in relation to the substation in Block A and thereafter installed in accordance with the approved details.

- The magnitude of the electric and magnetic field at the base station based on its maximum usage and an assurance that the station will remain compliant with the ICNIRP recommendations;
- The projected electric and magnetic fields at the site boundary (compared to existing background) and that at the nearest residential premises.
- Details of noise/ vibration mitigation measures in the installation such as acoustic insulation/ screening or anti-vibrational mountings.

Reason: To secure the satisfactory development of the site in terms of human health and the wider environment.

(17) All residential premises shall be designed in accordance with BS8233:2014 'Sound insulation and noise reduction for buildings - Code of Practice' to attain the following internal noise levels:

<u>Time</u>	<u>Area</u>	<u>Maximum noise level</u>
Daytime Noise 07:00 – 23:00	Living rooms	35dB LAeq (16hr)
Night time noise 23-00 – 07:00	Bedrooms	30 dB LAeq (8hr)

Prior to first occupation of the residential units hereby approved a test shall be carried out to show that the required internal noise levels have been met and the results submitted to the Local Planning Authority for approval.

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


(18) Prior to first occupation of the residential units hereby approved, an assessment of the noise level from any installed plant (such as air handling units, generators, ventilation/extraction systems) together with any associated ducting, achieving 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises, shall be undertaken and submitted to the Local Planning Authority for approval. The method of assessment shall be carried out in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. If the predicted noise levels of the plant exceed those specified within this condition, then a scheme of insulation works to mitigate the noise shall be included. The recommendations provided within the noise assessment together with any required mitigation measures shall be carried out in full accordance with the approved details prior to first use of the plant equipment hereby approved.

Reason: To protect that users of the surrounding area do not suffer a loss of amenity by reason of noise nuisance.

INFORMATIVES:

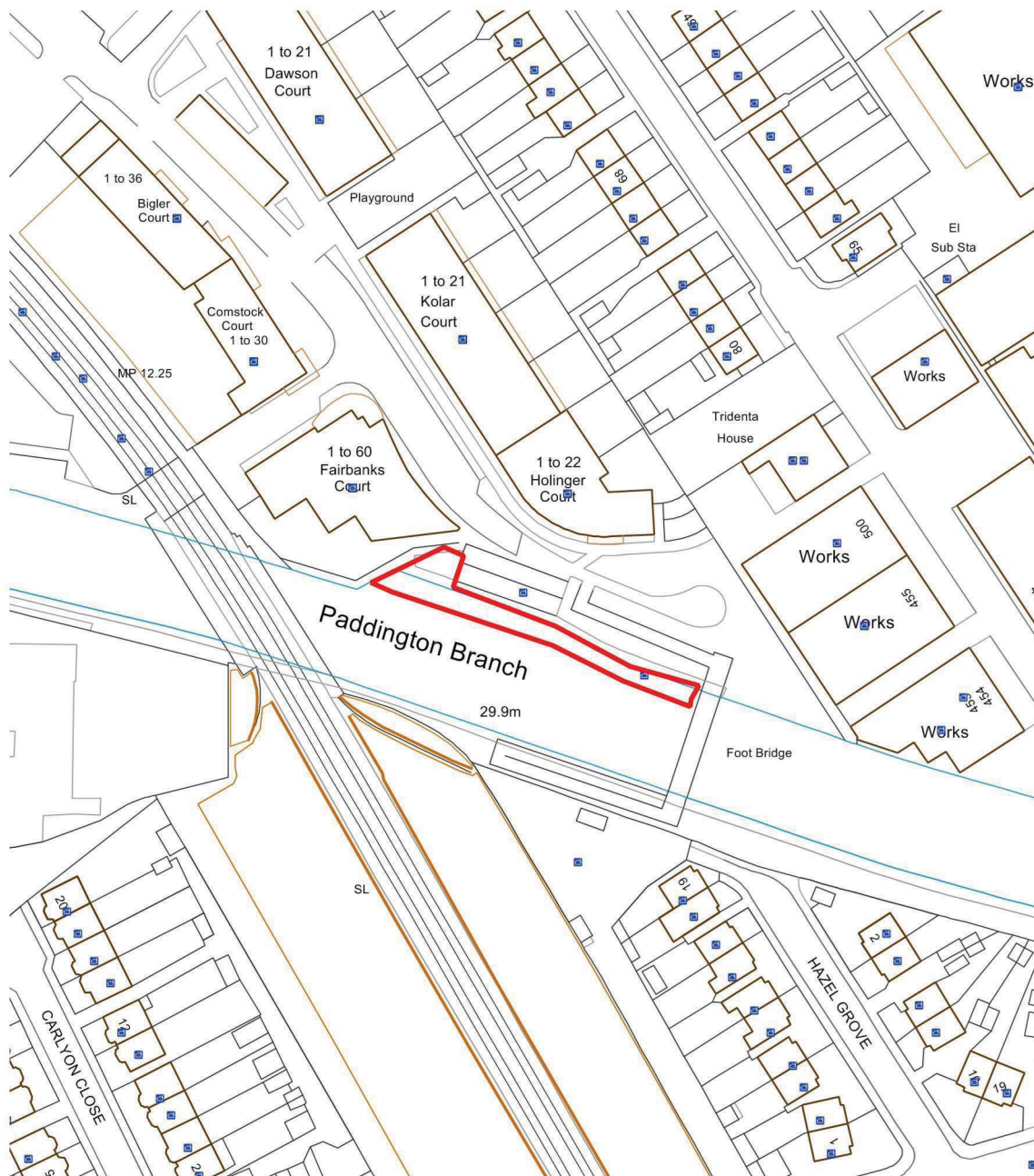
- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

Any person wishing to inspect the above papers should contact Victoria McDonagh, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5337

 **Planning Committee Map**

Site address: Land next to Fairbanks Court, Atlip Road, Wembley, HA0

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This map is indicative only.

RECEIVED: 27 May, 2014

WARD: Alperton

PLANNING AREA:

LOCATION: Land next to Fairbanks Court, Atlip Road, Wembley, HA0

PROPOSAL: Planning application for the change of use of waterspace for residential moorings

APPLICANT: Canal & River Trust

CONTACT:

PLAN NO'S:
See condition 2.

RECOMMENDATION

Approval with the conditions listed after paragraph 19.

CIL DETAILS

The proposal does not result in the creation of any new build floorspace or additional residential units and as such, the development is not CIL liable.

CIL Liable?

Yes/No: No

EXISTING

The subject site is land and adjacent waterspace located off and accessed of the southern end of Atlip Road in Alperton, HA0, on the northern embankment of the Grand Union Canal. Four existing visitor moorings are currently located on the embankment. These visitor moorings were constructed with the redevelopment of the adjoining buildings at the southern end of Atlip Road.

PROPOSAL

The Canal and River Trust seek planning permission for the change of use from four visitor moorings to four residential moorings. The moorings are in place so no physical changes are required to implement this change. The Canal and River Trust define residential moorings as "A long term mooring which has the local authority's permission for it to be used as the occupant's sole or primary residence".

The application submission initially also detailed the provision of a small "Elsan sewage facility" which is to be situated on the land next to the canal. However, this has now been removed from the proposal.

HISTORY

Planning permission was granted for the construction of the visitor moorings as a part of the adjoining "Atlip Road" development at appeal in 2007:

Reference 06/0856: Extension of Atlip Road and erection of four buildings containing 5 commercial units (733 square metres) and 186 flats comprising 60 one- and two-bedroom private flats and 126 one-, two-, three- and four-bedroom affordable flats. The buildings on the northwest side of the access road are 4-storey and part 4- and 6-storey. The buildings on the southeast side are part 8- and 9-storey and part 10- and 14-storey. Provision of 54 car-parking spaces, cycle parking, refuse storage, landscaping, 2 children's play areas and footbridge over the canal – Appeal allowed 27/02/2007

Reference 06/0845: Extension of Atlip Road and erection of four buildings containing 5 commercial units (733 squared metres) and 185 flats comprising 60 one and two bedroom private flats and 126 one, two, three and

four bedroom affordable flats. The buildings on the north west side of the access road are 4 storey and part 4 and 6 storey. The buildings on the south east side are part 8 and 9 storey and part 10 and 14 storey. Provision of 54 car parking spaces, cycle parking, refuse storage, landscaping, 2 childrens play areas and footbridge over the canal – Appeal allowed 27/02/2007

POLICY CONSIDERATIONS

National Planning Policy Statement

London Plan 2011

Policy 7.30 London's Canals and Other Rivers and Waterspaces

Brent Core Strategy 2010

CP8: Alperton Growth Area

CP18 Protection and Enhancement of Open Space, Sports and Biodiversity

Adopted Unitary Development Plan 2004

BE2: Townscape

BE9: Architectural Quality

BE14: Grand Union Canal Corridor

TRN10: Walkable environments

TRN11: The London Cycle Network

OS5: Green Chains

OS14: Wildlife Corridors

CONSULTATION

Site notices were erected on 10/06/2014. Consultation letters were sent to 87 local residents on 24 July 2014.

9 objections were received during the consultation period outlining the following concerns:

Comment	Response to comment
1. Sewerage system will be an eyesore and the pumps will cause nuisance through noise and odour and will attract vermin.	See paragraphs 7-11
2. Noise and odour pollution and will attract vermin	See paragraphs 7-11
3. Increase cost in management fee for tenants of Atlip Court development	This matter cannot be considered with the planning application. Nevertheless, it is not considered likely that the change from visitor to residential moorings will result in an increase in the management fee for tenants.
4. Lack of car and cycle parking for visitors of tenants of boat, with existing facilities already overly full, and additional traffic associated with residential moorings.	See paragraph 14-18
5. Loss of property value	Matters concerning any perceived impact upon the value of adjacent properties resulting from the development cannot be considered within this planning application.
6. Lack of public consultation on the proposal	Site notices were initially erected. Following comments from local residents, letters were sent to 87 nearby owners/occupiers.
7. Loss of privacy	Your officers do not consider that the change from visitor to residential moorings will result in a loss of privacy for existing residents.
8. Lack of bin storage, and the bins within the existing development are already overly used.	See paragraph 12-13

9. Residential moorings will destroy the character of the area as residents encroach on the towpath and adjoining land assuming squatters rights.	See paragraph 6
10. Smoke from chimneys and dogs will result in nuisance.	Such activity is considered to be typical of canal moorings, whether they are visitor or resident moorings. It should be noted that visitor moorings allow stays of up to 14 days.
11. The Canal and River Trust will not have the resources to supervise and control additional residential moorings.	Your officers have no reason to believe that cuts in funding will affect the ability of the C.R.T. to control the additional moorings.
12. The proposal will result in physical changes as the moorings are vacant 95 % of the time at the moment but will be occupied all of the time in the future.	See paragraph 6
13. One of the moorings is in the navigation channel which will lead to accidents.	The Canal and River Trust (i.e. the applicant) is best placed to consider matters of canal safety. Highways have also commented on this matter (see paragraph 15).
14. The moorings will affect the wildlife and green chain.	The proposal does not introduce moorings within this location but seeks a change from visitor to residential moorings. The adjoining land is largely hardsurfaced. As such, the proposal is not considered likely to have an impact on wildlife.
15. Permanent residents will increase social tension and reduce existing residents welfare.	It is not clear how the change from visitor to residential moorings will do this and your officers consider this to be unlikely.

REMARKS

1. The applicant seeks permission to change the existing visitor moorings to residential moorings. The provision of a sewage disposal facility was also proposed initially but has been removed from this proposal .

Principle of use

2. The visitor moorings already exist and as such, this report can only consider the change to residential moorings.
3. Policy BE14 of the Unitary Development Plan deals directly with residential moorings, specifying:
4. *Residential moorings will be permitted on the non-towpath side or in new basins or marinas and should not interfere with navigation or other uses of the bank. Non-obtrusive servicing and infrastructure should be provided.*
5. There is a strong policy basis to supports the provision of residential moorings long the Grand Union Canal. Your officers accordingly consider that the general principle of the change from visitor to residential moorings to be in accordance with adopted policy and accordingly acceptable.
6. Objectors have highlighted that occupiers of residential moorings often occupy the land adjacent to the moorings which affects the character of the area. Your officers concur that this can be an issue in certain situations. It is considered important that the area adjacent to the moorings remains as open and as uncluttered as possible. As such, it is recommended that a condition is attached to prevent this. Objectors also note that the increase in the proportion of time within which the moorings will be occupied represents a physical change to the area. While boats are likely to be moored in this location more often, this is not considered to result in an unacceptable change in the nature or appearance of the canal.

Sewage Facility

7. The proposal initially detailed the provision of a sewage facility on the land adjacent to the canal. This has the appearance of a metal box that can be opened by mooring occupants to allow the disposal of sewage.

The Canal and River Trust have provided information regarding the operation of the unit to demonstrate that the system will not result in odour and other disturbance. They specify that the “proposed Elsan sewage facility comprises a water based trap system in domestic and commercial foul drain arrangements. Waste is directed past a flooded 180 degree sump that ensures odours and particulates do not re-enter the atmosphere once the waste is disposed of. A sealed cover to the unit ensures that in the unlikely event of any spillages the odour is contained until the next cleaning cycle.”. These facilities are used across the canal network and the Canal and River Trust. Any noise associated with this activity is likely to be minimal and it is considered unlikely that this will attract vermin.

8. The Canal and River Trust have highlighted that the facility can also be delivered under “permitted development” and as such does not require planning permission. Such infrastructure helps to enable the provision of moorings on the canal.
9. However, the sewage facility was proposed to be located within the relatively narrow ramped access to the canal from Atlip Road. As such, your officers considered that it would result in a significant obstruction to this ramped access, which was considered to be unacceptable. The Canal and River Trust have highlighted that there are two facilities within a short cruising distance from this site that already have facilities and that it is not unusual for boats to travel short distances to such facilities.
10. The Trust have specified that they would prefer to provide a sewage facility on site, but that the residential moorings can be provided without one. They have withdrawn the sewage facility from the proposal and have said that they will explore other options with regard to sewage facilities separately from this proposal.
11. Given that your officers have concerns regarding the siting of the sewage facility within the application site which only includes the path way alongside the canal, a condition has been recommended which removes “permitted development” rights for the construction of such facilities within the application site to ensure that it does not have a significant impact on access or the visual amenity of the canal side area.

Refuse storage

12. The Trust proposes that the occupants of the residential moorings use the existing bins within the Atlip Road development and specify that the site owners have agreed to such usage. The bins had a lot of spare capacity at the time of the application site visit. However, it is difficult to confirm how often they reach their full capacity. The Trust have highlighted that bin storage facilities could be put in place under their “permitted development” rights as a statutory undertaker but that they have not pursued this option as they do not wish to add clutter to the area adjacent to the canal. However, they have specified that they would accept a consent which relies on refuse being taken to the nearby moorings which have refuse facilities and have highlighted that this is not an unusual arrangement.
13. Objectors have specified that the existing bins are over-used and that the use by the occupiers of the residential moorings will worsen this. If the additional residential moorings do indeed result in the over-use of the bins in the adjoining then the owner of the building can restrict the ability for residents to access the bins storage areas. The Canal and River Trust can install bins under "permitted development" if this occurs. However, as with the sewage facility, the installation of such bins within the application site would restrict access to the canal and there are more appropriate locations within their ownership that they could install bins. As such, your officers recommend that the condition regarding the sewage facility also removes the right to install bins within the application site under permitted development. This would not affect their ability to install bins within land that they own outside of the application site and there are other locations adjacent to the canal where bins could be accommodated in an appropriate way if required.

Transportation

14. The provision of mooring points along this stretch of the canal was undertaken as part of the redevelopment of the land for residential accommodation. The re-designation of the moorings for long-term residential accommodation, rather than short-term stopping of boats, does not materially affect matters in terms of the use of the site, with infrastructure and access already in place.
15. The moorings themselves are located along a locally widened stretch of the canal, so navigation along the canal is not affected by moored boats in this location. Physical constraints by way of the Piccadilly line railway bridge and buildings along the very edge of the canal will prevent any further moorings taking place

to the east or west of this point.

16. The site has easy access to tube and bus services and there are publicly available bicycle parking spaces and Car Club bays which future residents may be able to make use of. Similarly, communal refuse storage facilities are available within the adjacent residential accommodation that future residents can make use of.
17. As such, the location of the site is considered appropriate for long-term residential accommodation and as the adjacent street is privately managed, it will not have a direct impact on the street falling within the remit of Brent Council.
18. Objectors have cited issues relating to the availability of parking spaces and cycle spaces. Atlip Road is in private ownership and is not an adopted highway. Parking within the spaces is restricted and signage on this road highlight that unauthorised vehicles will be clamped. As such, there are already controls in place to restrict the potential parking associated with the residential moorings. As highlighted above, the site has good public transport links and a car club which helps to reduce the need for private motor vehicles. Usage of the cycle parking spaces within Atlip Road itself was observed to be low and it is not considered likely that the proposed change from visitor to residential moorings will have a significant impact on this.

Summary

19. The proposed change from visitor to residential moorings is considered to accord with adopted planning policy. Issues have been raised by objectors. However, some of those relate to development that does not require planning consent (e.g. the installation of the sewage facility). On balance it is considered that the proposed change from visitor to residential moorings is unlikely to have an unduly detrimental impact on local residents. However, it is considered that a condition is required to ensure that the adjoining element of land next to the canal is kept clear at all times and to remove the permitted development rights for the provision of facilities on the land next to the canal.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

(1) The proposed development is in general accordance with the:-

National Planning Policy Framework
London Plan 2011
Brent LDF Core Strategy 2010
Brent Unitary Development Plan 2004

CONDITIONS/REASONS:

(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):

"Planning Statement with Design and Access Details"
"Atlip Road Moorings, Alperton" (1:1250 scale location plan)
"Site Plan"

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

(3) Notwithstanding the provisions of Schedule 2 Part 17 of the Town and Country Planning

(General Permitted Development) Order 1995, as amended, the land within the application site shall be kept clear at all times and shall not be used for storage or for the provision of canal related facilities (such as a sewage disposal facility or a refuse storage area) unless consent has been granted by the Local Planning Authority through the submission of a full planning application.

Reason: To ensure a satisfactory environment and in the interest of visual amenity and access to the canal.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact David Glover, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5344

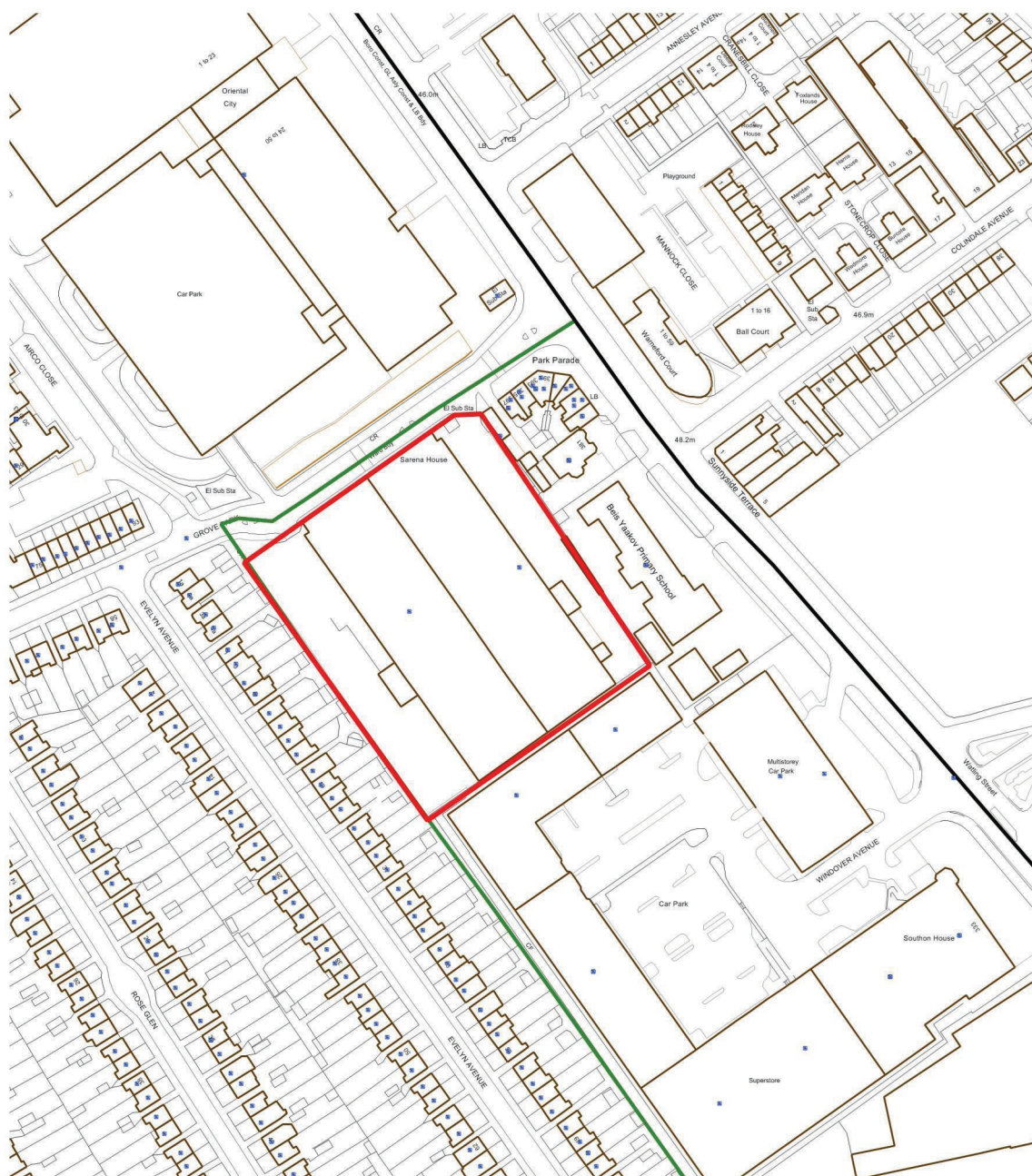
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Planning Committee Map

Site address: Sarena House and Allied Manufacture, Grove Park, London, NW9 0EB

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This map is indicative only.

RECEIVED: 24 July, 2014

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Sarena House and Allied Manufacture, Grove Park, London, NW9 0EB

PROPOSAL: Demolition of all existing buildings and the erection of 2 to 6-storey buildings providing 227 residential units (10 x 4bed houses, 58 x 1bed, 101 x 2bed, 31 x 3bed and 27 x studio flats), 256 sqm of affordable workspace for research and development (Use class B1(B), proposed vehicular access from Grove Park, provision for car/bike parking on the basement and ground level and associated landscaping and amenity space

APPLICANT: Galliard Homes Ltd

CONTACT: Maddox and Associates Ltd

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, subject to conditions listed after paragraph 116. and referral to the Mayor of London, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Planning, or other duly authorised person, to refuse planning permission

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

1. Payment of the Council's legal and other professional costs in a) preparing and completing the agreement and b) monitoring and enforcing its performance
2. Minimum of 21 affordable rented units (5x1 bed, 7x2 bed, 5x3 bed and 4x4bed) and 15 intermediate units (5x1 bed, 8x2 bed and 2x3 bed) representing 18.57% affordable housing on a habitable rooms basis
3. An appropriate financial review mechanism for providing an offsite contribution towards affordable housing provision following completion of the development should market conditions improve
4. A detailed 'Sustainability Implementation Strategy' shall be submitted to the Local Planning Authority and approved in writing prior to the piling of foundations for the development hereby approved. This shall demonstrate:
 - a. How the development will achieve Code for Sustainable Homes Level 4 in relation to residential homes (Use Class C3);
 - b. How the indicated Brent Sustainability Checklist measures will be implemented within the scheme (or other such measures approved by the Council which meet a level of at least 50%).

- c. How the scheme will achieve a minimum CO2 reduction of 35 % from 2013 TER (regulated) including a minimum of reduction of 22% through on-site renewables (after "be lean" and "be clean" measures have been applied) or other such revised measures as approved by the Council which achieve the same levels of CO2 reduction;
 - d. The applicant shall implement the approved Sustainability Implementation Strategy and shall thereafter retain those measures.
5. On completion, independent evidence (through a BRE Post-Construction Review and completion certificates) shall be submitted on the scheme as built, to verify the achievement of Code for Sustainable Homes Level 4
6. If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the following will accordingly be required:
 - a. The submission and approval in writing by the Local Planning Authority of measures to remedy the omission; or, if this is not feasible,
 - b. The submission and approval in writing by the Local Planning Authority of acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of the omitted measures to be agreed by the Local Planning Authority, to be used by the Council to secure sustainability measures on other sites in the Borough.
7. To provide measures to establish and promote a Car Club on the site from first occupation of the development, including the setting aside of two parking spaces for Car Club vehicles and the funding of three years' free membership for all new residents;
8. To implement the Travel Plan from first occupation of the development, to include a strict binding penalty of £12,500 per percentage point by which car ownership exceeds 60% cars/household (assessed by surveys undertaken 3 and 5 years from first occupation of the development) to be used towards reviews of waiting restrictions in the area including potential Controlled Parking Zones;
9. That the scheme is "parking permit restricted" whereby the future owners and occupiers of the development are not eligible for on-street parking permits if a Controlled Parking Zone is introduced within 300 m of the site in the future.
10. Highway works along Grove Park to be undertaken at the developer's expense under S278 of the Highways Act to provide new accesses to the development (incl. raised entry tables and tactile paving), reinstatement of the existing access at the western end of the site to footway/loading bay with associated amendments to the adjoining pedestrian refuge;
11. Details to be provided for safeguarding of future pedestrian/cyclist/emergency access from the development to any future redevelopment of the adjoining MFI retail park site to the south;
12. Submission and approval of a Car Park Management Plan (potentially as an appendix to the Travel Plan);
13. A contribution of £90,000 to TfL towards enhancing bus services within the local area.
15. Provide the affordable workspace to shell, core and utilities prior to Occupation of the residential units. Should the unit(s) not be occupied within a 2 year period starting 6 months after being provided, to make the unit(s) available for community use (use class D1) at a subsidised rate;
16. Training and employment
 - a. To prepare and gain approval of a Employment Enterprise and Training Plan prior to commencement and to implement the Plan
 - b. To offer an interview to any job applicant who is a resident in Brent and meets the minimum criteria for the job
 - c. To use reasonable endeavours to: achieve 1 in 10 of the projected construction jobs to be held by Brent residents and for every 1 in 100 construction jobs to provide paid training for a previously unemployed Brent resident or Brent school leaver for at least 6 months
 - d. From material start, to provide monthly verification of the number of Brent Residents employed or

provided training during construction and if the above targets are not being met, to implement measures to achieve them

e. Prior to occupation, verify to the Council the number of Brent Residents employed during construction and unemployed/school leavers who received training.

And, to authorise the Head of Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£3,503,256.65** of which £2,974,016.63 is Brent CIL and £529,240.02 is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The application site comprises single and two storey light industrial/warehouse buildings, which were formally occupied by a kitchen manufacturer. The site has been vacant since December 2013. The application site is 1.14 hectares. There are two existing vehicular accesses off Grove Park with areas of hardstanding for car parking and servicing to the north east and south west boundaries of the site.

The application site is located approximately 50m from Edgware Road (A5) which forms part of the Strategic Road Network. It is surrounded by a mix of uses which includes a small parade of shops with two storeys of residential flats above and Beis Yaakov Primary School fronting Edgware Road to the north east of the application site. To the south east Colindale Retail Park is located which comprises large retail sheds and associated car parking. To the south west, there are two storey residential properties with large rear gardens which front Evelyn Avenue. On the opposite side of Grove Park is Former Oriental City site which has recent planning permission to be redeveloped to provide a mixed use development comprising a 7,817sqm foodstore, 5,207sqm of 'New Oriental and Far Eastern' floorspace to include shops, financial and professional services, restaurants and cafes, and non-residential institutions; and outline planning consent for 183 residential units and a two form entry primary school and nursery (LPA Ref: 12/2166).

The application site is located within the Burnt Oak/Colindale Growth Area as allocated within Brent's Core Strategy where mixed use regeneration is promoted along the axis of Edgware Road, including the provision of at least 2,500 new homes by 2026. It also forms part of Site Specific Allocation (SSA) B/C.2. This SSA seeks to redevelop the application site together with Colindale Retail Park, Beis Yaakov School and the parade of shops with residential flats above for a mixed use development to include residential and workspace, a proportion of which to be managed affordable. At a regional level, the site is located within the Colindale/Burnt Oak Opportunity Area which also supports residential led mixed use development, with a minimum 12,500 new homes.

DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain
assembly and leisure	0		0	0	
businesses / research and development			0	256	
businesses and light industry	7056	0	7056	0	
businesses and offices	0		0	0	
drinking establishments (2004)	0		0	0	

financial and professional services	0		0	0
general industrial	0		0	0
hot food take aw ay (2004)	0		0	0
hotels	0		0	0
non-residential institutions	0		0	0
residential institutions	0		0	0
restaurants and cafes	0		0	0
shops	0		0	0
storage and distribution	0		0	0

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	7056	0	7056	256	

Monitoring Residential Breakdown

Existing

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Houses										
Flats û Market										
Bedsits/Studios & Market										
Houses û Social rented										
Flats û Social Rented										
Flats û Intermediate										

Proposed

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Houses				6						6
Flats û Market	48	86	24							158
Bedsits/Studios & Market	27									27
Houses û Social rented				4						4
Flats û Social Rented	5	7	5							17
Flats û Intermediate	5	8	2							15

PROPOSAL

This application seeks planing permission to demolish all existing buildings and erect a total of 8 blocks which range from 2 to 6-storeys in height providing 227 residential units (10 x 4bed houses, 58 x 1bed, 101 x 2bed, 31 x 3bed and 27 x studio flats), 256 sqm of affordable workspace for research and development (Use class B1(B), together with proposed vehicular access from Grove Park, provision for 86 basement car parking spaces and 50 ground floor car parking spaces, 276 residential cycle spaces and 20 visitor cycle spaces and associated landscaping and amenity space.

HISTORY

No recent planning history.

POLICY CONSIDERATIONS

National policy guidance

National Planning Policy Framework 2012

This sets out 12 core planning principles, of which the following are relevant. Planning should:

- be genuinely plan-led, empowering local people to shape their surroundings;
- proactively drive and support sustainable economic development to deliver the homes, infrastructure and thriving local places.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this and future generations;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Regional policy guidance

The London Plan 2011 and Revised Early Minor Alterations to the London Plan published on 11 October 2013

The London Plan is the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London to 2031. London boroughs' local plans need to be in general conformity with the London Plan, and its policies guide decisions on planning applications.

Chapter 3 - London's People

Policy 3.3: Increasing Housing Supply

Policy 3.4: Optimising Housing Potential

Policy 3.5: Quality and Design of Housing Development

Policy 3.6: Children and Young People's Play and Informal Recreation Facilities

Policy 3.8: Housing Choice

Policy 3.9: Mixed and Balanced Communities

Policy 3.10: Definition of Affordable Housing

Policy 3.11: Affordable Housing Targets

Policy 3.12: Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes

Chapter 4 - London's Economy

Policy 4.4: Managing Industrial Land and Premises

Chapter 5 - London's Response to Climate Change

Policy 5.2: Minimising Carbon Dioxide Emissions

Policy 5.3: Sustainable Design and Construction

Policy 5.6: Decentralised Energy in Development Proposals

Policy 5.7: Renewable Energy

Policy 5.9: Overheating and Cooling

Policy 5.13: Sustainable Drainage

Chapter 6 - London's Transport

Policy 6.3: Assessing Effects of Development on Transport Capacity
Policy 6.5: Funding Crossrail and other strategically important transport infrastructure
Policy 6.7: Better streets and surface transport
Policy 6.9: Cycling
Policy 6.11: Smoothing Traffic Flow and Tackling Congestion
Policy 6.13: Parking

Chapter 7 - London's Living Places and Spaces

Policy 7.2: An Inclusive Environment
Policy 7.3: Designing Out Crime
Policy 7.4: Local Character
Policy 7.5: Public Realm
Policy 7.6: Architecture
Policy 7.14: Improving Air Quality
Policy 7.15: Reducing Noise and Enhancing Soundscapes
Policy 7.19: Biodiversity and Access to Nature

Chapter 8 - Implementation, Monitoring and Review

Policy 8.3: Community Infrastructure Levy

Local policy guidance

Brent's Core Strategy 2010

The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight. The relevant policies for this application include:

CP1: Spatial Development Strategy
CP2: Population and Housing Growth
CP11: Burnt Oak/Colindale Growth Area
CP19: Brent Strategic Climate Change Mitigation and Adaption Measures
CP21: A Balanced Housing Stock

Brent's Unitary Development Plan 2004

In addition to the Core Strategy, there are a number of policies which have been saved within the Unitary Development Plan (UDP), which was formally adopted on 15 January 2004. The saved policies will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:

Built Environment

BE2: Townscape - Local Context & Character
BE3: Urban Structure - Space & Movement
BE4: Access for Disabled People
BE5: Urban Clarity & Safety
BE6: Public Realm - Landscape Design
BE7: Public Realm - Streetscape
BE8: Lighting & Light Pollution
BE9: Architectural Quality
BE10: High Buildings
BE11: Intensive and Mixed Use Developments
BE12: Sustainable Design Principles
BE17: Building Services Equipment

Environmental Protection

EP2: Noise & Vibration
EP3: Local Air Quality Management
EP4: Potentially Polluting Development
EP6: Contaminated Land
EP14: New Energy, Renewable Energy and Fuel Storage Development
EP15: Infrastructure

Housing

H12: Residential Quality - Layout Considerations
H13: Residential Density

Employment

EMP9: Development of Local Employment Sites

Transport

TRN3: Environmental Impact of Traffic
TRN4: Measures to make Transport Impact Acceptable
TRN10: Walkable Environments
TRN11: The London Cycle Network
TRN22: Parking Standards - Non Residential Developments
TRN23: Parking Standards - Residential Developments
TRN34: Servicing in New Developments
TRN35: Transport Access for Disabled People and Others with Mobility Difficulties

Brent's Site Specific Allocations DPD adopted July 2011

The above document forms part of Brent's Local Plan and sets out the planning policies and guidance for the future development of over 70 key opportunity sites around the borough. One of these site is known as B/C.2 (Sarena House/Grove Park/Edgware Road).

Supplementary Planning Guidance and Design Guides

Mayor's Housing SPG, November 2012
S106 Planning Obligations SPD, July 2013
Supplementary Planning Guidance 17 "Design Guide for New Development", October 2001
The Burnt Oak, Colindale and the Hyde Placemaking Plan (2014)

CONSULTATION

Consultation Period: 11/08/2014 - 01/09/2014

Site Notice: 07/08/2014 - 28/08/2014

Press Notice: 08/08/2014 - 29/08/2014

533 neighbours consulted - 6 neighbouring properties responded raising the following concerns:

- Too much development already taking place in the area. This proposal would further increase population density and destroy the character of the area.
- Insufficient car parking provided on site leading to increased traffic, congestion, pollution and safety problems on surrounding roads.
- Construction work will be noisy and disruptive to existing residents - problem already experienced with other large developments in the area.
- The height of the whole blocks nearest to Evelyn Avenue should not be higher than the top of roof at Evelyn Avenue
- Lack of additional infrastructure (doctors, schools, hospitals, open spaces) to support large residential

developments

- Existing residents who apply for planning permission for a residential extension have more obstacles to address in order to obtain planning permission.
- Lack of regeneration of existing open spaces such as Grove Park Open Space

QARA GROUP of ASSOCIATIONS (Queensbury / Kingsbury Branch) - The following comments have been provided:

- Insufficient and inaccurate details provided regarding the density calculation of the proposal.
- Overdependant on nearby Grove Park Open Space to justify lack of on site amenity space.
- Insufficient parking provided on site. The introduction of a CPZ would be detrimental to existing residents who currently have the right to freely park on surrounding streets. Further consideration of basement car parking should be explored.

The above comments have been responded to within the remarks section of this committee report.

External Consultation

Greater London Authority - A number of comments have been provided. A summary of the main considerations are set out below:

- Loss of employment space does not raise any strategic concerns.
- Principle of residential led development supported subject to exploring the potential to increase the proportion of family sized units and provide further justification for the mix of units proposed.
- Explore the option for more play and recreational space within the scheme
- Further consideration and justification to be provided for the level of affordable housing proposed.
- Further work to be provided regarding the level of public access to the courtyard space to the south west of the site.
- Noted that all units are designed to meet Lifetime homes standards and 10% to be wheelchair accessible or adaptable. The location of disabled parking spaces to be reconsidered.
- Further details on sustainability to be provided (overheating risk, CHP and district heating and surface water management)

Transport for London - The following comments have been provided:

- TfL support the reduction in car parking provision on site and would expect this to be complemented with residents's car club membership and CPZ monitoring and implementation.
- Contributions to be secured through Section 106 Agreement towards bus, London Underground and walking and cycling improvements
- Cycle parking to be increased to comply with Further Alterations to London Plan
- Construction Management Plan to be secured as condition.

The Environment Agency - No objections raised subject to a condition being secured to provide a detailed surface water drainage scheme for the site.

Barnet Council - Objects to proposal unless a contribution provided for CPZ alterations within London Borough of Barnet and contributions towards the identified highways improvements at the Colindale Avenue and A5 junction.

In response to this comment, both officers in Transportation and TfL are satisfied with the proposal in terms of car parking provision subject to a series of mitigation measures as set out in the remarks section below. Contributions will be secured as part of the Community Infrastructure Levy for local highway improvements and a sum of £90,000 has been agreed with TfL for enhancing bus services within the area.

Internal Consultation

Environmental Health - No objections subject to appropriate conditions being secured in relation to contaminated land, air quality, sound insulation, noise control from the energy centre and workspace

Transportation - No objections raised on Transportation ground subject to a revised site layout to be provided to include minor amendments to the site layout to ensure adequate segregated footway widths of at least 2m are provided to all building entrances and a legal agreement to be secured to provide points 7 to 12 of the Heads of Terms as discussed in the "Section 106 Notes" above.

Landscape - Overall scheme is of good quality landscape design. A few minor points queried regarding variety of planting and treatment of eastern terraces.

REMARKS

Introduction

1. The proposed development would involve the demolition of the existing buildings and the redevelopment of the site to provide a residential led mixed use scheme comprising 8 blocks ranging from 2 to 6 storeys high providing 227 residential units (10 x 4bed houses, 58 x 1bed, 101 x 2bed, 31 x 3bed and 27 x studio flats) and 256 sqm of affordable workspace for research and development (Use class B1(B)). It is considered that the main planning consideration in relation to the determination of the application are:-

- Whether the loss of a local employment site can be supported
- Whether a residential led mixed use development can be supported and impact on the future redevelopment of the wider SSA
- Whether the design and layout of the scheme is acceptable
- Whether an appropriate amount of affordable housing has been provided
- Whether the proposed residential units provide an acceptable quality of residential accommodation and amenity for future occupiers.
- Whether the buildings would have an acceptable impact on the amenity of adjoining residents
- Whether the proposed development would have an acceptable impact on local highways and parking condition

2. The above is a summary of the main planning considerations to be taken into account when assessing the current proposal. The application should be determined in accordance with the development plan and any other material planning considerations.

Principle of Development

Residential led development

3. At the regional level, the application site is located within the Colindale/Burnt Oak Opportunity Area, which the London Plan identifies as having capacity for residential-led mixed use development, with a minimum of 12,500 new homes. At a local level, Policy CP1 of Brent's Core Strategy seeks to concentrate housing growth in well located areas that provide opportunities for growth. One of these areas is identified as the Burnt Oak/Colindale Growth Area in which the application site is located within. Policy CP11 relates to the Burnt Oak/Colindale Growth Area and seeks to provide mixed use regeneration within this growth area, including at least 2,500 new homes by 2026 and ground floor commercial frontages.

4. The site also forms part of a Site Specific Allocation (B/C.2) which includes Sarena House, Colindale Retail Park, Beis Yaakov School and Nos. 381 to 397 Edgware Road. This SSA is allocated for a residential led mixed use development. The overall SSA is identified with an indicative development capacity of 745 residential units up to 2020. Sarena House takes up approximately half of the SSA and proposes 227 residential units.

5. In summary, the proposal for a residential led development would be consistent with both London Plan and Brent policies and is supported in principle.

Loss of employment space

6. The application site previously contained an employment use (kitchen manufacturer workshop) falling within use class B1(C)/B8. The existing floorspace is 7,056sqm. The SSA seeks any redevelopment to provide an element of affordable workspace. This application proposes 256sqm of affordable workspace accommodation

located in the northeast corner of the site close to the Edgware Road/Grove Park junction. As the SSA does not specify the amount of affordable workspace required, consideration needs to be given to the quality of the new affordable workspace and comparison with the former Sarena House and number of employees that could be attracted to the new workspace.

7. Whilst it is noted that the replacement employment space is significantly less than the existing employment floorspace, the applicant has provided supporting information comparing employee numbers and quality of the employment accommodation. Sarena House, when in use as a kitchen manufacturer, employed 15 persons on site when the site was at full capacity. This proposal for 256sqm of affordable workspace is anticipated to provide 21 full time employees, which has potential to have a higher number of employees on site than the previous use. The anticipated employee numbers has been based on English Partnerships Employment Densities Guide.

8. The Council commissioned an Employment Land Demand Study which notes that there is demand for flexible workspace for micro and small enterprises particularly within creative industries. The affordable workspace will be secured as part of the Section 106 Agreement to any forthcoming consent to ensure that its future use meets the guidance as set out in the Employment Land Demand Study. It is also noted that the Employment Land Demand Study has identified that Sarena House is in a 'poor or very poor' condition.

9. In summary, given the condition of the existing employment floorspace and that the replacement affordable workspace will meet an identified need within the Borough together with a potential higher number of employees, the replacement employment floorspace is of sufficient quality and quantity to be supported, meeting the objectives of the SSA.

10. In the event that the employment floorspace is not occupied within a 2 year period following 6 months post completion, it is recommended that a clause is secured within the Section 106 Agreement to allow it to be used as a community facility (use class D1) at subsidised rate.

Layout, Design, Scale and Massing

11. This scheme proposes eight individual blocks located around a shared surface 'Homezone' incorporating perpendicular parking, pocket gardens and play space, linking to vehicular access on Grove Park. Additional communal amenity space is proposed along the south east boundary of the site adjacent to Colindale Retail Park. There is a second vehicular access point to the basement car park at the north corner of the site and a separate pedestrian access route to the site from Grove Park.

12. The layout of the site is well thought out with the proposed new street on the north east side of the site legible and relating well to the adjacent buildings. The layout allows this new street to be continued through to the adjacent Colindale Retail Park for pedestrian and cycle access, and thus not compromise the redevelopment of the wider SSA in the future. Officers in Transportation have advised that there is only a need for pedestrian/cycle access and not vehicular access into the adjoining Colindale Retail Park site. Such arrangement will be safeguarded as part of the Section 106 Agreement. There are a number of front entrances which front this new street allowing it to feel safe and be well used. A strong building line is also created along Grove Park frontage, animated by the entrances to the residential cores, accessed from Grove Park. Landscape buffers are proposed in front of residential units to act as defensible space both to the shared surface 'Homezone' and Grove Park frontage. It is noted that in parts the depth of this landscape buffer is only 1m deep. However, given that the level changes on Grove Park allow the residential properties to be raised from pavement level and that the 'home zone' will have limited access, the buffer is considered sufficient and no concerns have been raised by the GLA regarding this matter.

13. The layout of the scheme was generally welcomed by the GLA. They did however raise concerns with public access into the south-west courtyard due to the lack of natural surveillance. In response to this concerns, the plans have been amended by the applicant to include two play areas on either side of the terraced houses in Block F. Blocks D, E, F and H do have windows, terraces and balconies that face onto these courtyard areas allowing these to be informally overlooked.

14. Blocks A, H and G front Grove Park. Block A contains the affordable workspace at ground floor with residential flats above and is located at the north end of the site ranging from 3 to 4 storeys high. Block H

contains residential units at all levels and is centrally located. It is 6 storeys high. Block G contains residential units at all levels and is located at the south end of the site ranging from 3 to 5 storeys. Blocks E, D and C are located at the south east end of the site next to the boundary with Colindale Retail Park. These blocks are sited in similar arrangement to Blocks A, H and G and reflect the scale of Blocks H and G with Blocks E (located closest to Evelyn Avenue) and C (located closest to Edgware Road) being 3 to 5 storeys high and Block D (centrally located) 6 storeys high. There are also two rows of terraces located along the north and south ends of the site known as Blocks B and F. Block B, sited between Blocks A and C, is located at the north end of the site next to Edgware Road and is 3 to 4 storeys high. Block B contains residential units. Block F, sited between Blocks E and G, is located at the south end of the site next to Evelyn Avenue and is 2 to 3 storeys high. This row of terraces contains the dwellinghouses.

15. In design terms, the scale of the development is considered acceptable. The scale reflects the level changes across the site and the character of surrounding developments with the scale reducing at the edges of the site. The maximum height of 6 storeys is considered acceptable reflecting the scale of development fronting Grove Park approved at the former Oriental City site. Further consideration of the relationship with neighbouring properties and between the blocks in terms of amenity and daylight/sunlight is discussed in further detail below. The GLA have advised that the overall height and massing of the scheme presents no strategic concern.

16. A simple palette of materials is proposed. The main material is brick using a dark and buff brick to provide articulation and break up the massing of the blocks. Other features include glass balconies, canopies, cladding panels and deep window and door reveals. Consistency between the materials is proposed for the main blocks and houses in Block F to provide a harmonious streetscene between the blocks. It is recommended that further details of the depth of window reveals, proportion of window openings and other detailing are conditioned to any forthcoming consent to allow the massing to remain simple and elegant.

Density

17. London Plan Policy 3.4 'Optimising Housing Potential' states that development should optimise housing output for different types of location within the relevant density range shown in Table 3.2, taking into account local context and character, design principles and public transport capacity. This site is located within PTAL 4 and is considered to be within an urban location rather than a suburban location given its proximity to Edgware Road and the surrounding mix of uses. As such table 3.2 sets a guideline of up to 200-700 habitable rooms per hectare, or 45-260 units per hectare.

18. The density of the proposed scheme is 574 habitable rooms per hectare or 200 units per hectare which is at the upper end of the density matrix, and therefore is a relatively high density development. Whilst higher density developments are supported in principle in the Growth Areas, the scheme is still required to provide a high quality development taking into account factors such as high quality living environment for occupiers, adequate provision of amenity and play space, an appropriate level of affordable housing, good mix of unit sizes, high quality design, and addressing any transport and climate change issues. These factors are discussed in detail below.

Affordable Housing

19. Policy CP2 of Brent's Core Strategy requires 50% of new homes within the Borough to be affordable. This is in line with the London Plan. Policy 3.12 of the London Plan requires the maximum reasonable amount of affordable housing to be sought on private schemes. The application is accompanied by a viability assessment which concludes that the scheme can accommodate 36 affordable units, equating to 18.57% affordable housing on a habitable room basis.

20. Officers have instructed an independent assessor to undertake an Appraisal of the Viability Assessment. They have recommended that the affordable housing provision is secured as part of the Section 106 Agreement: (1) Minimum of 21 affordable rented units and 15 intermediate units representing 18.57% affordable housing on a habitable rooms basis, (2) An appropriate financial review mechanism on an open book basis for providing an off site contribution towards affordable housing provision following completion of the development should market conditions improve

21. The affordable units include a mix of 21 affordable rent (5x1 bed, 7x2 bed, 5x3 bed and 4x4bed) and 15 intermediate units (5x1 bed, 8x2 bed and 2x3 bed). The affordable rent units will be located in Block E and four of the houses in Block F. Block C is proposed to be intermediate housing with one affordable rent unit. The proposed tenure split is 65%/35% affordable rent/intermediate. The London Plan requires a tenure split of 60%/40% and Brent's Core Strategy seeks a tenure split of 70%/30%, taking into account the specific needs of Brent. The proposed tenure splits meets London Plan requirements but falls short of Brent's requirements. However, it is considered that given that there is a high proportion of family units within the affordable rented units (accounting for 25% of the affordable units), the proposed tenure split can be supported as it contributes towards provided good quality family accommodation in the Borough.

Quality of proposed accommodation

Size and mix of units

22. The application proposes a total of 227 residential units located in 8 blocks. As discussed above, Blocks C, E and four of the houses in Block F are to be affordable. A breakdown of the unit mix is set out below:

	Affordable Rent	Intermediate	Market	Total
Studio	0	0	27	27 (12%)
1 bed	5	5	48	58 (25%)
2 bed	8	7	86	101 (44%)
3 bed	4	3	24	31 (14%)
4 bed	4	0	6	10 (5%)
Total	21 (9%)	15 (7%)	191 (84%)	227

23. Policy CP21 of Brent's Core Strategy seeks an appropriate mix of unit sizes within a scheme including a proportion of 25% of units to be three bedrooms or more. In this case, a total of 19% of units are proposed as family sized units (three bedrooms or more). Whilst the scheme falls short of the target of 25%, your officers are of the opinion that this shortfall can be supported in this case. The family sized units that are proposed as part of this scheme include good quality 10 x four bedroom family houses with private rear gardens. In addition 31% of the affordable units are family sized, which exceeds 25% target for the affordable units, contributing towards the housing needs within Brent.

24. The London Plan requires residential units to provide the following internal floor space standards:

- 1 bed studio - 38sqm
- 1 bed 2 person - 50sqm
- 2 bed 3 person - 61sqm
- 2 bed 4 person - 70sqm
- 3 bed 4 person - 74sqm
- 3 bed 5 person - 86sqm
- 3 bed 6 person - 95sqm

25. Further guidance on the internal room sizes within the residential units are set out in the Mayor's Housing SPG that states that a minimum area of 8sqm should be provided for a single bedroom and 12sqm for a twin/double bedroom. The floor space for living/dining and kitchen is recommended to be:

- 1 person/2 person - 23
- 3 person - 25
- 4 person - 27
- 5 person - 29
- 6 person - 31

26. The majority of units within the scheme either meet or exceed the minimum internal floor space standards and internal room sizes as set out in the mayor's Housing SPG. The three bedroom 5 person units in Blocks C, E and H fall marginally short of the internal floorspace standards but meet or exceed the recommended internal room sizes, and as such this overall shortfall is not considered significant to warrant a reason for refusal.

Outlook and privacy

27. The majority of units are dual aspect and where there are single aspect units these do not face in a northerly direction. The overall level of outlook is considered acceptable meeting the objectives of policy BE9 of Brent's UDP 2004.

28. Blocks F, D, H and D do have windows that face one another looking out onto the shared homezone. A minimum distance of 19.25m is provided between these units. Whilst this distance in parts falls marginally short of 20m as set out in SPG17, this shortfall is marginal and will not result in undue overlooking.

29. There are flank wall windows to the blocks that serve secondary windows to habitable rooms. These windows overlook communal pathways and landscaped areas within the development, acting as informal surveillance. A minimum distance of 6m is provided between the flank walls of the blocks, and the windows have been designed so that they are not directly opposite one another. As such, the scheme is not considered to be harmful in terms of loss of privacy between the units and meet the objectives of SPG17.

30. The ground floor units have good landscape buffers between them and the communal garden/access pathway.

Wheelchair units and lifetime homes

31. Twenty three units within the scheme are proposed to be designed as wheelchair housing, accounting for 10% of units as set out in policy CP21 of Brent's Core Strategy. . These are all located on the ground floor, within both the affordable and private unit. In response to concerns raised by the GLA in their Stage 1 response, the location of the disabled parking bays have been relocated to be closer to the wheelchair accessible units. This is discussed further the Transportation section below.

32. All homes will be built to lifetime home standards, meeting London Plan requirements and policy CP21 of Brent's Core Strategy.

Level access is provided to the site from Grove Park including ramped and stair access to Block H. The ramp and all level changes within the site are below 1:20, meeting the requirements of the Hosing SPG.

External amenity space

33. SPG17 requires all flats to have a minimum of 20sqm of external amenity space and for all family housing and ground floor flats suitable for a family to provide 50sqm of external amenity space. This scheme requires a total of 5080sqm for external amenity space based on the 227 units.

34. The proposed layout includes ground floor level community amenity space totalling 2,780sqm, which represents a shortfall of 2,300sqm. SPG17 states that where amenity space fails to meet the standards, this shortfall can be offset through the provision of more generous balconies and roof terraces. All of the one, two and three bedroom flats have access to a balcony or terrace that meet the London Plan Housing SPG standards for balconies and terraces. All of the houses in Block F and the ground floor units in Block B have access to private rear gardens which are a minimum of 50sqm each. The overall shortfall in external amenity space is 45sqm, which represents 0.19sqm per unit. This shortfall is very marginally and is not considered to warrant a reason for refusal as the overall external amenity space provision provided on site will be of high quality including private gardens for the houses in Block F and ground floor flats in Block B.

Children's play space

35. London Plan Policy 3.6 'Children and Young People's Play and Informal Recreation Facilities' requires development proposals to provide suitable provision for play and recreation. Further details are set out in the Mayor's SPG 'Shaping Neighbourhoods: Play and Informal Recreation', which sets a bench mark of 10sqm is usable child play space to be provided per child, with under-five child play space provided on site.

36. This scheme produced a child yield of 56 children, requiring 560sqm of play space, with 25 under-fives requiring 250sqm of on-site play space as a minimum. Discounting the private rear gardens, the scheme is

required to provide 190sqm of on site play space for under-fives. The scheme originally proposed 100sqm of play space within the scheme for under-fives. The GLA have raised concerns with the lack of on site provision for under-fives within the Stage 1 response. The applicant has provided a revised site layout that has provided an additional area of play space for under - fives, in the south west corner between Blocks D, E and F, increasing the total amount of on site playspace to approx. 226sqm, meeting the requirements of the London Plan.

37.It is also noted that the site is located within 100m of Grove Park Open Space. This park has a range of play facilities including a children's play ground and multi use games area.

Impact on neighbouring occupiers

Privacy

38.To ensure that the neighbouring properties do not experience a loss of privacy SPG17 requires new developments to provide a distance of 10m from rear habitable room windows to the site boundary, 5m from flank wall (secondary) habitable room windows to the site boundary and 1m for obscured glazed windows to the site boundary. A distance of 20m is required between directly facing habitable room windows.

39.The site is located next to residential rear gardens of properties on Evelyn Avenue. Blocks G, F and E are closest to this boundary. Each block and its relationship to Evelyn Avenue is discussed below:

- Block G is set in a minimum of 6.1m from the rear boundary with the gardens of Nos. 1a to 3a Evelyn Avenue and a minimum of 5.3m from the rear boundary with No. 4a Evelyn Avenue. . Windows are proposed on the flank elevation facing the rear gardens of Evelyn Avenue. The majority of these windows serve as secondary windows to habitable rooms. As a distance of over 5m is maintained to these rear gardens, these windows comply with SPG17. In addition there is a bedroom in Block G at ground to third floor levels which face the rear gardens on Evelyn Avenue. At ground floor a distance of only 6.1m is maintained but it is considered that given that views will be restricted by boundary fences, this window will not result in overlooking to the properties on Evelyn Avenue. At third floor level there is a bedroom window which has been designed at a splayed angle to allow only oblique views across the site, achieving a distance of over 10m.
- Block F (houses) provides a distance of 9.2m at ground floor and 10.2m at first floor to the rear gardens of properties on Evelyn Avenue. Whilst the ground floor falls marginally short of SPG17 views will be restricted by boundary fences and as such this marginally shortfall is not considered significant to warrant a reason for refusal.
- Block E is set in a minimum of 7.85m from the rear boundary with the gardens of Nos. 23 and 25 Evelyn Avenue. Windows are proposed on the flank elevation facing the rear gardens of Evelyn Avenue. The majority of these windows with the exception of a bedroom at ground floor level serve as secondary windows to habitable rooms or non habitable room windows. As a distance of over 5m is maintained to these rear gardens, these windows comply with SPG17. The bedroom at ground floor in Block E provides a distance of 7.85m to the rear gardens of Evelyn Avenue. It is considered that given that views will be restricted by boundary fences, this window will not result in overlooking to the properties on Evelyn Avenue, and is not considered significant to warrant a reason for refusal.
- In all cases a distance of over 20m is maintained to rear habitable room windows to the properties in Evelyn Avenue, thus complying with SPG17.

40.While the Council's policies do not protect the privacy for the neighbouring non residential uses, these sites are included in the Colindale/Burnt Oak Growth Area and the Site Specific Allocation and as such, some consideration of the potential impact on those sites is considered to be necessary. The relationship with Colindale Retail Park, and the properties on the Edgware Road frontage are discussed below:

- In terms of the relationship with Colindale Retail Park Blocks C, D and E maintain a

distance of 10m to this boundary at all floor level, thus complying with SPG17.

- Block C is set in a minimum 5.2m from the boundary with Beis Yaakov School. Windows are proposed on the flank elevation facing Beis Yaakov School. The majority of these windows with the exception of a bedroom at ground floor level serve as secondary windows to habitable rooms or non habitable room windows. As a distance of over 5m is maintained to the adjoining site, thus not comprising the wider SSA. The bedroom at ground floor level will have views restricted by boundary fences, and as such will not result on overlooking to the neighbouring site.
- Block B provides a minimum distance eof 10m to the site boundary, thus complying with SPG17 and not comprising the wider redevelopment of the SSA. distance of 9.2m at ground floor and 10.2m at first floor to the rear gardens of properties on Evelyn Avenue. Whilst the ground floor falls marginally short of SPG17 views will be restricted by boundary fences and as such this marginally shortfall is not considered significant to warrant a reason for refusal.
- Block A has no windows on the flank wall.

Overshadowing and overbearing

41.SP17 sets out general guidance for the massing of new buildings, to ensure they do not have an overbearing impact on the neighbouring properties and avoid unnecessary overshadowing. In general, the building envelope should be set below a line of 30 degrees from the nearest rear habitable-room window of adjoining existing properties, measured from height of 2m above floor level. SP17 goes onto say that where proposed development adjoins private amenity/garden area, then the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m.

42.In this case the development sits within 30 degree line from rear habitable rooms windows to the residential properties on Evelyn Avenue. Blocks G and F sit within 45 degree line from the rear gardens of the properties on Evelyn Avenue. Block C does marginally breach 45 degree line by approx. 0.5m. This shortfall is minor and the accompanying Daylight/Sunlight report advises that the development will not adversely impact on daylight/sunlight for the properties on Evelyn Avenue. As such this minor shortfall is not considered significant to warrant a reason for refusal.

43.While the Council's policies do not protect daylight/sunlight for the neighbouring non residential uses, these sites are included in the Colindale/Burnt Oak Growth Area and the Site Specific Allocation and as such, some consideration of the potential impact on those sites is considered to be necessary. The relationship with Colindale Retail Park, and the properties on the Edwgare Road frontage are discussed below:

44.Block A sits within the 45 degree line from the boundary with Nos. 381 ti 397 Edwgare Road. Blocks B and C sit within the 45 degree line when measured from the boundary with the buildings fronting Edwgare Road including Beis Yaakov School. Blocks C and E also sit within 45 degree line when measured from the boundary with Colindale Retail Park.

45.The upper storey of Block D does breach 45 degree line. It is noted that this is principally the c. 9.5m wide rear projection, with the impacts of the remaining bulk of the new building being less significant. It is considered that this would not compromise the potential future development of the neighbouring site.

46.As such, it is not considered likely that the effects of the proposed development on the levels of daylight and sunlight received by the adjoining retail park will have a significant impact on their development capacity.

Transportation considerations

47.The application site is located on the southeastern side of Grove Park (a traffic-calmed local access road within a 20mph zone), about 40m west of its junction with Edwgare Road. The junction itself is currently a priority junction, but proposals are progressing to convert it into a signalised junction in association with the redevelopment of the Oriental City site on the northern side of Grove Park.

48. The site is not located within any Controlled Parking Zone. However, on-street parking is prohibited at all times along the site frontage due to the commercial nature of this length of Grove Park.

49. Public transport access to the site is good (PTAL 4), with Colindale Underground station (Northern line) and seven bus services (32, 142, 204, 292, 302, 303 & 324) within 640 metres (8 minutes walk).

Car parking, consideration of overspill parking and mitigation measures

50. The application proposes 136 car parking spaces. 86 of these spaces are proposed within the basement car park and a further 50 spaces are provided at ground floor level within a central shared 'homezone'. Access to the basement car park is provided from the existing vehicular access on the north eastern corner of the site on Grove Park (closest to Edgware Road) and access to the surface car parking will be via a new vehicular access on Grove Park located at the centre of the site.

51. 23 of the car parking spaces are to be widened to be used as disabled parking spaces. This accounts for one parking space per wheelchair accessible unit, this complying with standard PS15. All disabled spaces are located at ground floor level, so can be readily accessed by high-top conversion vehicles. The GLA raised concerns with the position of the disabled parking spaces in relation to the wheelchair accessible units. In response to this concern, a revised car parking layout has been provided that has relocated the disabled parking spaces closer to the entrances of the ground floor wheelchair accessible units.

52. Of the 136 proposed spaces, 20% are shown with electric vehicle charging points, with another 20% shown with passive provision for electric vehicle charging, in line with requirements.

53. Car parking allowances for the proposed uses within the site are set out in standards PS6 and PS14 of the adopted UDP 2004. As the site is not located within a CPZ and has only good access to public transport services, the full residential allowance applies along with relaxed allowances for the workspace units. As such, up to 275 car parking spaces would be permitted for the 227 residential units, with two further spaces permitted for the workspace units, giving a total allowance of 277 spaces.

54. Your officers in Transportation have advised that the proposed provision of 136 parking spaces would accord with standards, although with just 0.6 spaces proposed per unit, further information is sought on how these spaces would be allocated amongst residents. Officers in Transportation have requested that a Car Parking Management Plan is secured as part of the Section 106 Agreement.

55. Where full residential parking standards are not met within new developments though, policy TRN23 of Brent's UDP 2004 requires the impact of overspill parking from the development to be considered. In general, it is estimated that developments will generate car ownership at 75% of the maximum allowance (50% in the case of affordable housing) and on this basis, the proposal is estimated to generate demand for 200 spaces, giving a predicted overspill of up to 64 cars from the site.

56. To verify whether this is a realistic estimate for this area, your officers in Transportation examined car ownership data from the 2011 Census for flats at nearby Westfield Close, Airco Close and Mannock Close. The results indicate average car ownership levels of about 0.65-0.7 cars/household for the relevant output areas, suggesting that it is not unreasonable to assume that at least 150 cars would be owned by residents of the proposed development.

57. However, opportunities to safely accommodate overspill parking on-street in the surrounding area are limited. Extensive waiting restrictions along the Grove Park frontage of the site prohibit parking in this area, whilst the nearby residential streets (Evelyn Avenue, Grove Crescent etc.) are already heavily parked at night. The scope for safe overspill on-street parking within a reasonable walking distance (100m) of the site is therefore extremely limited.

58. In the absence of a Controlled Parking Zone (CPZ) to regulate overspill parking from the site on surrounding roads, this proposal gives rise to concern over the impact of overspill parking, with the likelihood being that instances of dangerous and obstructive parking on footways, at junctions, across accesses etc. would be likely to increase as a result of the development.

59. The applicant's Transport Statement has confirmed a willingness to provide funding to subsidise the introduction of a CPZ in the area if the development is observed to be causing parking stress and to place restrictions on the development to prevent future residents from obtaining on-street parking permits, in the event that a CPZ is introduced in the area in the future.

60. Given that there is no existing Council budget for new or extended CPZs in the Borough, this approach is supported by your officers in Transportation and it is suggested that the level of contribution provided be based upon future surveys of car ownership within the development, with a penalty sum payable for every percentage point by which car ownership (cars/household) exceeds the 60% level at which parking can be accommodated within the site. To be consistent with the nearby development of the Wickes site on Capitol Way (where a similar approach was taken), a sum of £12,500 per percentage point is recommended. Monitoring of car ownership should thus form part of the Travel Plan and be undertaken over a five year period from occupation of the development. The Travel Plan will be secured as part of the Section 106 Agreement.

61. Transport for London have also advised that they support the lower parking provision, which is in accordance with policy 6.13 of the London Plan. To assist in reducing car ownership within the site, a Travel Plan has been submitted. This sets out a range of measures, including the provision of information on walking, cycling and public transport through a Welcome Pack and noticeboards, promotion of sustainable travel amongst residents, setting up and promotion of a Car Club on the site and promotion of car sharing schemes. Both your officers in Transportation and TfL particularly welcome the introduction of a Car Club on site. An approach has been made to Zipcar (one of Brent's preferred car club operators), who have agreed to base two cars at the development (one initially and a further car once utilisation levels rise) subject to the developer providing funding of £23,000 towards three years' free membership for future residents. Two spaces are therefore shown reserved for Car Club vehicles within the courtyard area, which is supported. As the site is not proposed to be gated, this would allow access by other residents in the area. The provision of the Car Club will be secured as part of the Section 106 Agreement.

Site layout, vehicular and pedestrian access

62. The internal access roads for the development ensure that emergency services can penetrate the development and that fire appliances can reach within 45m of all block entrances and turn safely. The width of the access roads will also allow access by delivery vehicles, with appropriate 6m kerb radii shown at the site entrance to ease turning into and out of the site by refuse and delivery vehicles.

63. Roads and footways are proposed to be surfaced in block paving, with parking spaces delineated by contrasting colour blocks. Officers in Transportation have advised that this is generally acceptable, but footways do need to be clearly delineated along the entrance to the site, either by contrasting materials/colours or preferably with a slight (50mm) upstand kerb, to help to ensure they are not parked on and to provide a water check for drainage purposes. Such details are recommended to be conditioned as part of the landscape plan.

64. Similarly, the width and gradient of the proposed basement access ramp meets requirements and will allow cars to pass one another, with the gates being set back sufficiently from the highway boundary to allow cars to stand clear of the Grove Park footway whilst they are opened and closed.

65. Sightlines from both vehicular accesses are acceptable, with the footway along the site frontage proposed to be widened as part of the highway works for the Oriental City development opposite. Officers in Transportation have requested for raised entry tables and tactile paving to be provided at both vehicular access points, with the basement car park access requiring reduced kerb radii of just 2m to accommodate car access. They have also requested for the proposed right-turn ghost lane in Grove Park for the Oriental City development to be shortened to accommodate right-turning movements into this site. All works to form the accesses in the existing adopted highway will need to be undertaken through a S278 Agreement.

66. The closure of the existing vehicular access opposite the Oriental City retail car park entrance is supported in highway safety terms. This application proposes to provide a parking/loading bay within the existing highway boundary of Grove Park in its place to service the commercial units. In its current location officers in Transportation have advised that it would impede use of the adjacent central refuge by pedestrians, so it should be repositioned further eastwards. However, the removal of the site access in this location does present the

scope to modify/enlarge the central island anyway, which would help in deterring illegal right-turning movements out of the Oriental City development. Further consideration of the optimum highway layout in this area is therefore required, with the works to be incorporated into the scope of the S278 works.

67. With regard to pedestrian access, the proposed introduction of a network of footpaths throughout the development is supported both by officers in Transportation and the GLA, ensuring there are fully segregated routes available for pedestrians. In response to concerns raised by your officers in Transportation, the footpath widths have been widened to a minimum of 1.5m, to allow access for push chairs and wheelchair users.

68. The design also retains the potential to link footpaths through the any future development of the Colindale retail park to the south in the event that the site is redeveloped in future. This is supported and the safeguarding of the potential link should be secured through the Section 106 Agreement.

Refuse facilities

69. Seven refuse storage compounds are proposed across the development with total capacity for 42 x 1,100 litre Eurobins and 20 x wheeled bins, thus ensuring that no flat is more than about 30m refuse carrying distance of a store. Those for the central and easternmost blocks are also positioned within about 10m of the central access road, so allow easy collection by refuse staff. Those on the western side of the site (at either end of Block F) are over 20m from the turning head of the access road though and in these cases, a temporary external standing area for bins has been identified for use on bin collection days, with an on-site caretaker to be employed to move the bins accordingly.

70. The refuse facilities meets the required capacity as set out in the "Household Waste Collection Strategy 2010 - 2014" and are considered acceptable. Further details on the design and materials of the bin stores are recommended to be conditioned to any forthcoming consent.

Cycle facilities

71. The development proposes 236 double-stacked covered cycle spaces within four secure storerooms at ground floor level distributed across the development. An additional 20 external spaces are also proposed in the centre of the site for visitors.

72. Standard PS16 of Brent's UDP 2004 requires at least one secure bicycle parking space per residential unit and two spaces for the affordable workspace units. The proposed provision exceeds Brent's requirements. Consideration also needs to be given to London Plan cycle parking standards (updated in the Revised Early Minor Alterations to the London Plan) which seeks 2 cycle spaces for three bedroom plus units. This would result in a total of 273 cycle spaces on site. Whilst the proposed provision of 256 spaces falls short of London Plan requirements, the cycle parking provision exceeds Brent's requirements and further cycling parking could be provided within the dwellinghouses in Block F or the rear gardens for the ground floor units in Block B in the form of a small garden shed subject to obtaining the relevant planning permission.

73. Further details of the design of the cycle stores in terms of materials and elevations are recommended to be conditioned to any forthcoming consent.

Servicing for affordable workspace units

74. With regard to servicing, the proposed workspace units, being above a threshold of 100m², require loading by 8m rigid vehicles. No off-street loading area has been indicated for the units and loading from Grove Park would be problematic, due to the proximity of a pedestrian refuge. However, the units are located adjacent to the courtyard entrance road, which has a proposed width of 6m. This would be sufficient to accommodate standing by delivery vehicles for these units, clear of the public highway and within 15m of the entrance to both units.

Impact on existing local road network

75. To understand the likely impacts on local transport networks, a Transport Assessment has been submitted with the application to estimate residential trips for the proposed development. This exercise has been carried

out using data from five similar housing developments in outer London for the Transport Assessment for the adjoining Oriental City development (which was approved in 2013). Given the adjacency of the two developments, officers in Transportation have advised that this is considered appropriate.

76. This exercise results in estimated residential person trips totalling 36 arrivals/120 departures in the morning peak hour (8-9am) and 97 arrivals/52 departures in the afternoon peak hour (5-6pm), with 40.8% of journeys estimated to be made as car drivers. Vehicular movements to and from the development have therefore been estimated at 15 arrivals/ 49 departures in the morning peak hour (8-9am) and 40 arrivals/21 departures in the evening peak hour (5-6pm).

77. The two proposed commercial units are comparatively limited in scale and are not proposed to be allocated any off-street parking. As such, they have been assumed to generate relatively insignificant levels of vehicular traffic.

78. The above flows have then been compared with flows that would have been expected to and from the existing warehouses. The net increase in traffic from the proposed development over and above the flows that would be expected from the warehouses has then been added to flows on the surrounding roads, derived from traffic counts undertaken in December 2013, with 65% of traffic assumed to arrive/depart through the Grove Park/Edgware Road junction and the remaining 35% to/from the west.

79. On this basis, traffic flows are predicted to increase by between 2-5% on Grove Park to the west of the site, which is considered to be a small enough increase not to warrant any further assessment of impact on junction capacity to the west of the site.

80. Flows on Grove Park towards the Edgware Road junction are estimated to increase by 6%-9%, which does require further consideration of the impact on the Grove Park/Edgware Road junction.

81. In order to test this impact, officers in Transportation have examined the junction capacity and operation should the Oriental City development not be built out and junction remains as a priority junction. The results show that plenty of spare capacity would be retained, with a maximum ratio of flow to capacity (rfc) figure of 0.79 obtained in the morning peak hour for the year 2016, against a recommended maximum of 0.85.

82. However, this junction is proposed to be converted to a signal controlled junction to facilitate future increases in traffic movements along Grove Park to the adjoining Oriental City development. Whilst the junction upgrade and an initial layout been agreed in principle (with the works secured through the S106 Agreement for the Oriental City development), the final detailed design of the junction is still in the process of being approved by Brent Council, Barnet Council and Transport for London.

83. Nevertheless, preliminary modelling of the initial indicative layout carried out through the Oriental City planning application showed that plenty of spare capacity would be retained through the Grove Park/Edgware Road junction following conversion to signal control (alongside proposed modifications to the nearby Colindale Avenue/Edgware Road junction). A re-run of this initial model by Brent's Transportation officers using the revised and updated flows derived within the Transport Assessment for this site shows that the junction would continue to operate with spare capacity.

84. As such, there are no concerns regarding the predicted traffic impact of this proposal.

Impact on existing public transport network

85. With regard to public transport impact, 30.6% of journeys to and from the site are estimated to be made by rail/Underground. On this basis, the development is estimated to generate 11 arrivals/37 departures by rail/Underground in the morning peak hour (8-9am) and 29 arrivals/16 departures in the evening peak hour (5-6pm). Even if all such journeys are to and from Central London on the Northern line through nearby Colindale station, this would amount to less than two additional passengers per peak hour service, which is not considered to be significant enough to cause concern.

86. In terms of bus journeys, 9.4% of trips are estimated to be by bus, although TfL consider this proportion to be a little low, with a figure of 13% being more typical for the area. The higher figure would lead to an estimated

total of 23 bus trips in the morning peak hour (8-9am) and 30 in the evening peak hour (5-6pm). This nevertheless still represents less than one additional passenger per bus service passing close to the site in each peak hour.

87. TfL have nevertheless requested a financial contribution of £450,000 through the S106 Agreement for the site towards bus capacity enhancements in the area to accommodate cumulative increases in bus patronage from this and other developments in the area. In response to this request from TfL, a comparison with other larger schemes in the vicinity of the site has been reviewed. Both the scheme at the former Oriental City site (mixed use development including 7,817sqm retail foodstore, 5,207sqm new Oriental and Far Eastern Floorspace, 183 residential units and two form entry primary and nursery school - planning application ref: 12/2166) and the scheme at Capitol Way (mixed use scheme including 460 residential units and over 5000sqm of retail floorspace - planning application ref: 08/2823) are significantly larger than this scheme and likely to attract more bus passengers. The former Oriental City scheme only secured £20,000 for assessment work for junction improvements along A5 and Capitol Way secured £200,000 for bus improvements. It is therefore considered that a request for £450,000 is unjustified in planning terms and this concern has been raised with TfL.

88. TfL has undertaken further work and has identified that the cumulative impact of growth within the local area would cause a future capacity problem on local bus services and thus their request for mitigation even though this was not secured as part of the former Oriental City scheme. TfL have advised that they would be willing to accept a reduced section 106 contribution on the basis that the deficit can be pooled from future developments in the local area. TfL and the applicants have agreed a contribution of £90,000 to mitigate this impact.

89. For other modes, 7% of journeys are estimated to be made on foot and 2.4% by bicycle. No detailed consideration has been given to the quality of pedestrian and cycle routes in the vicinity of the site, but there are plans to radically improve walking and cycling routes in the area through the adopted Burnt Oak, Colindale and The Hyde Placemaking Plan. Officers in Transportation have requested a financial contribution of £250,000 to be secured through the Community Infrastructure Levy for this development to be used for transport improvements in the area, such as public realm improvements as identified within the Burnt Oak, Colindale and The Hyde Placemaking Plan.

Construction Traffic and Deliveries

90. An initial framework for a Construction Management Plan for the development has been submitted with the application, setting out key issues that will need to be addressed within a further detailed CMP, including site management, working hours, parking, pedestrian and vehicular access, wheel washing, security etc. The document is proposed to be regularly updated as the scheme build-out progresses.

91. In terms of construction traffic, it is proposed to bring vehicles onto site from Grove Park using the existing site accesses during the demolition phase and via the future courtyard entrance for the construction phase, with traffic marshals used to assist safe manoeuvring. Wider access routes are still to be determined, but the existing width restriction on Grove Park would prevent vehicles travelling through the residential area to the west anyway.

92. Deliveries will be pre-booked on appropriately sized vehicles on a just-in-time basis to ensure lorries do not accumulate on adjoining streets, with those that are not booked being turned away. Between 6 and 12 deliveries (and no more than 14) are estimated per day during the construction phase. Segregated pedestrian routes will be provided within the site and vehicles will be washed and loads covered to avoid muck being carried onto the highway. Parking will not be provided for staff, with operatives encouraged to use public transport instead.

93. It is recommended that a detailed Construction Management Plan is conditioned .

Sustainability

94. Achieving sustainable development is essential to climate change mitigation and adaptation. The most recent relevant policy framework includes Brent's adopted Core Strategy 2010 policy CP19 *Brent Strategic Climate Change Mitigation and Adaptation Measures* and the GLA's London Plan 2011 policies within Chapter Five *London's Response to Climate Change*.

Compliance with Brent policies

95. In support of the objective of satisfying Core Strategy policy CP19 *Brent Strategic Climate Change Mitigation and Adaptation Measures*, a Code of Sustainable Homes Pre Assessment Report has been submitted predicting the development would achieve a score of 73.45 which exceeds the minimum requirement for Code Level 4, providing flexibility within the design should credits be lost through the detailed design and construction process. This is to be secured as part of the section 106 agreement.

96. Brent's UDP 2004 policy BE12 and SPG19 *Sustainable Design, Construction & Pollution Control 2003* require the submission of a Sustainable Development Checklist; the application is supported by a completed Brent Sustainable Development Checklist which demonstrates a score of over 50% can be achieved. The Sustainable Development Checklist is to be secured as part of the section 106 agreement.

97. In respect of Brent's sustainability policies, the proposal is considered acceptable.

Compliance with London Plan 2011

98. The scheme includes measures to minimise the impact of this proposal on, and mitigate for the effects of, climate change and your officers consider the proposal to be in accordance with the energy hierarchy as required by London Plan 2011 policy 5.2 *Minimising carbon dioxide emissions* part (a): (i) be lean: use less energy; (ii) be clean: supply energy efficiently; (iii) be green: use renewable energy.

99. The application is supported by an Energy Strategy. In summary, the proposal meets the criteria of London Plan policy 5.2 for 35% improvement on Part L 2013 Building Regulations. A total reduction of 35.1% is proposed.

- Lean measures

The buildings will be constructed using a range of passive design features to meet building regulations, including a reduction in heat loss parameters from the reduced external envelope area; higher fabric specification; 50% improvement over building regulations air permeability target; balconies that minimise solar gains; and solar control glazing. As no active cooling is to be provided, the GLA have requested evidence that overheating risk has been addressed and reduced to acceptable levels. This will be reported to the GLA in the Stage 2 response.

It is estimated that a reduction in regulated CO₂ emission of 14.3 tonnes per annum or 5% over baseline will be achieved through this first element ('Be Lean') of the energy hierarchy. This has been estimated based on SAP (2012) and SBEM (2014) modelling. The GLA have requested that sample DER, TER and BRUKL sheets are submitted. This will be reported back to the GLA in the Stage 2 response.

- Clean measures

The proposal will incorporate a site wide heating network, supplied from a single energy centre, located in the basement of Block A. All of the flats and affordable workspace units will be connected to the network. The GLA have queried whether the terraced houses in Block F will also be connected to the site wide heating network, and have requested a plan to be provided to show the route of the heat network linking all building on the site. The applicant is addressing this query and this will be reported to the GLA in the Stage 2 response.

The site wide heating network will incorporate four 12.5kW_{th} and 5.5kW_e gas fired Combined Heat and Power (CHP) units. All of the electricity generated could be used on site and monthly load profiles have been provided to justify the sizing of the CHP. The GLA have requested that the applicant, in the context of maintaining reasonably high running costs, consider the opportunity to reduce the number of CHP engines proposed, with the aim to increase the overall generation efficiency and therefore improve carbon savings. The GLA have also sought clarification of the

electricity sale strategy for the CHP. Such matters are being looked at by the applicant and will be reported back to the GLA in the Stage 2 response.

The Energy Statement has also looked into the option of connecting to a wider district heating network. One has been identified at the form Colindale Hospital Site, which is approx. 1,000m from the site. This has been viewed as an unviable option and at the request of the GLA evidence of correspondence with the network developer will be provided to confirm this as part of the Stage 2 response.

It is estimated that a reduction in regulated CO2 emission of 32.6 tonnes per annum or 12% over baseline will be achieved through this second element ('Be Clean') of the energy hierarchy.

- Green measures

The scheme proposes to install 125.2KwP (782.1sqm) of roof mounted, polycrystalline Photovoltaic Panels. A reduction in regulated CO2 emissions of 53.9 tonnes per annum or 22% over baseline will be achieved through this third element ('Be Green') of the energy hierarchy. This exceeds the minimum requirement of 20% renewable energy requirement set out in policy 5.7 of the London Plan.

100. It is recommended that the Energy Strategy and the requirement to achieve a minimum of 35% improvement on Part L of 2013 Building Regulations is secured as part of the Section 106 Agreement.

Flood Risk and Surface Water Drainage

101. Whilst the site is not located within a Flood Risk Area, as the site area is over 1 hectare, it is required to be accompanied by a Flood Risk Assessment (FRA). The initial FRA was reviewed by the Environment Agency (EA) who raised objections to the scheme due to the following matters:

- It had not been demonstrated that the storage volume required to attenuated surface water run-off from the critical 1 in 100 chance in any year storm event, with an appropriate allowance for climate change, can be provided on site.
- It had not been demonstrated that sustainable drainage systems (SuDS) will be used on site to provide storage for surface water drainage generated on site.
- It had not been demonstrated that the peak discharge rate for all events up to and including the 1 in 100 chance in any year critical storm event, including an appropriate allowance for climate change

102. A revised FRA was submitted in response to the concerns raised by the EA. This has subsequently been reviewed and the EA have advised that their objections. The EA have advised that the revised FRA and surface water plans satisfactorily outlines the surface water management scheme for the site. They have recommended that a condition is secured requiring a detailed surface water drainage scheme for the site, based on the agreed FRA. The GLA raised initial concerns with the site's surface water management based on the initial FRA. The updated FRA and consultation response from the EA will be forwarded to the GLA as part of the Stage 2 referral.

Biodiversity and Trees

Trees

103. An Arboricultural Assessment has been submitted which identifies trees within the site and close to the site boundaries that could be affected by the proposal. There are three existing trees within the site that are of poor condition, and the Arboricultural Assessment recommends that these trees are removed. New tree planting will be provided through out the site, which will increase the biodiversity value of the site and provide amenity for new residents and the wider area. The Arboricultural Assessment also looked at trees on Grove Park and in neighbouring rear gardens close to the application site. It is not considered that these trees will be adversely affected by the development, but it is recommended that in the event that the existing boundary wall/fencing is removed, that protective Herring Fencing should be provided. Such details will be secured as part of any forthcoming consent.

Ecological Assessment

104. The existing habitable within the site predominately contains buildings and hardstanding, which is of negligible ecological value. The site does not currently provide opportunities for foraging birds or bat roosting potential. The proposed development will include gardens, trees planting and green space, which is anticipated to increase foraging opportunities within the site and thus be beneficial to birds and bats in the long term. In line with NPPF, biodiversity opportunities within the site can be further enhanced through artificial bird and bat boxes. Such details will be conditioned to any forthcoming consent.

105. The Ecological Assessment notes that a small area of Japanese Knotweed is within the site. This development provides the opportunity to eradicate this invasive species. Such details will be conditioned to any forthcoming consent.

Contaminated Land

106. A contamination Assessment Report has been submitted which notes that there were historical industrial uses on the site that may have led to contamination on site. The report suggests the predicted risk is low but measures such as capping in soft landscaped areas may be required. Your officers in Environmental Health have required this report recommending that a site investigation is conditioned to determine the nature and extent of any soil contamination present. They also recommend that a further condition is secured requiring a verification report in the event that remediation measures are required.

Air Quality

107. The site is located within an Air Quality Management Area (AQMA) which is identified as an area of existing poor air quality. Policy 2.9 of the London Plan requires development proposals to be at least "air quality neutral" and not lead to further deterioration of existing poor air quality.

108. The application is accompanied by an air quality assessment report which assesses the air quality neutrality of the proposed development. This has been prepared following the methodology provided in the GLA SPG on Sustainable Design and Construction. Whilst the development itself does not have an adverse impact on local air quality or expose new residents to poor air quality, the large number of road traffic movements predicted for the scheme exceeds the threshold for an average development in outer London and therefore is not air quality neutral. The air quality assessment report recommends mitigation measures through the installation of several charging points for vehicles within the site. This would be an incentive for future residents to switch to a more sustainable transportation system and work towards making the development air quality neutral. Such mitigation measures is considered to meet the requirement of the SPG on Sustainable Design and Construction. As discussed above 20% of car parking spaces are proposed with active electric vehicle charging points and a further 20% of spaces with passive electric vehicle charging points.

Building emissions

109. As the site is located within an AQMA there is a requirement that there is no more than an imperceptible impact in the air quality from the Combined Heat and Power (CHP) and the communal boilers within the development. The proposed development will comply with the SPG in terms of the minimum standards for NOx emissions. Officers in Environmental Health have recommended that such a requirement is conditioned.

Noise

Living conditions for proposed occupiers

110. A noise impact assessment has been submitted. This has considered the living conditions for the proposed residential occupiers and concludes that mitigation measures are required to achieve a 'good' resting environment for habitable rooms. The report suggests a number of mitigation measures such as specification of glazing. Your officers in Environmental Health recommend that a condition is secured requiring the building to be designed to meet the required internal noise standards as set out in BS8233:2014.

Noise impact from CHP and other servicing equipment

111. The Noise Impact Assessment advises that the noise limit of 10dB below the measured background noise level when measured from the nearest noise sensitive premises is achievable. Your officers in Environmental Health have recommended that a condition is secured for noise from any plant associated with the development to be conditioned to be at least 10dB below background noise level, measured at the nearest noise sensitive premises. This will provide an acceptable level of amenity for existing nearby residential occupiers and those within the proposed development.

Archeology

112. An Archaeological Desk Based Assessment has been prepared who assess the site for its archaeological potential. There are no designated archaeological assets on or particularly near the site, and furthermore the site does not lie within an Area of Archaeological Priority as designated within Brent's Local Plan Proposal Map. It is noted that the site is around 35m west of the Roman Road Watling Street (Edgware Road - A5). The report advises that there is no evidence to suggest that Roman roadside settlement or activity on or particularly near the site and goes on to advise that the construction of the factory on the site in the early 1920s will have reduced, if not entirely removed, the site's archaeological potential.

113. The Archaeological Desk Based Assessment has been reviewed that the Greater London Archaeological Advisory Service (GLAAS), who have concluded that in this instance no further archaeological assessment or conditions are required in consideration of this application.

Statement of Community Involvement and response to objections raised

Statement of Community Involvement

114. As the scheme proposes over 200 residential units there is a statutory requirement for the applicant to engage in pre-application discussions with the public. A Statement of Community Involvement has been submitted by the applicant that sets out the timeframes for pre-application consultation with councillors and members of the public. Letters/Flyers were sent to local residents inviting them to a public exhibition. This exhibition was held on Thursday 12th June 2013 at the Village School, Grove Park, between 4pm and 7pm. A number of key issues were identified following the consultation which are set out below:

- provision of community facilities.
- provision of open green space.
- traffic and parking.

Similar issues have been raised by local residents as part of the formal consultation for this application and this is set out below:

Area of objection	Response
Insufficient and inaccurate details provided regarding the density calculation of the proposal.	The density of the scheme complies with London Plan requirements - please refer to Paragraph 17-18 above.
Too much development already taking place in the area. This proposal would further increase population density and destroy the character of the area.	The site is located within the Colindale/Burnt Oak Growth Area which is strategically identified by the Council for housing growth. The density of the scheme complies with London Plan requirements - please refer to Paragraph x above.
Insufficient car parking provided on site leading to increased traffic, congestion, pollution and safety problems on surrounding roads.	Please refer to paragraphs 47-61 above
The introduction of a CPZ would be detrimental to existing residents who currently have the right to freely park on surrounding streets. Further consideration of	Any CPZ would be subject to public consultation. The parking provision is supported by both TfL and Brent's Transportation officers, subject to suitable mitigation measures in

basement car parking should be explored.	the form of a Travel Plan and Car Club. Please see paragraphs 47-61 above.
Construction work will be noisy and disruptive to existing residents - problem already experienced with other large developments in the area.	A Construction Management Plan is required to be submitted as part of a condition to any forthcoming consent - please refer to paragraphs to 90-93 above
The height of the whole blocks nearest to Evelyn Avenue should not be higher than the top of roof at Evelyn Avenue	The height of the blocks nearest Evelyn Avenue are considered acceptable in terms of their scale and massing. Please refer to paragraphs 11-16 above
Lack of additional infrastructure (doctors, schools, hospitals, open spaces) to support large residential developments	The site is located within the Colindale/Burnt Oak Growth Area which is strategically identified by the Council for housing growth. This growth will be supported by infrastructure identified within the Infrastructure and Investment Framework which is currently being developed. Anticipated infrastructure includes new primary school; new health services; new and improved public open spaces and recreational facilities;. new bus services; community centre and new tree planting. This scheme will provide affordable workspace units, and in the event that these are not occupied within a two year period, these units will be made available for community access (use class D1) at a reduced rate. Such details will be secured as part of the Section 106 Agreement.
Over dependant on nearby Grove Park Open Space to justify lack of on site amenity space.	Please refer to paragraphs above in relating to external amenity space and play space on site
Lack of regeneration of existing open spaces such as Grove Park Open Space	As discussed above, a series of infrastructure improvement projects will be delivered as part of the Coindale/Burnt Oak Growth Area. This includes improvements to existing public open spaces.
Existing residents who apply for planning permission for a residential extension have more obstacles to address in order to obtain planning permission.	Each application is assessed on its individual merits having regarding to the relevant planing policies either in the London Plan or Brent's Local Plan.

Conclusions

115. The application proposes the redevelopment of this vacant industrial site with a residential led mixed use development. It will contribute towards the objectives of the Burnt Oak/Colindale Growth Area, including the delivery of high quality affordable and family hosing in the Growth Area.

116. It is recommended that the scheme be granted consent, subject to a legal agreement and planning condition, to secure the required planning merits.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Central Government Guidance
London Plan (2011)

Brent's Core Strategy (2010)
Brent's Unitary Development Plan (2004)

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment

Environmental Protection: in terms of protecting specific features of the environment and protecting the public

Housing: in terms of protecting residential amenities and guiding new development

Employment: in terms of maintaining and sustaining a range of employment opportunities

Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

Transport: in terms of sustainability, safety and servicing needs

Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

- (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):

OS Map at scale 1:1250

P-S-9-204 - Existing Elevations

P-S-9-205 Existing Site Plan

P-A-0-101 - Block A Ground Floor Plan

P-A-1-101 - Block A First Floor Plan

P-A-2-101 - Block A second floor plan

P-A-3-101 - Block A third floor plan

P-A-3-101 - Block A Elevations

P-A-3-101 - Block A Floor Plan Layout

P-B-0-102 Block B ground floor level

P-B-1-102 - Block B first floor level

P-B-2-102 - Block B second floor level

P-B-3-102 - Block B third floor level

P-B-7-102 - Block B Elevations

P-B-LT-052 - Block B Layout plans

P-B-WC-051 - Block B Wheelchair unit layout

P-C-0-103 - Block C Ground floor level

P-C-1-103 - Block C first floor level

P-C-2-103 - Block C second floor level

P-C-3-103 - Block C third floor level

P-C-4-101 - Block C fourth floor level

P-C-7-103 - Block C Elevations

P-C-7-103 - Block C and E layout plan

P-CE-LT-054 - Block C and E layout plan

P-C-WC-052 - Blocks C and E Wheelchair units

P-D-0-104 - Block D ground floor level
P-D-1-104 - Block D first floor level
P-D-2-104 - Block D second floor level
P-D-3-104 - Block D third floor level
P-D-4-102 - Block D fourth floor level
P-D-5-101 - Block D Fifth floor level
P-D-7-104 - Block D Elevations
P-D-7-105 - Block D elevations
P-D-LT-054 - Block D layout plans
P-D-WC-053 - Block D wheelchair units

P-DH-LT-055 - Blocks D and H layout plans
P-DH-WC-054 - Blocks D and H wheelchair units

P-E-0-105 - Block E ground floor level
P-E-1-105 - Block E first floor level
P-E-2-105 - Block E second floor level
P-E-3-105 - Block E third floor level
P-E-4-103 - Block E fourth floor level
P-E-7-106 - Block E Elevations

P-F-0-106 - Block F ground floor level
P-F-1-106 - Block F first floor level
P-F-2-106 - Block F elevations
P-F-2-106 - Block F second floor level
P-F-LT-056 - Block F layout plans

P-G-0-107 - Block G ground floor level
P-G-1-107 Rev A: Block G first floor level
P-G-2-107 Rev A: Block G second floor level
P-G-3-106 Rev A: Block G third floor level
P-G-4-104 - Block G fourth floor level
P-G-7-108 Rev A: Block G elevations
P-G-LT-057 - Block G layout plans
P-G-WC-055 - Block G wheelunit units

P-H-0-108 - Block H ground floor level
P-H-1-108 - Block H first floor level
P-H-2-108 - Block H second floor level
P-H-3-107 - Block H third floor level
P-H-4-105 - Block H fourth floor level
P-H-5-102 - Block H fifth floor level
P-H-7-109 - Block H elevations
P-H-7-110 - Block H elevations
P-H-LT-058 - Block H layout plans

P-S-B-251 Basement/car parking plan
P-S-0-252 Rev A: Site Plan ground floor layout
P-S-1-253 - Site Plan first floor level
P-S-2-254 - Site Plan second floor level
P-S-3-255 - Site Plan third floor level
P-S-4-256 - Site Plan fourth floor level
P-S-5-257 - Site Plan fifth floor level
P-S-R-258 Rev A: Site & Roof Plan

P-S-7-101 - Site Elevations E-E and F-F
P-S-7-102 - Site Elevatons G-G and H-H
P-S-7-103 - Site Elevations J-J and K-K

P-S-7-104 - Site Elevations L-L and M-M
P-S-8-101 Site Sections A-A and B-B
P-S-8-102 Site Sections C-C and D-D

P-S-9-101 - Cycle and Bin stores
P-S-9-102 Cycle and Bn Stores
P-S-9-203 Roof Plan with PV panels

Landscape Plan: LANDP001 Rev 12
Planting Plan: PP001 Rev 12
Tree Plan: TP001 Rev 02

Supporting documents

Air Quality Assessment prepared by Air Quality Consultants, July 2014
Arboricultural Assessment (60136p2r1) prepared by REC Ltd, dated 11 June 2014
Archaeological Desk-Based Assessment prepared CgMs, dated March 2014
Basement Construction Methodology Rev 01, dated July 2014
Construction & Environmental Management Plan Rev 01, dated July 2014
Contamination Assessment Rev 01 prepared by GB Card & Partners, dated July 2014
Detailed Daylight & Sunlight Report prepared by GVA, dated July 2014
Design & Access Statement prepared by Fleming Maguire Architects, dated July 2014
Ecological Assessment (60136p1r1) prepared by REC Ltd, dated 5 February 2014
Code for Sustainable Homes Pre-Assessment Report prepared by CHB Sustainability
Energy Statement prepared by CHB Sustainability
Foul Sewage and Utilities Assessment prepared by Pitman Associates, dated June 2014
Flood Risk Assessment Rev B prepared by Pitman Associates, dated September 2014
Noise Impact Assessment prepared by Bickerdike Allen Partners, dated July 2014
Planning Statement prepared by Maddox Associates dated July 2014
Statement of Community Involvement prepared by Maddox Associates, dated July 2014
Sustainability Statement including checklist prepared by Maddox Associates, dated July 2014
Transport Assessment prepared by ADL Traffic Engineering Ltd, dated July 2014
Residential Framework Travel Plan prepared by ADL Traffic Engineering Ltd, dated July 2014

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 new terraced dwellinghouse located in Block F subject of this application, notwithstanding the provisions of Classes A, B, E and F of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, 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) (a) The facing bricks and cladding for the external elevations for the development shall be carried out in accordance with the details of materials as set out within the Design and Access Statement, which include:.

" Buff Brick - Staffordshire Smooth Cream by Wienerberger
" Dark Brick - Dartmoor Heather by Wienerberger
" Integrated small Format Cladding - ROCKPANEL Woods in Teak

Or

- (b) Prior to commencement of building work above basement level, details of alternative

materials shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full accordance with the approved details.

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

- (5) All parking spaces (including disabled bays), Electric Vehicle Charging Points (including passive provision), cycle parking stands and refuse and recycling facilities shall be provided and permanently marked out prior to occupation of any part of the approved development in full accordance with approved plan references P-S-B-251 Basement/car parking plan and P-S-0-252 Rev A: Site Plan ground floor layout, and thereafter retained in accordance with the approved details throughout the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic, or the conditions of general safety within the site and along the neighbouring highway & amenity and to provide sufficient cycle parking facilities and refuse and recycling facilities.

- (6) The proposed tree protection details as detailed in Arboricultural Assessment (60136p2r1) prepared by REC Ltd, dated 11 June 2014 shall be fully adhered to throughout all stages of the construction of the development hereby approved.

Reason: To ensure retention and protection of trees and other landscape features on the site in the interests of amenity.

- (7) The development hereby approved shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment, Rev B, dated September 2014, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

- (8) No works shall commence on site (including demolition of existing buildings) until a Construction Environmental Management Plan (CEMP) have been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of measures to mitigate the impact of the demolition, construction and all associated works on noise, vibration and air quality for sensitive receptors including:

- (i) Management: Appointment of a Construction Liaison Officer to take primary responsibility for day-to-day contact on environmental matters for the borough, other external bodies and the general public.
- (ii) Working Hours: Standard construction hours (e.g. Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 hours, with no working on Sundays or Bank Holidays), subject to consultation with the borough.
- (iii) Access Routes: Routing construction traffic away from NSRs.
- (iv) Equipment: The use of quieter alternative methods, plant and/or equipment, where reasonably practicable.
- (v) Screening: The use of site hoardings, enclosures, portable screens and/or screening nosier items of plant from NSRs, where reasonably practicable.
- (vi) Location: Positioning plant, equipment, site offices, storage areas and worksites away from NSRs, where reasonably practicable.

- (vii) Maintenance: Maintaining and operating all vehicles, plant and equipment in an appropriate manner, to ensure that extraneous noise from mechanical vibration, creaking and squeaking is kept to a minimum.
- (viii) Piling: Ensuring that piling is undertaken using most appropriate technique, with minimal noise and vibration generation in mind. The piling method will be agreed in conjunction with the LBB, prior to work commencing.
- (ix) BS 5228-1 indicates that between 10 and 20dB attenuation may be achieved during the construction phase by selecting the most appropriate plant and equipment and enclosing and/or screening noisier items of plant or equipment.
- (x) Site Planning: Erect solid barriers to site boundary; no bonfires; machinery and dust causing activities located away from sensitive receptors; training and management; hard surface site haul routes.
- (xi) Construction Traffic: vehicles to switch off engines; vehicle cleaning and specific fixed wheel washing on leaving site and damping down of haul routes; all loads entering and leaving site to be covered; ensure no site runoff of water or mud; all non-road mobile machinery to be fitted with appropriate exhaust after-treatment; on-road vehicles to comply with the requirements of a possible future LEZ as a minimum; minimise movement of construction traffic around site.
- (xii) Demolition: use water as dust suppressant; use enclosed chutes and covered skips; and wrap buildings to be demolished.
- (xiii) Site Activities: minimise dust generating activities ensuring that any crushing and screening machinery is located well within the site boundary; use water as dust suppressant where applicable; enclose stockpiles or keep them securely sheeted; if applicable, ensure concrete crusher or concrete batcher has a permit to operate

The development shall be carried out strictly in accordance with the agreed details.

Reason: To minimise the noise and air quality impact of the demolition and construction works on sensitive receptors and to ensure demolition and construction works follow Best Practicable Means (BPM) of Section 72 of the Control of Pollution Act 1974 to minimise noise and vibration effects.

- (9) Following the demolition of the existing buildings and prior to commencement of building works, a site investigation shall be submitted to and approved in writing by the Local Planning Authority. The site investigation shall be carried out in accordance with BS 10175:2011, by component persons to determine the nature and extent of any soil contamination present.

The site investigation shall include 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.

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

- (10) Any soil contamination remediation measures identified in condition 10 shall be carried out in full accordance with the approved details. A verification report shall be submitted to and approved in writing by the Local Planning Authority prior to occupation stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted 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

- (11) Notwithstanding the details of the external materials set out in the Design and Access Statement, further details of the following external materials shall be submitted to and approved in writing by the local planning authority prior to commencement of building works above

basement level:

- Details of the specification and colour of the glazing and doors
- Details of the finishing material and colour for balconies, canopies, balustrades and railings
- Details of the tiles for the terraced dwellinghouses in Block F
- Details of the mortar to be used for the facing bricks including a mock sample board at scale 1:1 to be provided on site for inspection

The works shall be carried out in full accordance with the approved details.

(12) Prior to commencement of any works above basement level, further details of the following shall be submitted to and approved in writing by the local planning authority. Such details shall include drawings, including sections where appropriate, at a suitably large scale (e.g. 1:5, 1:10, 1:20, 1:50) or manufacturer's literature which show

- (a) details of the window and door reveals, headers and sills, including the depth of the reveals and the junction of materials around the returns;
- (b) details of proportion of window openings
- (c) elevation plans at scale 1:100 showing details of the design of the bin and bike stores indicating materials and finishes of doors

The development shall be completed in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

(13) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development shall be submitted to and approved in writing by the Local Planning Authority within 6 months of commencement of development. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (a) all planting including location, species, size, density and number incorporating native species of local provenance along the southern boundary
- (b) details of the play equipment within the informal play area for under-fives
- (c) details of the removal and appropriate disposal of Japanese Knotweed within the site
- (d) details of the provision of artificial bird and bat boxes
- (e) areas of hard landscape works including details of materials and finishes. These shall have a permeable construction and include features to ensure safe use by visually impaired and other users
- (f) the location of, details of materials and finishes of, all street furniture and external cycle stands
- (g) proposed boundary treatments including walls, fencing and retaining walls, indicating materials and height
- (h) details of external lighting (including proposed sitting within the site and on buildings and light spillage plans showing details of lux levels across the surface of the site and at residential windows)
- (i) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

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

- (14) Details of the roof plan, showing the areas of the proposed photovoltaic panels in accordance with the sustainability measures secured as part of this development, shall be submitted to and approved in writing by the Local Planning Authority, prior to completion of construction work and shall be installed prior to occupation of the development hereby approved.

Reason: To demonstrate these are adequate and suitable to provide the level of carbon offset sought.

- (15) All residential premises shall be designed in accordance with BS8233:2014 'Sound insulation and noise reduction for buildings - Code of Practice' to attain the following internal noise levels:

<u>Time</u>	<u>Area</u>	<u>Maximum noise level</u>
Daytime Noise 07:00 – 23:00	Living rooms	35dB LAeq (16hr)
Night time noise 23-00 – 07:00	Bedrooms	30 dB LAeq (8hr)

Prior to first occupation of the residential units hereby approved a test shall be carried out to show that the required internal noise levels have been met and the results submitted to the Local Planning Authority for approval.

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

- (16) Prior to first occupation of the residential units hereby approved, an assessment of the noise level from any installed plant (such as air handling units, generators, ventilation/extraction systems) together with any associated ducting, achieving 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises, shall be undertaken and submitted to the Local Planning Authority for approval. The method of assessment shall be carried out in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. If the predicted noise levels of the plant exceed those specified within this condition, then a scheme of insulation works to mitigate the noise shall be included. The recommendations provided within the noise assessment together with any required mitigation measures shall be carried out in full accordance with the approved details prior to first use of the plant equipment hereby approved.

Reason: To protect that users of the surrounding area do not suffer a loss of amenity by reason of noise nuisance.


- (17) The Boiler unit and the Combined Heat and Power unit to be installed shall meet or improve upon the emissions standards and technical details described in the Air Quality Assessment. Prior to first occupation of the residential units hereby approved, details of tests undertaken on the installed unit to demonstrate that the emissions standards have been met shall be submitted to and approved in writing by the Local Planning Authority. The unit shall then in maintained in such a way to ensure that these standards continue to be met.

Reason: To protect local air quality.

INFORMATIVES:

- (1) 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
- (2) The applicant is advised that in relation to conditions 11 and 12 above, the quality of imported soil must be verified by means of in-situ soil sampling and analysis. Soil quality certificates from the soil supplier as proof of soil quality is not accepted.

Any person wishing to inspect the above papers should contact Victoria McDonagh, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5337

	Planning Committee Map
Site address: 163 & 165 Chatsworth Road, London, NW2 5QT	
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This map is indicative only.

RECEIVED: 14 May, 2014

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 163 & 165 Chatsworth Road, London, NW2 5QT

PROPOSAL: Change of use of land to rear of 163 & 165 Chatsworth Road to incorporation into the residential curtilage of 163 Chatsworth Road

APPLICANT: Mr & Mrs Ampofo

CONTACT: Collins & Coward

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval subject to conditions set out after paragraph 10 of this report

CIL DETAILS

The application is concerned with the use of land and does not propose any new floorspace. As such, the application does not attract a CIL liability.

CIL Liable?

Yes/No: No

EXISTING

The subject site comprises of land to the rear of 163 & 165 Chatsworth Road with an area of approximately 320m². To the west the site fronts directly on to Lydford Road where there is an existing vehicular access. To the north the site is bound by the adjacent railway embankment The site is largely vacant except for a derelict garage building.

The site lies within a designated Wildlife Corridor which runs along the railway embankment and encompasses the rearmost parts of the gardens to the properties along this side of Chatsworth Road. The railway embankment itself is also designated as a Site of Borough (Grade I) Nature Conservation Importance.

PROPOSAL

As above

HISTORY

Historically the subject site would have formed part of the rear gardens to 163 and 165 Chatsworth Road. However, the land was annexed from these properties to form a separate site prior to the submission of a planning application (08/2780) in 2008 which proposed the erection of a 2-storey, 3-bedroom dwellinghouse. This application was refused.

In 2009 a second planning application (09/1482) was submitted on the site which proposed a revised 2-storey 3-bedroom dwellinghouse. This application was also refused and the decision was upheld on appeal.

In 2013 an enforcement notice was served on the site for the "change of use of the premises from residential to a mixed use as residential and storage and deposit of building and scrap materials". The Enforcement Team are yet to confirm compliance with the notice.

A similar planning application (13/2000) to that now under consideration was withdrawn prior to determination,

POLICY CONSIDERATIONS

National Planning Policy Framework

London Plan 2011 (as amended 2013)

London Borough of Brent Core Strategy 2010

London Borough of Brent Unitary Development Plan 2004 ('saved' policies)

BE6 Public Realm: Landscape Design

CONSULTATION

Consultation letters, dated 29th June 2014, were sent to 17 neighbouring owner/occupiers. In response objections have been received from 5 local residents. In summary the concerns of the objectors relate to the following issues.

- The boundaries of the property cannot be amended by Brent Council, this is a matter for Land Registry.
- The land registry boundaries show the application site belonging to 163 and 165 Chatsworth Road.
- The revised boundary creates a larger site to enable another attempt to build a house in a garden.
- The proposal would increase the garden area for 163 Chatsworth Road allowing bungalow buildings to be constructed over half of the area without planning permission.

REMARKS

CHANGE OF USE

1. The application site formerly comprised of the rearmost part of the rear gardens to 163 and 165 Chatsworth Road. Currently 163 Chatsworth Road is a residential dwellinghouse (Use Class C3) and 165 Chatsworth Road is a house in multiple occupation (sui generis). Both of the properties are owned by the applicant.

2. The purpose of the application is to allow the entire application site to be used as part of the garden of the dwellinghouse at 163 Chatsworth Road. As part of the application site is land which would have been part of the garden to a house in multiple occupation in planning terms a change of use is required in order for the land to be used in association with the dwellinghouse at 163 Chatsworth Road.

3. In planning terms, the main impact arising from the proposal would be the reduction in amenity space for occupiers of 165 Chatsworth Road. Notwithstanding the fact that the garden has already been subdivided, which in itself does not constitute a breach of planning control, in planning land use terms the proposal would effectively reduce the area of the garden of the HMO at 165 Chatsworth Road from approximately 350m² to approximately 220m². Whilst this is a significant reduction the resulting amenity space would far exceed what would be expected in the case of new development and therefore it is considered that the resulting garden space would still provide sufficient amenity space for occupiers of 165 Chatsworth Road.

CONSIDERATION OF OBJECTIONS

Objection	Officers Response
The boundaries of the property cannot be amended by Brent Council, this is a matter for Land Registry.	See para 4
The land registry boundaries show the application site belonging to 163 and 165 Chatsworth Road.	See para 5
The revised boundary creates a larger site to enable another attempt to build a	See para 6&7

house in a garden.	
The proposal would increase the garden area for 163 Chatsworth Road allowing bungalow buildings to be constructed over half of the area without planning permission.	See para 6

4. The current application relates to the planning use of the land involved and does not affect any of the legal property boundaries that exist.. Should the owner of the site wish to amend the property boundaries contained in the title deeds as indicated by the objectors then this matter would need to be referred to the Land Registry.

5. Officers are aware that a recent land registry search indicates that from a property perspective the application site forms part of the curtilage of both 163 and 165 Chatsworth Road. This will not change as a result of any permission issued pursuant to this application. However, this permission will allow, in planning terms, the land currently associated with 165 Chatsworth Road to be lawfully used as part of the garden of 163 Chatsworth Road.

6. The proposal would permit a larger garden to the single family dwellinghouse at 163 Chatsworth Road which would then enjoy permitted development rights as set out under Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995, as amended (GPDO). It is acknowledged that under these permitted development rights the owner may normally be permitted to erect, without planning permission, an outbuilding within the garden to be used for purposes incidental to the enjoyment of the dwellinghouse. The size of any outbuilding would need to comply with the tolerances set out in the GPDO and even if this were to allow a large single storey structure the owner would need to be able to demonstrate that the building would be required for purposes incidental to the dwellinghouse. For the information of Members permitted development rights would not allow an outbuilding to be constructed for use as a residential dwelling or to be used as a primary form of residential accommodation. Given the planning history set out above it is inevitable that some residents may feel that this application is submitted in order to allow the applicant to circumvent, in some way, planning policies.

7. In connection with this particular point the 2009 appeal mentioned above was dismissed on 2 principle grounds, namely the unacceptable impact on the character of the area and the detrimental impact that the proposed house would have on the designated Wildlife Corridor and Site of Borough Nature Conservation Area Importance on this site. In terms of the first point the future erection of a house here would once again need to be considered on its own planning merits in due course and that is the case regardless of the decision that is made with this application. However, the situation is slightly different as far as the prime function and value of the Wildlife Corridor is concerned. The Inspector found that it is the continuity of these Corridors as they link sites of known nature conservation value, and avoid their ecology becoming isolated that is important. They concluded in dismissing the appeal that:

"The proposal would, by virtue of its design, introduce light spillage, noise and general activity and disturbance associated with residential occupation directly into the Wildlife Corridor, including the SNCAI. Although the appellant has argued that the boundary landscaping proposed would ameliorate the effect of light spillage, I share the concern of the Council and others over the long term and on-going effectiveness and practicality of such boundary planting so close to the proposed dwelling. I also note the suggestion by the appellant that special glazing could be conditioned to further reduce the light spillage particularly from the proposed full height windows on the north elevation, but do not consider that this would be sufficient to overcome the overall harm arising from domestic activity to the continued functioning of the Wildlife Corridor".

8. The proposed dwelling would have been sited some 2m from the northern boundary with the railway and occupy a site with a maximum depth of some 25m from Lydford Road. The Inspector stated that *"Whilst not physically severing the corridor, I consider that this would constitute a substantial constriction, within an otherwise predominantly open corridor, compromising its effectiveness and adversely affecting its nature conservation function as a conduit for the movement of wildlife"*. As a result of this clear indication that planning harm might result from the erection of a building here it is considered that this is an exceptional case whereby it is necessary to remove permitted development rights for outbuildings meaning that they would need formal planning permission from the Council. This is not to say that planning permission would not be granted for the outbuildings, but rather that the Planning Authority would be able to exercise control over them in order to prevent the problems clearly identified by the Inspector being repeated here.

9. If the owner of the site did intend to building a dwellinghouse within any part of the proposed curtilage of 163 Chatsworth Road, then they would still require planning consent. As set out in the history section of this report two previous planning applications for the erection of a dwellinghouse on the application site have been refused by the Council, one of which was upheld on appeal. Whilst it is not the purpose of this report to prejudge the outcome of any further applications that may come forward for the site, officers do not consider that the current proposal would significantly change the planning considerations associated with the assessment of any further planning applications for the erection of a dwellinghouse on the site and in any event this current application must only be considered on the basis of material planning considerations relevant to it.

SUMMARY

10. Overall, officers consider that the proposal constitutes an appropriate change of use that, providing that permitted development rights are controlled as described above, would not give rise to any material harm that would justify the refusal of planning permission. As such approval, is recommended.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-
Brent Unitary Development Plan 2004

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment

CONDITIONS/REASONS:

- (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:

C&C/1

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

- (3) No outbuildings shall be constructed within the curtilage of the dwellinghouse subject of this application, notwithstanding the provisions of Class E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, 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(s):

In view of the restricted nature and layout of the site and its relationship with a Wildlife Corridor and Site of Borough Nature Conservation Area Importance no outbuildings should be allowed without the matter being first considered by the Local Planning Authority.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Ben Martin, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5231



Planning Committee

15 October 2014

Report from the Operational Director, Planning & Regeneration

Wards affected:
Mapesbury, Willesden Green, Dudden Hill,
Brondesbury Park

110 Walm Lane, Public Inquiry – Affordable Housing

1.0 Summary

- 1.1 This item was deferred from the Planning Committee meeting of the 17th September 2014. The item was deferred to allow Members more time to consider the background documentation associated with the item.
- 1.2 Following the Council's decision in March 2014 to refuse planning permission for the redevelopment of 110 Walm Lane (including the Queensbury Public House) an appeal has been submitted by the applicant, Fairview New Homes Ltd. The appeal is due to be determined through the Public Inquiry procedure. During the appeal a Planning Inspector will examine whether the Council's reasons for refusal were reasonable and justified in planning terms. The Council cited three reasons for refusal which are set out in detail below. The second reason for refusal relates to affordable housing provision, identifying concerns that the applicant's proposal did not make adequate provision for on-site affordable housing within the scheme.
- 1.3 Following the submission of the appeal, the applicant has issued a revised affordable housing offer to the Council, which they intend to present to the Inspector during the appeal process. The revised offer proposes all affordable housing to be provided on-site. The purpose of this report is to provide information on the revised affordable housing offer so that the Planning Committee can decide whether the revised offer would adequately address the relevant reason for refusal.

2.0 Recommendations

- 2.1 That the Planning Committee:-

- i) agree to the principle of the revised affordable housing offer from Fairview New Homes Ltd subject to securing a suitable 'open book' review of the scheme viability and affordable housing offer taking into account both the costs and revenues achieved by the development.

ii) delegate authority to the Head of Planning or such other duly authorised officer to agree, under advice from the Director of Legal Services and Procurement, the exact terms of a s106 or other legal agreement to secure the revised affordable housing offer should the Planning Inspector be minded to allow the appeal and grant planning permission.

iii) note that the appeal will still be fully contested by the Council on the remaining reasons for refusal.

3.0 Consultation

3.1 Following publication of the original report to the Planning Committee on the 17th September 2014, concerns have been raised by the 'Save the Queensbury' group, Councillor Krupesh Hirani and other residents regarding a number of matters. In summary the concerns raised include:-

i) That insufficient public consultation has been undertaken in respect of revised affordable housing offer by Fairview New Home Ltd.

ii) That insufficient policy context was provided within the previous report and that the revised proposal still fails to meet the 50% affordable housing target set out in the Core Strategy

iii) Negative impact on community activity, especially for toddler groups

These matters are considered below.

Insufficient Consultation

3.2 The planning application for the proposed development, now the subject of the appeal, was subject to widespread public consultation as set out in the main committee reports which are background documents to the item. This consultation involved sending out 1189 letters to local residents and businesses as well as advertising the application by way of site and press notices. In response to the consultation on the planning application the Council received 174 representations. The officer's report to Committee set out that the lack of affordable housing was amongst a number of issues raised by the objectors to the application.

3.2 When the application was reported to Planning Committee in March 2014, in accordance with standard practice, notification of the meeting was sent to only those 174 residents that had made representations on the application. The purpose of this is to ensure the notifications are targeted at only those residents that have expressed an interest in the application.

3.3 The minimum requirement for consultation on the appeal is to notify all statutory consultees and any interested parties that made representations on the planning application of the appeal and the Inquiry arrangements. However, given the time that has elapsed since the decision and the public interest in the proposal notifications inviting comments on the appeal and providing details on the Inquiry arrangements, were sent to 1271 local residents and businesses. This comprised of the original 1189 consultees plus those residents who made representations although they were not directly contacted as part of the original consultation.

- 3.4 Although consultation on the appeal went beyond the minimum requirements, notification letters regarding the report to the planning committee on 17th September 2014 on the revised affordable housing offer were only sent to those residents and other interested parties who had submitted representations in respect of the planning application. 179 hard copy letters were dispatched in total. This is similar to the level of notification that was given in respect of the planning application when it was reported to Planning Committee in March 2014 and is, again, in general accordance with the Council's standard practice in terms of taking a more focussed approach when providing notification of committee agenda items.
- 3.5 Officers are aware that due to a technical issue at this time the notification letter to the 'Save the Queensbury' group' was not generated with a valid postal address. However, officers had informed the group of the agenda item and committee date prior to the dispatch of the notification letters. All other notification letters appear to have been dispatched with a valid address.
- 3.6 Following the deferral of the item from the Planning Committee agenda on the 17th September, in response to concerns raised, a further 1271 notifications were sent out on 22nd September 2014 to inform local residents that the matter would be reported back to the Planning Committee on 15th October 2014 and to signpost the relevant documentation on the Council's website. Officers consider that there has been sufficient public consultation regarding this matter and that all statutory requirements to consult have been fulfilled.

Affordable Housing Policy and Provision

- 3.7 Concerns have been raised that insufficient information was provided in the report the Planning Committee on the 17th September 2014 in relation to the planning policy context regarding the requirements to provide affordable housing within new developments in Brent. It should be noted, that the policy context in relation to affordable housing was provided within the report on the planning application which was presented to the Planning Committee in March 2014, which is a background document to the September report. However, for the avoidance of doubt officers would like to provide the following clarification in relation to the planning policy context of the matter under consideration.
- 3.8 The National Planning Policy Framework (NPPF) was adopted in March 2012. The NPPF "sets out the Government's planning policies for England and how these are expected to be applied" and is a material consideration in the determination of planning applications. Paragraph 173 of the NPPF states:-
- "Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*
- 3.9 Planning applications should be determined in accordance with the development plan and other material consideration, including the NPPF. The development plan for

Brent comprises of the London Plan 2011 (as amended 2013), Brent's LDF Core Strategy 2010 and 'saved' policies within Brent's Unitary Development Plan 2004.

- 3.10 Policy CP2 of the council's Core Strategy sets out that "the borough will aim to achieve the London Plan target that 50% of new homes should be affordable". Although the 50% target was removed from the London Plan when it was revised in 2011, London Plan policy 3.11 continues to "seek to maximise affordable housing provision" and goes on to state that "Boroughs should set an overall target in LDF's for the amount of affordable housing provision needed over the plan period". Therefore the Council will continue to seek deliver 50% of the new homes delivered across the borough as affordable.
- 3.11 However, where the provision of 50% affordable housing on a particular site would result in the development being unviable then London Plan policy 3.12B states that "Negotiations on sites should take account of their individual circumstances including development viability, resources available from registered providers (including public subsidy), the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements."
- 3.12 As set out in the remarks section below, the appellants revised affordable housing offer, whilst below 50%, has been reviewed by independent consultants who have advised that, on the basis of current assumptions, the revised offer of 12 shared ownership units is the maximum amount of affordable housing that can be provided as part of the proposal. However, in accordance with London Plan policy 3.12B, officers are recommending that should the revised offer should subject to securing a suitable 'open book' review of the scheme viability and affordable housing offer taking into account both the costs and revenues achieved by the development.

Impact on Community Activity

- 3.13 In March 2014 the Planning Committee did not find reason to refuse the original planning application, which is now the subject of the appeal, on the basis of the impact of the development on community activity, especially toddlers groups, provided that an appropriate Community Access Plan could be secured as part of any development. This is referred to in the Council's third reason for refusal (see below).
- 3.14 Although this issue is not directly related to the matter of affordable housing which is the subject of this report, Members are advised that Officers will contend the appeal on the basis of the third reason for refusal and will be seeking to secure an appropriate Community Access Plan should the Planning Inspector be minded to allow the appeal.

4.0 Remarks

- 4.1 The subject site is located on the eastern side of Walm Lane, on the edge of Willesden Green town centre. The site is occupied by a two/three storey building which accommodates the Queensbury public house and some first floor office accommodation, used in connection with the former Conservative Club. The site lies within the Mapesbury Conservation Area and also borders the Willesden Conservation Area. The site is located in close proximity to Willesden Green

Underground Station (Grade II Listed). The Queensbury public house is currently listed as an Asset of Community Value.

4.2 The proposal submitted by Fairview New Homes Ltd, under planning application ref. 13/3503, would involve the *“Demolition of existing Public House and Conservative Club and erection of 2 to 10 storey building containing A4/D1 use unit on ground floor and 53 residential units on the ground and upper floors (13 x one bed, 30 x two bed and 10 x three bed). Formation of revised vehicular access from Walm Lane to basement car park comprising 23 parking spaces and associated amenity space, landscaping works and pedestrian access from Walm Lane, subject to Deed of Agreement dated under Section 106 of the Town and Country Planning Act 1990, as amended”*.

4.3 In March 2014, the Planning Committee resolved to refuse permission for the proposed development against the recommendation of officers. The application was refused for the following reasons. It is the second reason for refusal, highlighted in **bold**, that is the subject matter of this report:-

1. The proposed development, by reason of its height, scale, massing and density, would appear unduly prominent and out of character in the street scene and in the wider locality. The development would fail to preserve or enhance the character and appearance of the Mapesbury Conservation Area in which the site is located and would adversely impact on the nearby Willesden Green Conservation Area and the setting of the Grade II Listed Willesden Green Station. As a result, the proposal fails to comply with the National Planning Policy Framework 2012; Policies 3.4, 3.5 and 7.4 of the London Plan 2011 and Revised Early Minor Alterations to the London Plan published on 11 October 2013; Policies BE2, BE3, BE9, BE10, BE23, BE25, BE27, H12 & H13 of Brent's Unitary Development Plan 2004; Supplementary Planning Guidance 17 "Design Guide for New Development", October 2001; Mapesbury Conservation Area Design Guide.

2. The proposed development would provide insufficient provision of on-site affordable housing. As a result, the development would fail to comply with National Planning Policy Framework 2012; Policies 3.8, 3.9, 3.10, 3.11, 3.12 and 3.13 of the London Plan 2011 and Revised Early Minor Alterations to the London Plan published on 11 October 2013; Policy CP2 of Brent's Core Strategy 2010; S106 Planning Obligations SPD, July 2013.

3. In the absence of a legal agreement, the development would not secure a Community Access Plan, sustainability measures, job & training opportunities for local residents, adherence to the Considerate Contractors Scheme, a Travel Plan and restrictions to prevent future residents from applying for parking permits. As a result, the proposal fails to comply with the National Planning Policy Framework 2012; Policies 3.16, 4.6, 5.2, 5.3, 5.6, 5.7, 5.9, 5.13, 6.3, 6.13, 8.2 of the London Plan 2011 and Revised Early Minor Alterations to the London Plan published on 11 October 2013; Policies CP19 and CP23 of Brent's Core Strategy 2010; Policies EP2, EP14, TRN3, TRN4, TRN10, TRN23, TRN34 and CF2 of Brent's Unitary Development Plan 2004; Supplementary Planning Guidance 17 "Design Guide for New Development", October 2001; S106 Planning Obligations SPD, July 2013.

4.4 At the time of determination, the applicant proposed to provide 10 (18.9%) of the 53 homes as affordable, shared ownership, units as well as a cash in lieu contribution of £138.346 towards the off site provision of affordable housing. The offer was

reviewed by an independent consultant, BNP Paribas, instructed by the Council to assist with the negotiation of affordable housing on the site. BNP Paribas advised that in viability terms the proposed affordable housing offer would be acceptable.

- 4.5 Whilst acknowledging the advice on viability, this affordable housing offer was found to be unacceptable by the Planning Committee during their consideration of application given the “insufficient provision of on-site affordable housing”. As noted above, the proposal did not provide all affordable housing ‘on-site’.
- 4.6 Following the submission of an appeal against the decision, Fairview New Homes Ltd have approached the Council to see if this particular matter can be resolved prior to the Public Inquiry. They have issued a revised affordable housing offer which would increase the provision of shared ownership units from 10 to 12 (22.6%), an increase of 2 units. The affordable housing offer would therefore be delivered wholly on site and no longer include a cash-in-lieu contribution.
- 4.7 The 2 additional shared ownership units have been created by changing the tenure of 2 ground floor units that would have been private under the previous proposal. The proposal does not affect the layout or design of the building, nor does it affect the overall mix or quantity of units that would be provided within the scheme. The new shared ownership units would comprise 1x2-bed (3 person) and 1x 2-bed (4 person) units, both of which would share a core with the other private units within the scheme. As the units would be within a mixed tenure core it would be for the Registered Provider to negotiate a suitable service charge for the units. The following table summarises the changes between the original and revised affordable housing offers.

Shared Ownership	Original AH offer	Revised AH Offer
1-bed (2person)	3	3
2-bed (3 person)	3	4
2-bed (4 person)	0	1
3-bed (4 person)	4	4
Total	10	12
Cash-in-Lieu	£138,346	£0

- 4.8 This revised offer has been reviewed by BNP Paribas and they have confirmed that, in viability terms and on current assumptions, the revised offer of 12 shared ownership units is acceptable. However, they highlight the sensitivity of such appraisals to changes in assumed future sales values and have recommended that, if the offer is accepted by the council, this be subject to securing a suitable ‘open book’ review of the scheme viability and affordable housing offer taking into account both the costs and revenues achieved by the development.
- 4.9 Having considered the revised affordable housing offer within the context of the previous decision, the appeal and the advice given by BNP Paribas, officers consider that the revised offer constitutes an improved position on the matter of affordable

housing. As such, on balance, officers consider that the principle of the revised offer should be accepted, subject to the terms set out in paragraph 2.1 of this report.

- 4.10 In terms of the implications of accepting these recommendations on the Council's appeal case, whilst this would clearly narrow the matters in dispute, it is considered that the Council would maintain sufficient grounds to contest the appeal, particularly in relation to the design and heritage impacts of the proposed development. The Council have appointed an expert Design and Heritage witness to provide evidence to support the council's case at the public inquiry.

5.0 Financial Implications

- 5.1 Under the Public Inquiry appeals process the Council is required to bear the cost of hosting the Public Inquiry and the cost of preparing and presenting the Council's case. If the revised affordable housing offer is accepted by the Council this may reduce the duration of the Inquiry (which is currently programmed for 5 days) and the resources required to contest the appeal.
- 5.2 Under the planning appeals process, the Planning Inspector has legal powers to make an award of costs where it is found that costs have been incurred by one party due to unreasonable behaviour of another party.

6.0 Legal Implications

- 6.1 There are no particular legal implications associated with this matter other than it will be necessary to negotiate the exact terms of s106 or other legal agreement to secure the affordable housing contribution should the Inspector be minded to allow the appeal.

7.0 Diversity Implications

- 7.1 There are no particular diversity implications associated with this matter.

8.0 Staffing/Accommodation Implications

- 8.1 Staff resources will be required to contest the appeal. If the revised affordable housing offer is accepted then the council will not need to put forward an officer to prepare and provide evidence to the Inquiry in relation to the issue of affordable housing.
- 8.2 The Council are required to host the Public Inquiry and conference rooms at the Civic Centre have been reserved for 5 days. If the revised affordable housing offer is accepted by the Council this may reduce the duration of the Inquiry.

9.0 Environmental Implications

- 8.1 No significant environmental implications are anticipated.

10.0 Background Papers

- 10.1 Officers report to Committee, 12th March 2014 (including Supplementary report Decision notice 13/3503, dated 19th March 2014

Minutes of Committee meeting 12th March 2014

Revised Plan indicating ground floor units to be shared ownership

Letter from BNP Paribas, dated 4th August 2014

Contact Officers

Any person wishing to inspect the above papers should contact Ben Martin, Area Planning, Planning & Regeneration 020 8937 5231

Stephen Weeks

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