



## Planning Committee

**Wednesday 13 February 2019 at 6.00 pm**

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

### Membership:

#### Members

Councillors:

Denselow (Chair)  
Johnson (Vice-Chair)  
S Butt  
Chappell  
Colacicco  
Hylton  
Maurice  
Sangani

#### Substitute Members

Councillors:

Ahmed, Dar, Ethapemi, Kabir, Kennelly, Lo,  
W Mitchell Murray and Patterson

Councillors

Colwill and Kansagra

**For further information contact:** Joe Kwateng, Governance Officer  
joe.kwateng@brent.gov.uk; 020 8937 1354

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**[democracy.brent.gov.uk](http://democracy.brent.gov.uk)**

**The press and public are welcome to attend this meeting**

**Members' briefing will take place at 5.00pm in Boardrooms 7 and 8**

**Please note this meeting will be filmed for live broadcast on the Council's website. By entering the meeting room you will be deemed to have consented to the possibility of being filmed and to the possible use of those images and sound recordings for webcasting.**

## **Notes for Members - Declarations of Interest:**

If a Member is aware they have a Disclosable Pecuniary Interest\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest\*\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

### **\*Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

### **\*\*Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party or trade union).

(b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.		
2. Minutes of the previous meeting - 16 January 2019		1 - 4
<b>APPLICATIONS FOR DECISION</b>		
3. 15/5564 Trinity House, Heather Park Drive, HA0 1SU	Alperton	9 - 40
4. 17/5291 Willesden Green Garage, St Pauls Avenue, NW2 5TG	Willesden Green	41 - 78
5. 18/2984 6 & 6A Coombe Road, NW10 0EB	Welsh Harp	79 - 110
6. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or his representative before the meeting in accordance with Standing Order 60.		

**Date of the next meeting: Tuesday 12 March 2019**



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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## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE Wednesday 16 January 2019 at 6.00 pm

PRESENT: Councillors Denselow (Chair), Johnson (Vice-Chair), Ahmed (substitute for Councillor Sangani), Dar (substitute for Councillor Colacicco), S Butt, Chappell, Hylton and Maurice.

Apologies for absence were received from Councillors Colacicco and Sangani.

#### 1. **Declarations of interests**

Councillor S Butt declared that he resided in Tokyngton ward.

Councillors Denselow and Maurice declared that they lived in the Wembley Event Day zone area.

#### 2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 12 December 2018 be approved as an accurate record of the meeting.

#### 3. **Wembley National Stadium, Olympic Way, Wembley, HA9 0WS (Ref. 18/4307)**

PROPOSAL: Proposed variation of Condition 1 (event cap) and 2 (temporary traffic measures) of planning permission reference 17/0368 (dated 18/08/2017), to allow for 8 (3 events at 90,000 capacity, 5 at a 62,000 capacity) additional major sporting Tottenham Hotspur Football Club (THFC) events between 15 January 2019 and 12 May 2019.

RECOMMENDATION: To grant planning permission, subject to the completion of a satisfactory deed of variation to the existing Section 106 legal agreement.

That the Head of Planning be granted delegated authority to issue the planning permission and impose conditions (and informatives) to secure the matters set out within the Committee report.

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

Mr Colin Leadbeatter (Principal Planning Officer) introduced the report and answered Members' questions. Members were informed that the application, originally submitted seeking permission to lift the major event cap to allow 17 additional events (10 capped at 62,000, 7 up to full capacity), had been reduced following significant amenity concerns raised by officers having considered the comments received from local residents, businesses and other consultees. The applicant had amended their proposal to only seek full capacity matches (up to 90,000 people) for 3 UEFA Champions League matches between February and April 2019, and 5 events at a maximum capacity of 62,000, comprising three potential FA cup matches and two Premier League matches.

He continued that the proposed 90,000 capacity matches would be limited to only the UEFA Champions League Round of 16 Home leg, the Quarter Final Home Leg and the Semi Final Home Leg relating to Tottenham Hotspur Football Club, and for no other club/event/reason. Similarly, the five events proposed to have a maximum capacity of 62,000 relate to specific FA Cup and Premier League matches. The remainder of the games played by Tottenham Hotspur at Wembley during that period would either fall within the existing cap or would have a capacity of less than 51,000 and therefore would not be restricted by the "event cap". He then drew Members' attention to the following minor changes that are proposed; removal of the wording relating to seating of the top tier of the stadium and traffic management measures on North Circular Road to reflect the reduced number of events being sought.

Mr Leadbeatter referenced the supplementary report which removed the start date of the application (15 January 2019), amplified the level of local support for the application and informed Members about an addendum Planning Statement and Environmental Statement which reflected the reduction in the number of events being sought over the original submission. He drew Members' attention to a separate paper circulated that updated the Heads of terms in respect of mitigation measures and the costs for each event.

He discussed two comments received after the publication of the Supplementary Report. The first was from a Harrow Councillor who raised concern regarding traffic, parking and other associated impacts associated with the stadium in Harrow. Within the second comment Councillor Nerva (Brent) requested that a condition is attached requiring unsold tickets to be allocated to Brent school children. In responding to these comments, Mr Leadbeatter highlighted that Harrow Council have responsibility for their own streets and spaces, that approximately £100,000 was secured for Harrow Council through the 2002 Stadium consent and that the Harrow Council Planning Department raised no objection to the proposal. In responding to the point raised by Councillor Nerva, he set out that a condition requiring tickets to be made available for Brent Students would not meet "the six tests".

Ms Donna-Maria Cullen (Tottenham Hotspur Football Club; THFC) and Mr Chris Bryant (Wembley National Stadium; WNSL) addressed the Committee. Ms Cullen informed the Committee that the delivery date of the new stadium at White Hart Lane which had slipped, was nearly ready for test matches and that this application was a contingency plan to enable THFC to play the remainder of this

season's matches at Wembley. She clarified that although the application included 3 cup matches, these were subject to THFC progressing through to next rounds. She added that over 20,000 Brent residents were able to attend matches last season through their ticketing scheme.

Mr Bryant added that WNSL, committed to supporting THFC, endorsed the comprehensive set of measures set out in the Section 106 Heads of Terms to address the issues highlighted by officers. He continued that THFC would continue to contribute to the costs outlined in the separate paper circulated at the meeting and also continue their work under the Spurs Foundation. Ms Cullen, in responding to an email request from Councillor Nerva confirmed that there would be an allocation of tickets made available to the local community for free

The Principal Planning Officer was invited to offer further clarify on the application to include mitigation, transportation, consultation and other amenity issues. The Officer reaffirmed that the application was for potentially 3 full capacity matches for which only 1 was confirmed and although the other 2 were subject to progression, WNSL or THFC would not be able to use them for any other events. He added that for match attendances of up to 51,000, no permission or additional mitigation measures would be required. He also drew Members' attention to the set of mitigation measures which updated the Heads of Terms for which THFC would bear the costs.

Members heard that the number of local objections were far fewer than when the previous application was submitted. Members queried the absence of a response from the Metropolitan Police. He set out that they are members of the Wembley Stadium Safety Advisory Group (SAG), who meet regularly and oversee Stadium event arrangements. Mr Leadbeatter also informed members that other initiatives including anti ticket touting and pirate parking were on-going. Mr John Fletcher (Transportation Officer) added that on-going transport measures including local bus diversions would continue. It was clarified that these would be in place for major events both below the threshold for the cap (51,000) and above.

Members welcomed the reduction in the number of proposed additional high capacity events from 17 to 8, and that these will relate to specific matches and cannot be used for other events should they not be required for the specified game. Furthermore, Members welcomed the mitigation measures to be secured and the other commitments made by WNSL and THFC

DECISION: Granted planning permission subject to the completion of a satisfactory deed of variation to the existing Section 106 legal agreement, as recommended.

Voting on the recommendation was unanimous: For 8; Against 0; Abstention 0.

#### **4. Any Other Urgent Business**

None.

The meeting closed at 6.52 pm

COUNCILLOR J. DENSELOW  
Chair

## APPLICATIONS FOR DECISION

### Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in a particular order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a particular application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Brent comprises the following documents:
  - London Plan March 2016
  - Brent Core Strategy 2010
  - Brent Site Specific Allocations 2011
  - West London Waste Plan 2015
  - Wembley Action Area Plan 2015
  - Sudbury Town Neighbourhood Plan 2015
  - Saved 2004 Unitary Development Plan Policies 2014
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that

adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.

10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.
11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
  - **Building Regulations** deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by **Highways Legislation**.
  - **Environmental Health** covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the **Party Wall Act**.
  - **Covenants and private rights** over land are enforced separately from planning and should not be taken into account.

### **Provision of infrastructure**

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail. Similarly, Brent Council's CIL is also payable. These would be paid on the commencement of the development.
13. Brent Council's CIL provides an income stream to the Council to fund (either in whole or in part) the provision, improvement, replacement, operation or maintenance of the following types of new and existing infrastructure:
  - public realm infrastructure, including town centre improvement projects and street trees;
  - roads and other transport facilities;
  - schools and other educational facilities;
  - parks, open space, and sporting and recreational facilities;
  - community & cultural infrastructure;
  - medical facilities;
  - renewable energy and sustainability infrastructure; and
  - flood defences,
14. except unless the need for specific infrastructure contributions is identified in the Section 106 Planning Obligations Supplementary Planning Document or where section 106 arrangements will continue to apply if the infrastructure is required to make the development acceptable in planning terms.
15. Full details are in the Regulation 123 List is available from the Council's website: [www.brent.gov.uk](http://www.brent.gov.uk).

16. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

**Further information**

17. Members are informed that any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Supplementary Report.

**Public speaking**

18. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.

**Recommendation**

19. The Committee to take any decisions recommended in the attached report(s).

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

13 February, 2019  
03  
15/5564

## SITE INFORMATION

RECEIVED	22 December, 2015
WARD	Alperton
PLANNING AREA	Brent Connects Wembley
LOCATION	Trinity House, Heather Park Drive, Wembley, HA0 1SU
PROPOSAL	Demolition of the existing office building Trinity House and to construct 50 residential units (11x 1-bed , 25 x 2-bed 14 x 3-bed ), together with 16 onsite car parking spaces, landscaping and amenity space (amended description)
PLAN NO'S	see Conditon 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u><a href="#">When viewing this on an Electronic Device</a></u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_125738">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_125738</a></p> <p><b><u><a href="#">When viewing this as an Hard Copy</a></u></b> .</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="http://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "15/5564" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## INTRODUCTION

Members will be aware that the application was first reported to Committee at your meeting on 10 October 2018 where the application was deferred because Members were minded to refuse the application due to concerns over the lack of any affordable housing in particular, with Members suggesting that additional housing units could be provided in place of the offices and basement parking area. Some concern was also raised in relation to refuse waste arrangements and the potential for obstruction. The applicant has reviewed and amended the scheme and is now proposing some affordable units, the removal of any office re-provision, and the parking provision has also been reconsidered. These are discussed below.

### **Affordable Housing and mix of units**

The key factors of the original scheme that negatively affected viability and resulted in the development not being able to provide affordable housing was the inclusion of a large basement car park and the re-provision of some office units. These two elements resulted in a considerable deficit to the scheme (£2.03M) prior to any affordable housing being considered. Officers were advised by our own viability consultants that the office units alone had worsened viability by 57.97%.

Since members considered the scheme, the basement has been removed and the previously proposed x6 office units have been replaced with x3 residential units, increasing the total housing from x47 units to x50 units. An initial offer of 10 affordable homes (5 x 1-bed, 5 x 2-bed) was made. Officers have had the financial position reviewed because the offer of 20% affordable still falls short of the policy requirement of 50%. In addition, it was requested that sensitivity testing also be undertaken by our consultants to establish whether 3 of the proposed affordable units could be provided as 3-bed homes.

In terms of the initial offer of 10 homes, it has been established that this is the maximum that can be viably offered but would still result in the scheme being in deficit by approximately £0.51M (assuming target profits are achieved) although considerably better than the previous position. Again noting that this is still below the policy target of 50%, a post implementation review is recommended (and agreed to by the applicant) to enable the Council to capture any uplift in value. The impact of switching some of the affordable homes to 3-bedrooms is minor (£85K) and having regard to this, the applicant has agreed to amend the affordable offer to 4x 1-bed, 3x 2-bed, and 3x 3-bed. It should also be noted that the tenure split for the affordable units is a policy compliant 70/30 split, broken down thus:

- Affordable rented units: 2 x 1-bed, 2 x 2-bed, and 3 x 3-bed
- Intermediate units: 2 x 1-bed and 1 x 2-bed

This is represented as a scheme deficit of £595,000. However, this is based on target profits of 20 % for private dwellings and 6 % for Affordable. While these are standard assumptions for profit, it should be noted that the scheme is would still return a profit between 15 % to 20 % in line with national Planning Practice Guidance.

This is considered to represent the maximum reasonable proportion of Affordable Housing in line with adopted policy. However, if, bearing in mind the discussion above, the Planning Committee are still minded to refuse consent, then the following reason for refusal could be considered:

*The proposal would fail to provide the maximum reasonable amount of affordable housing which meets an identified need within the Borough, which would be contrary to Core Strategy (2010) policy CP2 and Development Management Policy (2016) DMP15, policy 3.12 of the London Plan consolidated with alterations since 2011 (March 2016) and policies H5 and H6 of the draft London Plan (2017).*

### **Loss of office floorspace**

As discussed within the main committee report, the site currently contains offices. These are of poor quality and the current building is largely unoccupied. It should be noted that as the site is not within Local Significant Industrial Site or Strategic Industrial Site, the offices could potentially be converted to residential under permitted development rights through the prior approval process. This gives the applicant a Legitimate fall back position. In general officers consider that these can result in poor developments in terms of the efficient use of land, compliance with residential living standards and the overall quality of individual units and the residential environment provided. It is considered that the proposed development is likely to provide a significantly larger number of dwellings of higher quality than could be achieved through conversion of the existing building, and that this is consistent with development plan objectives. Furthermore, the inclusion of office accommodation had a significant affect on the viability of the scheme as discussed above, and the

benefit of providing 10 affordable units is considered to outweigh the loss of office accommodation at the site.

### **Quality of the additional residential units**

The three additional units are located at ground level (annotated on the plans as Numbers 48, 49 and 50). Units 48 and 50 are both 1 bed 2 person flats measuring 55.7sqm each. Unit 49 is a 2 bed 4 person flat measuring 86sqm. All three of the units are single aspect facing onto Heather Park Drive. They all have a front garden to act as a sufficient buffer to the road. Whilst none of them have access to private external amenity space, they are all oversized (by 5m sqm for units 48 and 50, and by 13sqm for unit 49), and they all have access to the communal garden at roof level.

The resulting amount of amenity space per flat taking into account the three additional units has been reduced from 23.5sqm to 22sqm. This still exceeds the target of 20sqm per flat as set out in DMP19.

On balance, it is considered that the standard of accommodation for the three additional units is of good quality, and that sufficient levels of external amenity space will be provided for the proposed flats.

### **Parking**

The basement car park has now been removed and 16 car parking spaces (incl. five disabled), all of which will have electric vehicle charging points, are now proposed at the eastern end of the site. Access is proposed via a 4.5m drive with 2m kerb radii onto Heather Park Drive. Bicycle parking for 120 bikes is proposed in a ground floor storage room, with three further storage rooms shown for waste storage.

The existing office building would be permitted up to 13 off-street car parking spaces (one per 200m<sup>2</sup>), although this again could be increased to 50 if each suite is treated as a separate business. As previously noted, there are 31 spaces marked within the site at present. The proposed 50 units would be allowed up to a maximum of 57 parking spaces, therefore the proposed 16 spaces accords with maximum standards.

Policy DMP12 also requires that any overspill parking generated can be safely accommodated on-street. As previously noted, car ownership for flats in the area averaged 0.65 cars/flat in the 2011 Census. On this basis, the development could be expected to generate demand for 33 car parking spaces, which would leave 17 cars looking for on-street parking space.

The lightly parked section of Heather Park Drive has sufficient width and frontage length to accommodate about 20 parked cars, thus taking total on- and off-site provision within and alongside the site to 36 spaces. It is therefore considered that there would be adequate space within and adjoining the site to safely accommodate future parking demand, particularly as 10 of the flats are to be for affordable housing.

The layout of the car park provides suitable turning space and the proposed access allows sufficient width for cars to pass one another. Suitable kerb radii are indicated for car access and as Heather Park Drive is a straight road, visibility splays meet standards. There are existing speed cushions in Heather Park Drive at the location of the proposed access point that will need to be repositioned westwards to accommodate the amended site access arrangements though. In addition, the two existing crossovers that will become redundant will also need to be reinstated to footway with full height kerbs at the developer's expense. These highway works are recommended to be secured as a condition to any forthcoming consent.

The London Plan requires the provision of a secure bicycle parking space for every 1-bed flat and two spaces for larger flats, giving a total requirement for 89 bikes. The proposed 120 bicycle spaces exceed standards with the bike store accessed from Heather Park Drive.

### **Servicing**

Three separate bin stores are proposed, with total storage for up to 21 Eurobins, which exceeds storage requirements, as only 13 Eurobins are required. The bin stores are all within 10m of Heather Park Drive to allow easy access for refuse crews and are considered acceptable.

In relation to the concern raised that the development will cause obstruction to vehicular traffic by refuse lorries blocking the road, Heather Park Drive is a single carriageway, local access road with speed cushions along its length. With on-street parking on either side, the effective width is approximately 3.4m. Where vehicles approach from either end, either vehicle gives way by pulling into an available space. With refuse lorries, the existing situation is one where it will already block or slow traffic as it collects refuse, for the

existing dwellings and businesses along the street. Moreover, refuse collections occur at a similar time each week and residents would generally avoid travelling along the road at those times, although there are opportunities, as described above, for drivers to pull over into unoccupied spaces or if wanting to connect to Beresford Avenue to the south, the connecting Kenmere Gardens could be used.

Officers consider that a refusal for this reason would be considered unreasonable and not sustainable at Appeal, however, should Members still be minded to refuse the scheme on this element, a possible reason for refusal is outlined below:

*In the absence of being unable to adequately service the development site clear of the main carriageway, the proposal is likely to result in conditions prejudicial to the free and safe flow of traffic on the adjoining highway. This is contrary to Development Management Policy (2016) DMP13, policies 6.11 and 6.12 of the London Plan consolidated with alterations since 2011 (March 2016) and policy T4 of the draft London Plan (2017).*

### **Additional Re-consultation Response**

One additional letter of objection has been received following the re-notification of the amended scheme to neighbours, raising objections to the impact on parking and effect on the character of the road in regards to multiple flats being built in the area.

In relation to parking, this is addressed above, where it is again confirmed that the development is providing parking in accordance with adopted maximum standards and there is sufficient on-street capacity.

With regard to the character of the road being affected, there is a pressing strategic need to increase the supply of housing throughout London and the borough and this can only be achieved through higher density schemes. Notwithstanding, development proposals must also have regard to the character of the area in terms of design and scale (the proposed development is not dissimilar to the existing in terms of the building footprint) and the provision of family size units will help to maintain the character of the street as being family friendly as well as creating a balanced community through a range of unit sizes.

### **Update to Section 106 Heads of Terms and draft planning conditions**

It is recommended that point 2 of the Section 106 Agreement is updated to include the following wording:

The provision of 10 units of Affordable Housing comprising:

- Affordable rented units: 2 x 1-bed, 2 x 2-bed, and 3 x 3-bed
- Intermediate units: 2 x 1-bed and 1 x 2-bed

It is recommended that condition 2 is updated to include the revised plan numbers and updated Transport Assessment to take into account the changes described above, and for the summary for granting consent is updated to replace SPG17 "Design Guide for New Development" with SPD1 "Brent Design Guide".

It is also recommended that condition 3 is updated to read as follows:

*No less than nine of the units hereby approved shall be constructed as wheelchair user dwellings (Requirement M4(3) of the Building Regulations) as indicated on the submitted plans, and the remainder (x41 units) shall be built in accordance with Requirement M4(2) of Building Regulations and shall be maintained as such thereafter. Prior to occupation evidence of compliance with Requirement M4(2) across the development shall be submitted to and approved in writing by the Local Planning Authority.*

*Reason: To ensure that the needs of all users are met and optional national technical standard will ensure that the development allows for the future adaptability of the home to meet with the needs of future residents over their lifetime in accordance with Policy CP21 of the Core Strategy, DMP1 of the Development Management Document and Policy 3.8 of the London Plan.*

Finally it is recommended that condition 15 is updated to reflect the removal of the basement and resulting changes to the highway in relation to the car park access. The recommended wording is as follows:

*Prior to development commencing, excluding demolition, the following details shall be submitted to and*

*approved in writing by the Local Planning Authority:*

- (i) -removal of all existing redundant crossovers to the site and reinstatement to footway,*
- (ii) construction of the proposed new car park access and relocation of existing speed cushions in Heather Park Drive away from the proposed access*

*The works shall be carried out at the applicants expense in accordance with the approved details before the development is occupied.*

*Reason: To ensure that the approved highway works and standards of parking provision and servicing are provided and maintained in the interests of local amenity and the free flow of traffic in the vicinity, and to reduce the risk of vehicle grounding at the highway threshold.*

### **Equalities**

In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

**Recommendation: Officers continue to recommend that permission is granted subject to the completion of a legal agreement and conditions set out above and within the original report, which is set out below:**

## **RECOMMENDATIONS**

To resolve to grant planning permission, subject to the completion of a satisfactory Section 106 or other legal agreement, and the conditions and informatives recommended in this report, and to delegate authority to the Head of Planning or other duly authorised person to agree the exact terms thereof on advice from the Chief Legal Officer.

A. That the Committee resolve the GRANT of planning permission subject to:

1. Payment of Council's legal and other professional costs in the preparation and management of the Agreement
2. s106 post-implementation viability review
3. Training and employment
  - a. Prior to a material start on site, to inform in writing Brent Works of the projected amount of construction jobs, training opportunities and provide a copy of the Schedule of Works.
  - b. Prior to a material start, to prepare and submit for the Council's approval an Employment Training Plan for the provision of training, skills and employment initiatives for residents of the Borough relating to the construction phase of the Development and in relation to the operational phase of the Development.
  - c. To offer an interview to any applicant who is a Brent resident and who also meets with the minimum job criteria
  - d. From material start, to provide monthly verification of the number of Brent residents employed or provided training during construction, and if the targets are not being met, to implement measures to achieve them
  - e. 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 training for a previously unemployed Brent resident/school leave for at least 6 months
4. Carbon offsetting
  - a. Contribution of £18,302.40 towards a local carbon off-setting scheme to achieve a zero carbon development based upon the carbon reduction measures set out in the Energy & Sustainability Statement dated 23<sup>rd</sup> January 2017.
5. Considerate Constructors Scheme

B. That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.

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

- 1 Time Limited Permission
- 2 Approved Plans
- 3 Wheelchair accessible units
4. Restriction of Change of Use to C4
5. Non-Road Mobile Machinery (pre-commencement)
6. Construction Methodology / Traffic Management Plan (pre-commencement)
7. Construction Waste Management Plan (pre-commencement)
8. Details of Materials
9. Noise
10. Plant
11. Air Quality
12. Low emission boilers
13. Contaminated Land
14. Details of External Lighting
15. Details of Access and Junction
16. Parking Layout
17. Electric Vehicle Charging Points
18. Travel Plan
19. Details of Zero / Low Carbon Technologies
20. Water Efficiency
21. Details of SUDS
22. Soft and Hard Landscaping
23. Means of Enclosure
24. Bird Boxes
25. Satellite dish / TV Antenna

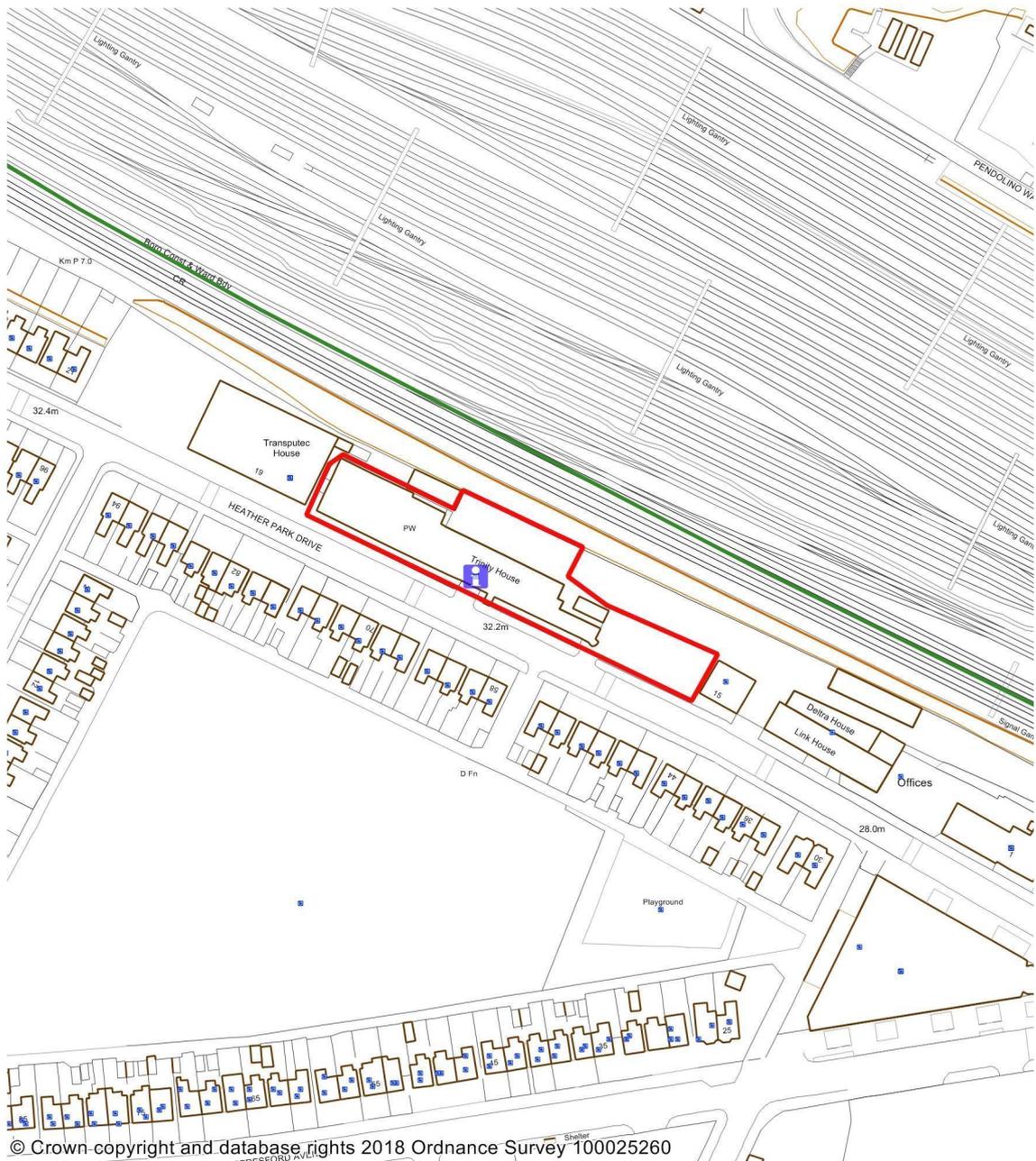
D. Informatives as detailed at the end of this of this report.

E. That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee not that such change(s) could reasonably have led to a different decision having been reached by the committee.

F. That, if the legal agreement has not been completed by the statutory determination date for this application (including determination dates set through agreement), the Head of Planning is delegated authority to refuse planning permission.

## SITE MAP

	<p><b>Planning Committee Map</b></p> <p>Site address: Trinity House, Heather Park Drive, Wembley, HA0 1SU</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is indicative only.

## PROPOSAL IN DETAIL

Demolition of existing building known as Trinity House and erection of a four-storey building comprising 47 self-contained flats plus basement level comprising 708sqm of office space, car and cycle parking spaces, bin stores, amenity space and landscaping.

The proposed building will have a maximum height of approximately 14.3m to the top of a flat roof, 98m in length, and will vary in depth from approximately 10.3m at its eastern end to 17m at the western end.

Thirty seven parking spaces are proposed within the basement (inclusive of seven spaces for disabled persons), with access provided via a ramp at the eastern end of the building.

## EXISTING

The site comprises of a part two, part three storey office building located on the northern side of Heather Park Drive, with a car park at the eastern end of the site and a further car park along the majority of the rear, accessed by the centrally located undercroft access. To the east of the Trinity House's rear car park is a further car park serving Unitrust House, Link House and Deltra House, all located beyond the eastern car park. Beyond all of the car parking at the rear is the railway embankment for the West Coast Main Line.

The southern side of the road consists of half timbered, two-storey mock Tudor semi-detached dwellings. Immediately to the west is Transputec House, a two-storey office building which Members resolved to grant planning permission for the redevelopment of the site and the erection of x2 five-storey residential blocks containing 36 residential units (ref: 18/0284).

## AMENDMENTS SINCE SUBMISSION

The following amendments have been made since the original submission:

- The number of units have been reduced from the originally proposed 58 to 47 as a result of an internal rearrangement of the layout to remove 9 single aspect, north facing units (3 per floor);
- The removal of an office from the basement and its conversion to a cycle store;
- The provision of a roof-top terrace across the whole roof; and
- Amendments to the width of the access ramp.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Objections have been received regarding some of these matters. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

**Representations received:** A total of 227 neighbours were consulted on the application. Four objections were received raising concerns regarding the design and scale of the building, impact on neighbouring amenity and parking pressures.

**Principle:** The site is currently in employment use, however it is not a designated employment site and the submission has demonstrated that the re-use or redevelopment of the site for employment purposes would not be viable. The proposal will provide 708sqm of office floorspace within the new building. Furthermore, the residential redevelopment would be appropriate to the character of the area. It would provide 47 new homes that contribute towards the Borough's housing targets. On balance officers support the loss of employment floorspace and residential redevelopment of this site.

**Affordable housing provision and housing mix:** The development is not proposing any affordable housing and a financial viability appraisal confirms that the scheme will not be viable but that this position should be reviewed post construction in order for the LPA to capture any uplift in values to go towards offsite affordable housing provision. In addition, the lack of affordable housing should also be balanced against the 30% provision of family size accommodation against the policy target of 25%.

**Design:** The design of the proposed building is considered to be acceptable and appropriate, and positively contributes towards the streetscene. The streetscene is also improved through the provision of landscaping along the building frontage and through the creation of a landscaped area at the eastern end of the site.

**Relationship with neighbouring properties:** The proposal would have an acceptable impact on neighbouring properties in terms of light and outlook and would not lead to any overlooking or loss of privacy to neighbours, in accordance with standards set out in SPG17 and draft SPD1.

**Residential living standards:** The development would provide a good standard of accommodation for future residents. All of the units would comply with minimum floorspace standards and a combination of private and communal amenity space would be provided in excess of the required standard. A reasonable proportion of units would be dual aspect, and the single aspect units would all be south-facing.

**Transportation considerations:** Sufficient parking would be available within the site and along the site frontage, and traffic generation is predicted to be minimal.

## MONITORING

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 (sqm)
Assembly and leisure	0		0	0	
Businesses / research and development	0		0	0	
Businesses and light industry	0		0	0	
Businesses and offices	2500		2500	-2500	
Drinking establishments (2004)	0		0	0	
Financial and professional services	0		0	0	
General industrial	0		0	0	
Hot food take away (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	

### Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING ( Flats û Market )										
EXISTING ( Flats û Social Rented )										
EXISTING ( Flats û Intermediate )										
PROPOSED ( Flats û Market )	7	22	11							40
PROPOSED ( Flats û Social Rented )	3	2	1							
PROPOSED ( Flats û Intermediate )	1	1	2							

## RELEVANT SITE HISTORY

None relevant, however it has been resolved to grant planning permission (ref: **18/0284**) at the adjoining site (Transputec House) on 1508/2018 for the demolition of office building and erection of 2 five storey residential blocks comprising 36 self-contained flats with provision for cycle and refuse storage (14 x 1 bed, 14 x 2 bed and 8 x 3 bed), lower ground floor car parking, associated amenity space, landscaping and installation of new vehicular access.

## CONSULTATIONS

Public Consultation

Letters were sent to the occupiers of 227 neighbouring and nearby properties in addition to site and press publicity. Objections have been received from four addresses raising some or all of the following points:

Comment	Response
Good project provided there is ample parking for residents and Heather Park Drive is turned into one way traffic. Otherwise there will be traffic mayhem at peak hours.	Parking considerations are discussed within paragraphs 25 and 26 below.
Scheme is too big for the site and will generate more traffic than anticipated.	The design and scale of the building are discussed within paragraphs 4 to 6 below.  Parking and traffic considerations are discussed within paragraphs 25 and 26 below.
If the plans for the basement community centre is agreed, what is that capacity to have external events and attract visitors in their own vehicles	The community centre is no longer part of the scheme.
Visitors with cars will invariably park on the road and you have increased the density of the static population of the area at once	Parking and density considerations are discussed within paragraphs 25 and 26 and 60 to 62 below.
The scheme will only exacerbate existing parking problems caused by visitors to the businesses and commuters during the morning hours. The road should be made one-way and resident only parking should be introduced from 8am to 12pm. A residence permit parking system - irrespective of whether or not this project goes ahead	The development complies with adopted parking standards and potential traffic generated is considered to not be significant. Parking surveys demonstrate that there is spare capacity for 40-50 vehicles on street, with 20 directly in front of the building. A CPZ is not considered necessary.
The developers should ensure sufficient green elements are introduced such as bushes, flowers, trees, grass.	A landscaping scheme is proposed and would be secured by a planning condition.
The solution for waste collection should ensure fly tipping is prevented	The refuse storage proposed is considered acceptable for the development and will be secured via planning condition.
Building works should not impede traffic on the road	A Construction Management Plan will be secured by a planning condition to minimise impacts beyond the site.
The extra story will mean a loss of light and permanently being overlooked by all front facing properties	The relationship with the properties on the opposite side of Heather Park Drive is discussed within paragraphs 12 to 14 below
The extra floor is higher than any other provision in the area, including that first phase of the Northfields development	The scale of the building in relation to its surroundings is discussed within paragraphs 4 to 6 below.

#### Statutory / Internal Consultees

##### *Network Rail*

The initial holding objection has been removed, subject to the applicant submitting Risk Assessments, Method Statements and designs for Network Rail approval.

##### *Environmental Health*

It has been advised that there are no objections in relation to noise, vibration or air quality as the mitigation measures and methodology are acceptable. In relation to contaminated land, further site works are necessary and conditions are recommended to secure an investigation and remediation/verification.

##### *Local Lead Flood Authority*

It has been advised that no objections are raised. There are no historical flooding records in this area. Existing site is 100% impermeable and surface water discharges to public surface water sewer network. The

developer are proposing to install water butts, green roof and storage tanks and proposed surface water discharge will be restricted to 17 l/s and this will reduce the flood risk in this area. Existing surface water and sewer network will benefit from reduced discharge.

## **POLICY CONSIDERATIONS**

### The London Plan

Policy 3.3	Increasing housing supply
Policy 3.4	Optimising housing potential
Policy 3.5	Quality and design of housing developments
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
Policy 4.1	Developing London's economy
Policy 4.2	Offices
Policy 4.3	Mixed use development and offices
Policy 5.1	Climate change mitigation
Policy 5.2	Minimising carbon dioxide emissions
Policy 5.3	Sustainable design and construction
Policy 5.5	Decentralised energy networks
Policy 5.6	Decentralised energy in development proposals
Policy 5.7	Renewable energy
Policy 5.9	Overheating and cooling
Policy 5.10	Urban greening
Policy 5.11	Green roofs and development site environs
Policy 5.12	Flood risk management
Policy 5.13	Sustainable drainage
Policy 5.14	Water quality and wastewater infrastructure
Policy 5.15	Water use and supplies
Policy 5.18	Construction, excavation and demolition waste
Policy 5.19	Hazardous waste
Policy 6.3	Assessing the effects of development on transport capacity
Policy 6.9	Cycling
Policy 6.12	Road network capacity
Policy 6.13	Parking
Policy 7.1	Lifetime neighbourhoods
Policy 7.2	An inclusive environment
Policy 7.3	Designing out crime
Policy 7.4	Local character
Policy 7.6	Architecture
Policy 7.14	Improving air quality
Policy 7.15	Reducing noise and enhancing soundscapes
Policy 7.18	Protecting open space and addressing deficiency
Policy 7.19	Biodiversity and access to nature

### Core Strategy

CP1	Spatial Development Strategy
CP2	Population and Housing Growth
CP18	Protection and Enhancement of Open Space, Sports and Biodiversity
CP19	Brent Strategic Climate Change Mitigation and Adaptation Measures
CP21	A Balanced Housing Stock

### Development Management Document

DMP 1	Development Management General Policy
DMP9a	Managing Flood Risk

DMP9b On Site Water Management and Surface Water Attenuation  
DMP12 Parking  
DMP13 Movement of Goods and Materials  
DMP14 Employment Sites  
DMP15 Affordable Housing  
DMP18 Dwelling Size and Outbuildings  
DMP19 Residential Amenity Space

#### Other Relevant Considerations

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
Technical housing standards – nationally described space standards (2015)  
LB Brent S106 Planning Obligations SPD (2013)  
LB Brent Design Guide for New Development (SPG17) (2001)  
draft LB Brent Design Guide for New Development (SPD1)  
LB Brent Waste Planning Guide SPG  
Community Infrastructure Levy Regulations 2010  
London Cycling Design Standards

## **DETAILED CONSIDERATIONS**

### Principle of the loss of the office use

1. Policy DMP14 provides two detailed criteria for the release of local employment sites: that continued wholly employment use is unviable; or that significant benefits consistent with wider development plan objectives would be achieved. The existing building will require extensive works to modernise it, such as: insulation throughout; all windows are single-glazed and need to be replaced with double-glazing; introducing air-conditioning or a heating system; amending floor to ceiling heights to satisfy Building Regulations; and a new roof. The low quality office space has resulted in only 35% occupancy. More recent analysis undertaken in relation to the Transputec House scheme has also confirmed the attractiveness of higher quality office space in more accessible areas such as Alperton.
2. Notwithstanding the above, the development re-introduces some office space at ground floor level, at the western end of the building.
3. Although the employment offer is welcomed, the independent viability review confirms that the overall viability of the scheme is worsened substantially by this (it should also be noted that a 100% residential scheme will not improve viability to the point of being able to make an affordable housing offer). A mixed use scheme will bring wider benefits through the introduction of additional housing, with the development also improving the appearance of the streetscene and ecological enhancements.

### Design / Scale / Character / Appearance / Proximity to Boundaries

4. The proposed building, at approximately 98m in length is longer than the existing (approximately 90m), as it extends eastwards into the existing car park. However, it will still retain a distance of approximately 26m to the common boundary with Unitrust House to the east, with the majority of this space given over to soft landscaping.
5. The long, continuous façade of the existing building is only broken by the large, centrally located undercroft vehicular access and the adjacent projecting entrance lobby. In terms of variation in height, the building height increases towards the centre. Whilst it may have been preferable for the proposed scheme to have a clear break in its long façade, the building is designed with greater articulation along the entire building frontage, with elements either recessed or projecting, thus helping to visually break up the façade, provide some verticality to its appearance and also reflect the rhythm of development seen in the dwellings opposite. The projecting features are an acknowledgement of the double-height bays on the dwellings opposite, one of the strong, positive features of those dwellings. Overall, the design is considered to be a considerable improvement on the existing building and one which will positively contribute to the streetscene.
6. The additional height is considered acceptable as elements of the top floor are set back and the overall building envelope does not compromise the design guidance contained in SPG17 by respecting the

30-degree line taken from a point 2m in height at the windows on the dwellings opposite. Moreover, the proposed height will be comparable to the heights achieved with the scheme approved on the adjacent site (Transputec House).

### Quality of Accommodation

7. To ensure that the quality of new housing is sufficient, new development must meet with or exceed the minimum internal space standards contained within the London Plan (Policy 3.5 Quality and design of housing developments), and the nationally described space standards ("Technical Standards"). All units exceed their respective minimum standard and is therefore considered acceptable with regard to their internal space.
8. In order to ensure an acceptable level of light and outlook for occupiers, the number of single aspect units should be minimised, In particular, north facing single-aspect units are discouraged, although it is recognised that these may not always be unavoidable. Of the forty seven units proposed, eight are single aspect units but are all south-facing. Moreover, the main habitable rooms are located on the southern elevation, thus still providing those occupiers with sufficient levels of light.
9. Design guidance (draft SPD1) also seeks to minimise the number of units per core, advising that this should not normally exceed eight. The proposed building has four cores, with three of these cores serving three units on each floor and the fourth core (towards the eastern end of the building) serving four units per floor. This arrangement is considered acceptable.

### Amenity Space Provision

10. New developments should be providing private amenity space to all dwellings (20sqm per Flat), or where this is not achievable, in the form of communal space. All of the flats will be provided with their own private amenity space in the form of balconies/terraces. Flats 1-5 on the ground floor will each be provided with rear gardens of between 42sqm and 56sqm, in addition to some front garden space. All units on the upper floors will each be provided with front balconies of between 4.5sqm and 9.9sqm. Whilst some of the balconies are below the London Plan standard of 5sqm, at 1.6m in depth, they exceed the minimum recommended depth of 1.5m. On balance, it is considered that these balconies will still provide useable and adequate space in which to provide a table and chairs. Some of the units with the smaller front balconies will have these supplemented by side or rear balconies of 6.75sqm and 3.78sqm respectively.
11. In addition, communal space (1010sqm) will be created on the roofspace, accessible by each Flat and a further area at the rear of Flats 6, 7, 8 (98.5sqm). A communal garden (305sqm) is also proposed at the eastern end of the site, between the vehicular ramp and the adjacent development, however this is only accessed from the street but will provide some welcome soft-landscape relief to the streetscene. The overall provision of communal space, excluding the garden at the eastern end of the site, amounts to 23.5sqm per Flat and is considered acceptable.

### **Impact on Neighbour Amenity**

#### Distancing / Loss of Outlook / Overlooking / Loss of Privacy / Loss of Light

12. The proposed building sits on the approximate footprint of the existing, albeit extending further eastward onto the existing car park. Distancing levels to the properties opposite (approximately 21m), therefore remain unchanged and considered acceptable in this regard. Although the proposed building will increase in height between one and two storeys, as discussed above, the design guidance in SPG17 with respect to building heights is adhered to.
13. As discussed above, distances to the properties opposite are maintained, and whilst there is a greater height in the proposed development, the relationship between facing windows remains unaltered and will not lead to the greater potential for overlooking and loss of privacy or to loss of light and overshadowing.
14. The development does not contain windows on the flank elevations, therefore will not impact on the amenity of the potential occupiers of the scheme approved at the adjacent Transputec House site. Although windows are proposed on the flank elevation of the nearest approved building, distancing levels increase as that approved building rises and the majority of them are secondary windows. Similarly, the proposed development will not have a materially greater impact on those potential adjoining occupiers in terms of loss of light and overshadowing.

## **Housing**

### Tenure / Mix / Affordable Housing

15. Core Policy 2 (“Population and Housing Growth”) confirms that at least 25% of new homes will be family-sized units (3-bed or larger), and CP21 (“A Balanced Housing Stock”) confirms the need to provide an appropriate range and mix of self-contained units. Core Policy 2 also confirms that the Borough will aim to achieve the London Plan’s target of 50% affordable housing. DMP15 (“Affordable Housing”) seeks 70% of new affordable units to be social/affordable rented and 30% intermediate housing at affordability levels meeting local needs. For the scheme, this would equate to 12 no. 3-bed or larger units, and 24 no. affordable units (17 being social/affordable and 7 intermediate tenure).
16. The application proposes 9 x 1-bed, 24 x 2-bed, and 14 x 3-bed flats. The number of 3-beds proposed equates to approximately 30% of the total provision, thus exceeding the policy target, and therefore considered acceptable on this element.
17. A financial appraisal, which has been independently assessed, which as discussed above, concludes that the development is not viable, even before affordable provision is taken into account. This is largely due to the re-provision of some office space which has substantially worsened the overall viability of the scheme by a substantial 57.97%, with the residual value of the proposed (i.e. before deducting benchmark land value) at -£4.826m against the previous -£3.055m. Whilst it is disappointing that affordable housing cannot be provided, officers recommend that a s106 Agreement is entered into, to secure a review mechanism in order to clawback any potential uplift.
18. Members should note two matters in relation to the Review. Firstly, it was undertaken in January 2018 and this is considered sufficiently recent for any conclusions to still be valid. Secondly, it was undertaken on the basis of 53 units being proposed, prior to the proposal being reduced to 47 units. This does not nullify any of the conclusions because the loss of six units does not make the scheme more viable, particularly when the extent of the basement remains unchanged. All of the assumptions remain applicable.

### Accessible and Adaptable Dwellings

19. The London Plan requires that 10% of housing should be wheelchair accessible, which would equate to 5 units out of the 47 proposed. Nine wheelchair units are proposed, with four each over the first and second floors and one on the third floor. The provision in excess of London Plan standards is welcomed. Although it may have been preferable to have a wheelchair unit on the ground floor, all units will be built so that they are easily adaptable. A condition is proposed to ensure that the proposed number of wheelchair units are secured and that the remaining units are easily adaptable.

### **Impact on Adjacent Railway**

20. The holding objection initially raised by Network Rail has been removed subject to the applicant also submitting and gaining their approval for Risk Assessments and Method Statements. Concerns had been raised over ensuring the structural integrity and safety of the railway during and post construction, for the safety of construction workers, and the impact of noise and vibrations from the operation of the railway on occupiers. Similar issues were raised by the scheme at Transputec House.
21. A minimum 3m gap should be retained between the structures on site and the railway boundary. As described above, the proposed building will be constructed on a similar footprint to the existing. Where the footprint increases in depth towards the car park serving the neighbouring office buildings, there is still a distance of approximately 6.9m to the railway boundary. As with the requirements for the adjacent site, a suitable trespass proof fence of a minimum height of 1.8m will be required by condition, to be set back at least 0.5m from the railway boundary to the boundary with the railway land.
22. Network Rail would need to review and agree all excavation and earthworks within 10m of the railway boundary, including alterations to ground levels, de-watering works and ground stabilisation works, to determine if the works impact upon the support zone of their land and infrastructure and to determine relative levels in relation to the railway. Methods of construction works on site will also need to be reviewed and agreed by Network Rail to ensure there is no impact on critical railway infrastructure, and no excavation works are to commence without their agreement. These matters can be secured by condition. A method statement would also be required to be submitted to Network Rail for any

vibro-compaction or piling works.

23. The developer is also required to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, in addition to any planning consent. Additional requirements apply in respect of scaffolding, demolition, tower crane usage, drainage measures. Alterations in loading within 15m of the railway boundary would also need to be agreed with Network Rail. In addition, a Basic Asset Protection Agreement would also be required. Informatives are recommended to deal with these matters. The applicant will be advised of all of the above by Informatives.

### **Highway Safety**

24. Policy 6.3 of the London Plan confirms that the impact of development proposals on transport capacity and the transport network are fully assessed. The proposal must comply with policies relating to better streets (Policy 6.7), cycling (Policy 6.9), walking (Policy 6.10), tackling congestion (Policy 6.11), road network capacity (policy 6.12) and parking (Policy 6.13).

### Parking

25. The existing building accommodates 35 parking spaces and the proposed 37 parking spaces (inclusive of x7 blue badge spaces) would comply with maximum standards (maximum of 54 spaces). Policy DMP12 also requires that any overspill parking generated can be safely accommodated on-street and more recent surveys conducted in relation to the Transputec House scheme confirms spare on-street capacity of between 40 and 50 vehicles on the street (with provision for around 20 parking spaces outside the application site). Car ownership for flats in the area averaged 0.65 cars/flat in the 2011 Census, therefore the basement car park would be capable of satisfying future parking demand, as the scheme provide 0.68 parking spaces per unit (this is in line with the 2011 census data).
26. The layout of the basement car park, with lift cores extending into the aisle width potentially makes a number of the spaces difficult to access (notably spaces 3, 4, 9, 10, 15, 16, 23, 26 & 30), as well as interrupting the marked pedestrian path through the car park. Vehicle tracking should be provided to confirm that the above spaces are easily accessible. It should be noted that should it be subsequently determined that a reduction in parking capacity is necessary within the basement, this is not likely to cause any concern given the findings above in relation to the availability of on-street capacity, even when viewed together with the Transputec House scheme.

### Cycle Parking

27. The London Plan requires the provision of a secure bicycle parking space for every 1-bed flat and two spaces for larger flats, giving a total requirement of 85 bikes for residents. Five long-term spaces are also required for the offices, taking the total requirement to 90 long-term spaces. One hundred cycle spaces are proposed, which exceeds the minimum requirements and is welcomed. Details of the cycle storage (Broxap Bridge stands) have been submitted and are considered acceptable.

### Servicing

28. Small refuse storage compounds for up to four Eurobins are proposed alongside each of the proposed entrance cores to the flats, providing a convenient position for bin storage for residents. The doors to the stores have been amended to make the bins easier to access and to avoid any opening of doors over the public highway. Bins will be moved to a larger communal bin storage area at the eastern end of the building on collection days by a caretaker, thereby allowing direct collection from Heather Park Drive by refuse collection staff. This arrangement is considered acceptable, and sufficient storage capacity is provided to accommodate a minimum of 12 euro bins to meet refuse requirements for this scheme.
29. The offices to the development increases servicing requirements, with Appendix 2 of the DMP requiring the offices to be serviced by 8m rigid vehicles. No provision has currently been made for servicing, however with the reinstatement of the redundant crossovers, in particular the one providing access via the undercroft, there is the potential to use that additional on-street space as a servicing bay for the offices. This would only be required during office hours, after which time it could revert to residents parking. A contribution, secured via the s106 Agreement, would be required for the necessary works/orders to be made, and the applicant has indicated his agreement to this.

## Access

30. Concerns were initially raised by officers with regard to the ramp width. The increased minimum width of 5.3m (plus 300mm margins), increasing to 8.245m on the sharp bend in the ramp is welcomed, as this will now enable two cars to pass along the access ramp. However, the small inside radius kerb retained for traffic entering the basement still provides some concern and may restrict two-way movement at this point. It is therefore recommended that tracking diagrams are submitted to demonstrate two-way working at the bend, using a large vehicle. Should it be demonstrated that it would not be possible to have safe, two way working for large vehicles, the inside kerb could be amended by adjusting the wall. Alternatively a traffic light system could be employed to control traffic on the ramp, however this is not preferable as it may lead to vehicles backing up on the highway and would also entail additional maintenance costs for the developer. Further details are recommended to be secured as a condition.
31. Concerns were previously raised in relation to the lowered headroom of the basement (2.45m) not being of a sufficient height (2.6m) to accommodate high-top conversion vehicles for wheelchairs. With the headroom having been amended to 2.6m, high-top conversion vehicles will now be able to access the basement.
32. The two existing crossovers that will become redundant will need to be reinstated to footway with full height kerbs at the developer's expense. The applicant will be reminded of this by way of an Informative. As discussed above, one of these spaces will be utilised as a servicing bay for the office units during working hours.

## Trip Generation

33. Future predicted trips to and from the development have been based upon comparisons with seven similar residential developments within other areas of London, plus two office developments. The sites chosen are considered to offer an appropriate comparison and the trip rates obtained compare well with those that have recently been estimated for a study of the Alperton Area Housing Zone.
34. It is estimated that the development will generate 26 arrivals/ 28 departures in the morning peak hour (8-9am) and 20 arrivals/30 departures in the evening peak hour (5-6pm) Of these trips, 4 arrivals/5 departures in the am peak hour and 5 arrivals/5 departures in the pm peak hour are estimated to be by car. On this basis, the impact of the development on the local road network is not considered likely to be significant enough to warrant further junction analysis, with a comparison with typical vehicular movements for the existing offices suggesting that a reduction in traffic to and from the site is likely, particularly in peak hours.
35. In terms of public transport trips, the development is now estimated to generate 22 journeys in the am peak hour and 20 journeys in the pm peak hour. This represents less than one additional passenger per bus/train serving the local area, so is not considered significant enough to having any adverse impact on capacity.
36. Future walking and cycling trips to and from the site have been estimated at 14 trips by foot in the am peak hour and 17 trips in the pm peak hour (in addition to the public transport trips which need to travel by foot between the site and the station/stop), whilst 3 and 1 trips by bicycle are anticipated in each peak hour.
37. Although the above trip generation figures are acceptable in terms of likely impact on the local transport networks, the size of the development is still sufficient to warrant a Travel Plan Statement under TfL's guidelines. Although it would not to set specific targets, it should set out a set of Travel Plan measures along with an Action Plan for implementation. It is recommended that this is secured by condition.

## **Sustainable Design**

38. Chapter five of the London Plan sets out a comprehensive range of policies to underpin London's response to climate change and mitigation. This is supported by policies within the Core Strategy (CP19) and the DMP (Chapters 6 & 7). The London Plan sets a target for the residential parts of the development to achieve CO2 reductions to a level "zero carbon" through on-site measures and through the use of carbon off-setting. Policy CP18 of Brent's Core Strategy seeks for major commercial floorspace to meet BREEAM "excellent". In this case, the floorspace of the commercial use does not constitute a major application in itself (as it is less than 1000sqm), and therefore there is no requirement to achieve BREEAM "excellent".

## Energy

39. The Energy and Sustainability Statement outlines the approach to carbon emission savings and renewable energy. The Statement recognises that whilst there is currently no Decentralised Energy Network (DEN) in the immediate vicinity, the site is not too distant from the Alperston area of decentralised energy potential. In addition, the recently approved Northfields scheme will include a large site wide heat network within approximately 450m of this site. Future connectivity to a DEN is safeguarded within the scheme through the consideration of the design and location of the necessary infrastructure such as pipes. The facilities room within the basement will be capable of accommodating heat exchangers and any other equipment. Such details are to be secured as a condition.
40. The proposed design approach is to minimise energy consumption through passive design, fabric performance and energy efficiency measures. Consideration has been given to the passive design of the scheme, including the orientation and layout of the building and units, glazing, lighting to be used, and stacking of balconies for shading.
41. There is also a requirement to reduce CO<sub>2</sub> emissions across the development using renewable or low-carbon energy sources, where practical and feasible. Therefore the report has considered the feasibility of the following technologies:
- Wind turbines
  - Solar hot water
  - Photovoltaic systems
  - Biomass heating
  - CHP (Combined heat and power)
  - Ground & Air source heating
42. The results of the assessment of suitable technologies relative to the nature, locations and type of development suggest that the preferred solution to be the installation PV panels, producing approximately 41,456Kwh/annum. The remaining technologies considered were discounted for various reasons such as the potential impact on neighbouring occupiers from the necessary plant, impact on streetscene, or the lack of available space on the site or building to accommodate bore holes for heating systems.
43. Overall, regulated emissions achieve a 35.18% reduction in DER/TER in line with London Plan requirements. In addition, 27.60% of this reduction in DER/TER was achieved via the use of renewable technologies.
44. The shortfall in carbon savings to achieve a zero carbon development will require a contribution to the Councils carbon fund of £18,302.40, to be secured by a legal agreement. Details of the PV panels, including a maintenance plan will be secured by condition.

## Flood Risk/Drainage/Water Consumption

45. London Plan policies 5.12 and 5.13 require the consideration of the effects of development on flood risk and sustainable drainage respectively while Policies DMP9A and 9B confirms the Councils approach. The site falls within the Flood Zone 1, with the risk of fluvial flooding considered to be low. The risk of surface water flooding is also considered to be low.
46. The submitted Drainage Strategy considers that the provision of green roofs, water butts, and geocellular storage are the most viable options for the scheme. In addition, it confirms that surface water runoff will be limited to 17.5l/s by using a hydro brake flow control device, and that building thresholds should be a minimum of 150mm to 300mm above the existing ground levels and gullies should be installed here to ensure adequate drainage. Conditions will be imposed to secure the above measures.
47. In order to minimise any impact on water supply, major developments should be limiting consumption to a target of 105 litres or less per person, per day. Whilst details of water saving measures have not been provided, it is considered that a condition can be reasonably imposed to seek the details of such measures.

## Biodiversity and ecology

48. Policy 7.19 of the London Plan (“Biodiversity and access to nature”) requires development proposals to make a positive contribution, where possible, to the protection, enhancement, creation and management

of biodiversity. Core Policy 18 of the Core Strategy confirms the Borough's commitment to promote and enhance biodiversity.

49. The submitted Ecological Assessment concludes that the site supports very little ecological interest, with only shrubs/hedgerows along the front of the building, and five trees of note within or in close proximity of the site. To the rear is a wildlife corridor which runs along the railway line. It also concludes that there are no significant ecological constraints to development.

50. Given that some of the soft landscaping (trees/shrubs/hedgerow) has the potential to support nesting birds, it is recommended that clearance should take place outside of the nesting season (March to August inclusive), with 4 to 5 nesting boxes for sparrows and starlings to be provided as mitigation. In relation to bats, it is recommended that sensitive lighting is provided (if necessary) to ensure that foraging bats in the wildlife corridor to the rear are not unduly disturbed. Bat boxes are considered to be unnecessary, although it is also recommended that should the mature Cherry tree at the rear be removed, this should be preceded by an assessment of the roosting potential by bats. The Assessment recommends that an appropriate landscaping scheme is considered, consisting of wildlife friendly, native species. The recommendations of the Ecological Assessment will be secured by appropriately worded conditions or where appropriate, the use of an Informative to remind the applicant of their responsibility.

### Contamination

51. A Phase 1 Contaminated Land Desk Study has been submitted, which confirms that due to the historic use of the site as a railway embankment and from 1956 when the first buildings occupied the site for light engineering works, there is a high risk of contamination. The provision of gardens provides a high risk of a pollutant pathway between the source and the receptor.

52. Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials. An Informative will be attached to any permission to remind the applicant of this.

### Air Quality

#### *Dust*

53. An Air Quality Assessment has been submitted in support of the application as the site is within an Air Quality Management Area. The development has the potential to generate dust and emissions during the construction phase due to on-site activities, construction activities and exhaust emissions from construction vehicles and plant. Due to the proximity of high-sensitivity receptors to the site boundary, there is the potential to impact human health. A condition will be imposed to secure details of measures to control potential dust emissions.

#### *Air Quality Neutral Assessment*

54. The Air Quality Neutral Assessment confirms that heating for the proposed dwellings will be provided by individual, low-NOx boilers and electricity will come from the National Grid, with the local building emissions considered to be "negligible". However, with no specific information on building emissions, it is recommended that details of the boilers are provided.

### Noise

55. In relation to noise impacts, there is particular concern over the units which face the railway to the rear. The methodology of the measurements undertaken in the Noise Impact Assessment are considered acceptable and the criteria set for plant noise and glazing to ensure that internal noise levels are met (as specified in Table 6.2). It is noted that to achieve acceptable internal noise levels, windows will need to remain closed. Therefore, to provide appropriate ventilation, mechanical ventilation will be required, with the specification considered acceptable. The introduction of quiet sheltered areas within the gardens to provide an area that meets the required recommended noise level to protect amenity within the garden areas is also recommended.

56. It is noted that the selection of plant/machinery has not yet been confirmed, therefore a condition is suggested to ensure that the proposed measures are implemented and a report submitted confirming

that the required levels have been met.

57. During the construction phase of the development, there is the potential for emissions from machinery to have a negative impact on air quality and the health of workers on site and neighbouring sites. The details of plant and machinery should therefore be secured by condition to ensure that any emission are within adopted guidelines.

#### Site Waste Management

58. Policy 5.16 of the London Plan has stated goals of working towards managing the equivalent of 100% of London's waste within London by 2026, creating benefits from waste processing and zero biodegradable or recyclable waste to landfill by 2026. This will be achieved in part through exceeding recycling and reuse levels in construction, excavation and demolition ("CE&D") waste of 95% by 2020. In order to achieve the above, London Plan policy 5.18 confirms that through the Local Plan, developers should be required to produce site waste management plans to arrange for the efficient handling of CE&D.
59. The development proposal involves the demolition of the existing building and substantial excavations to help facilitate the proposed building. To ensure that all waste arising from demolition and construction is dealt with appropriately, a site waste management plan will be secured by condition.

#### Density

60. The assessment of any development must acknowledge the NPPF and the London Plan, which encourage greater flexibility in the application of policies to promote higher densities. Policy 3.4 of the London Plan encourages the development of land to optimise housing potential but recognises this must be appropriate for the location taking into account local context, character, design and public transport capacity.
61. The site (approximately 0.2482ha) is located within an area with a public transport accessibility level ("PTAL") of 3/2, suggesting that an appropriate level of density for this urban location is in the range of 200-450hr/ha or 70-170u/ha.
62. With 155 habitable rooms proposed within 47 units, this would equate to a proposed density level of 624hr/ha or 189.4u/ha. This calculation would suggest that from a numerical perspective, the proposed density is excessive and an overdevelopment of the site. However, adopted policy acknowledges that a numerical assessment of density is but one factor to consider in assessing whether the site is capable of accommodating the proposed development. Consideration must also be given to the design and quality of accommodation to be provided, the siting and scale of the development, its relationship to site boundaries and adjoining properties, the level and quality of amenity space to support the development, and any highways matters. These have been discussed above, and are considered to be acceptable.

#### **Conclusions**

63. Having regard to all of the above, it is considered that planning permission should be granted for the following reasons:
64. The proposed development would contribute to increasing London's supply of housing, having regard to Policies 3.3, 3.4 & 3.14 of The London Plan, Core Policies 1, 2, 6, 18 & 21 of the Core Strategy, Policies DMP1 & 15 of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.
65. The proposed development, due to its design, size, scale and siting, does not unduly detract from the character and appearance of the street scene or the surrounding area having regard to Policies 3.5, 7.1, 7.4 & 7.6 of the London Plan Policy, Core Policies 5, 6 & 17, DMP Policies 1 & 19 of the Development Management Policies, and with guidance contained within the National Planning Policy Framework, and with guidance contained within the National Planning Policy Framework.
66. The proposed development, due to its siting does not unduly impact on the existing amenities of the occupiers of nearby properties in terms of loss of light, outlook or privacy and in this respect complies with Policy 7.6 of the London Plan, Core Policy 17, DMP Policy 1 of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.
67. Having regard to conditions attached to this permission, the proposal makes appropriate provision for

servicing, access, parking, including cycle parking and visibility splays, and in this respect complies with Policies 6.3, 6.9, 6.12 & 6.13 of the London Plan, DMP Policies 11 & 12 of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.

68. The proposed development, by virtue of measures proposed and conditions imposed, will contribute to the mitigation of and adaptation to climate change, having regard to Policies 5.1, 5.2, 5.3, 5.7, 5.8, 5.9, 5.10, 5.12, 5.13 & 5.15 of the London Plan, Core Policies 20, 32 and 36, DMP Policies 8, 9a & 9b of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.

## CIL DETAILS

This application is liable to pay **£911,997.51\*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\*\* floorspace which on completion is to be demolished (E): 2500 sq. m.

Total amount of floorspace on completion (G): 5231.93 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	5231.93		2731.93	£200.00	£35.15	£775,672.98	£136,324.53

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	318	
<b>Total chargeable amount</b>	<b>£775,672.98</b>	<b>£136,324.53</b>

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

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

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



Application No: 15/5564

To: Mr GULVANESSION  
GULVANESSION ARCHITECTS  
227 cromwell road  
CROMWELL ROAD  
LONDON  
SW5 0SD

I refer to your application dated **22/12/2015** proposing the following:

Demolition of the existing office building Trinity House and to construct 50 residential units (11x 1-bed , 25 x 2-bed 14 x 3-bed ), together with 16 onsite car parking spaces, landscaping and amenity space (amended description)

and accompanied by plans or documents listed here:  
see Conditon 2

at **Trinity House, Heather Park Drive, Wembley, HA0 1SU**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 01/02/2019

Signature:

A handwritten signature in black ink that reads "Alice Lester".

**Alice Lester**  
Head of Planning, Transport and Licensing

**Notes**

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

- National Planning Policy Framework 2018
- London Plan 2016
- Brent's Core Strategy 2010
- Brent Development Management Policies 2016
- SPG17 "Design Guide for New Development" 2001

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-01 Rev.D	OS Location Plan
OS-02Rev.D	Site Levels Plan
Overlay Rev.D	Existing/Proposed Site Overlay Plan
SP-01 Rev.D	Site Levels Plan
DR-01 Rev.D	Site Drainage Plan
GA-02 Rev.E	Proposed Ground Floor Plan
GA-02(2) Rev.E	Proposed Ground Floor Plan
GA-02(3) Rev.E	Proposed Ground Floor Plan
GA-02(4) Rev.E	Proposed Ground Floor Plan
GA-02(5) Rev.E	Proposed Ground Floor Plan
GA-03 Rev.E	Proposed 1st Floor Plan
GA-03(2) Rev.E	Proposed 1st Floor Plan
GA-03(3) Rev.E	Proposed 1st Floor Plan
GA-03(4) Rev.E	Proposed 1st Floor Plan
GA-03(5) Rev.E	Proposed 1st Floor Plan
GA-04 Rev.E	Proposed 2nd Floor Plan
GA-04(2) Rev.E	Proposed 2nd Floor Plan
GA-04(3) Rev.E	Proposed 2nd Floor Plan
GA-04(4) Rev.E	Proposed 2nd Floor Plan
GA-04(5) Rev.E	Proposed 2nd Floor Plan
GA-05 Rev.E	Proposed 3rd Floor Plan
GA-05(2) Rev.E	Proposed 3rd Floor Plan
GA-05(3) Rev.E	Proposed 3rd Floor Plan
GA-05(4) Rev.E	Proposed 3rd Floor Plan
GA-05(5) Rev.E	Proposed 3rd Floor Plan
GA-06 Rev.6	Proposed Roof Plan
1b2p-01 Rev.E	1B 2P Flat type
1b2p-02 Rev.E	Typical 1B 2P Flat type
1b2p-02 (H) Rev.E	Typical 1B 2P Flat type
2b4p-01 Rev.E	2B 4P Flat type
2b3p-02 Rev.E	Typical 2B 3P Flat type
2b3p-03 (H) Rev.E	Typical 2B 3P Flat type
2b3p-04 Rev.E	Typical 2B 3P Flat type
2b3p-05 Rev.E	Typical 2B 3P Flat type
2b3p-05(H) Rev.E	Typical 2B 3P Flat type
2b3p-06 Rev.E	Typical 2B 3P Flat type
2b3p-06(H) Rev.E	Typical 1B 2P Flat type
3b5p-01 Rev.E	Typical 3B 5P Flat type

3b5p-01(H) Rev.E	Typical 3B 5P Flat type
3b5p-02 Rev.E	Typical 3B 5P Flat type
3b5p-03 Rev.E	Typical 3B 5P Flat type
3b5p-04 Rev.E	Typical 3B 5P Flat type
TYP-FF-1 Rev.D	Typical 1 Bed Flat
FF-2 Rev.D	Typical 2 Bed Flat
FF-D3 Rev.D	Dis. 2 Bed Flat
FF-4 Rev.D	1 Bed Flat
SC-01 Rev.E	SECTION A-A
SC-02 Rev.E	SECTION B-B
SC-03 Rev.E	SECTION C-C
SC-04 Rev.E	SECTION D-D
SC-05 Rev.E	SECTION E-E
SC-06 Rev.E	SECTION F-F
EL-01 Rev.E	STREET ELEVATIONS
EL-02 Rev.E	REAR ELEVATIONS
EL-03 Rev.E	SIDE ELEVATIONS
4937-D Rev.B	Tree Plan

Accommodation Schedule (June 2018)  
 Air Quality Assessment (May 2017)  
 Design and Access Statement  
 Energy and Sustainability Statement (May 2017)  
 Flood Risk and Drainage Strategy (March 2017)  
 Phase 1 Contaminated Land Desk Study Assessment (May 2017)  
 Noise Assessment (May 2017)  
 Planning Statement  
 Transport Statement (November 2018)  
 Vibration Assessment (June 2017)

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

- No less than nine of the units hereby approved shall be constructed as wheelchair user dwellings (Requirement M4(3) of the Building Regulations) as indicated on the submitted plans, and the remainder (x38 units) shall be built in accordance with Requirement M4(2) of Building Regulations and shall be maintained as such thereafter. Prior to occupation evidence of compliance with Requirement M4(2) across the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the needs of all users are met and optional national technical standard will ensure that the development allows for the future adaptability of the home to meet with the needs of future residents over their lifetime in accordance with Policy CP21 of the Core Strategy, DMP1 of the Development Management Document and Policy 3.8 of the London Plan.

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

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

- No works shall commence on the site until the details of all plant and machinery to be used at the demolition and construction phases have been submitted to, and approved in writing by, the Local Planning Authority. Evidence is required to meet Stage IIIA of EU Directive 97/68/EC for both NOx and PM. No works shall be carried out on site until all Non-road mobile machinery (NRMM) and plant to be used on the site of net power 37kW and 560kW has been registered at <http://nrmm.london>. Proof of registration must be submitted to the Local Planning Authority prior

to the commencement of any works on site.

Reason: To protect local air quality and comply with Policy 7.14 of the London Plan and the GLA NRMM Low Emission Zone.

Reason for pre-commencement condition: These details are required pre-commencement because the impacts of construction commence when the development commences and as such, the need to mitigate those impacts accordingly arises at this time.

- 6 Prior to development commencing, details to be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:
- a) a photographic condition survey of the roads, footways and verges leading to the site;
  - b) wheel cleaning methodology and facilities (inclusive of how waste water will be collected /managed on site);
  - c) the estimated number and type of vehicles per day/week;
  - d) details of any vehicle holding area;
  - e) details of any vehicle call up procedure;
  - f) Coordination with other development projects in the vicinity (Transputec House);
  - g) Hours of deliveries / collections, to avoid conflict with school drop-off/pick-up times (Lyon Park Infant and Junior Schools);
  - h) Hours of work;
  - i) A Construction Management Plan written in accordance with the 'London Best Practice Guidance: The control of dust and emission from construction and demolition'.

The development shall be carried out in accordance with the approved detail.

Reason: To minimise the impact of construction works upon highway safety, congestion and parking availability, to ensure the implementation of the development does not lead to damage to the existing highway, and to minimise disruption to neighbouring properties and the environment.

Pre commencement reason: These details are required pre-commencement impacts of construction commence when the development commences and as such, the need to mitigate those impacts accordingly arises at this time.

- 7 Prior to any development commencing, inclusive of site clearance, details of a Construction Site Waste Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Construction Site Waste Management Plan shall include as a minimum:
- (a) Target benchmarks for resource efficiency set in accordance with best practice;
  - (b) Procedures and commitments to minimize non-hazardous construction waste at design stage. Specify waste minimisation actions relating to at least 3 waste groups and support them by appropriate monitoring of waste;
  - (c) Procedures for minimising hazardous waste;
  - (d) Monitoring, measuring and reporting of hazardous and non-hazardous site waste production according to the defined waste groups (according to the waste streams generated by the scope of the works);
  - (e) Procedures and commitments to sort and divert waste from landfill in accordance with the waste hierarchy (reduce; reuse; recycle; recover) according to the defined waste groups; and
  - (f) No less than 95% by weight or by volume of non-hazardous construction, excavation and demolition waste generated by the development has been diverted from landfill

Reason: To maximise the amount of waste diverted from landfill consistent with the waste hierarchy and strategic targets set by Policies 5.17, 5.18, 5.19 of the London Plan.

Reason for pre-commencement condition: These details are required pre-commencement because the impacts of construction commence when the development commences and as such, the need to mitigate those impacts accordingly arises at this time.

- 8 Prior to any superstructure works commencing, details of materials for all external work, including sample panels which shall be made available for viewing on site or within another location as agreed, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance.

- 9 The development shall be carried out in accordance with the noise mitigation measures recommended in section 6 of the Noise Assessment (Phlorum, May 2017), unless otherwise approved in writing by the Local Planning Authority.

Reason: To obtain required sound insulation and prevent noise nuisance in the interest of safeguarding amenity.

- 10 Any plant shall be installed, together with any associated ducting, so as to prevent the transmission of noise and vibration into any neighbouring premises. The noise level from any plant shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises. The method of assessment should be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' An assessment of the expected noise levels and any mitigation measures necessary to achieve the required noise levels shall be submitted to and approved in writing by the Local Planning Authority prior to installation of such plant. All plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenity of the neighbours

- 11 Unless required by any other condition attached, the development shall be undertaken in accordance with the recommendations and mitigation measures set out within the Air Quality Assessment Report (Phlorum, May 2017), unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect local air quality.

- 12 Prior to the first occupation of the residential units hereby approved, details of the low-NOx domestic boilers to be installed demonstrating the rated emissions of Oxides of Nitrogen (NOx), shall be submitted to and approved in writing by the Local Planning Authority. The boilers shall thereafter be installed in accordance with the approved details.

Reason: To protect local air quality.

- 13 A. Prior to the commencement of building works, excluding demolition, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to the Local Planning Authority for approval in writing, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.
- B. Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- 14 Within three months of the commencement of above ground works, details of any external lighting to be provided, inclusive of the design, height, siting, and lux levels shall be submitted to

the Local Planning Authority for approval in writing. The submitted details shall also include how the external lighting scheme has been designed to minimise light spillage and its impact on wildlife particularly along the northern boundary of the site. The external lighting shall be provided prior to first occupation and maintained at all times thereafter.

Reason: In the interests of visual amenity, safety, residential amenity and to ensure that light sensitive receptors are not unduly affected.

- 15 Prior to development commencing, excluding demolition, the following details shall be submitted to and approved in writing by the Local Planning Authority:
- a. Details of the construction of any access roads and junctions and any other highway alterations associated with the development;
  - b. Vehicle tracking demonstrating:
    - i) the safe two-way working of the access ramp, in particular at the bend into the basement parking, for a large saloon car;
    - ii) the safe access/egress of spaces in the proposed car park identified as potentially being impeded by the lift cores.
  - c. Confirmation that the gradient of the access ramp is no more than 5% for a distance of 4m from the highway boundary;
  - d. In satisfying part b.i) of this condition it is subsequently demonstrated that two way working for a large saloon car is not possible, measures to address this shall be submitted to the Local Planning Authority for approval in writing.

The works shall be carried out in accordance with the approved details before the development is occupied or the use commences.

Reason: To ensure that the approved highway works and standards of parking provision and servicing are provided and maintained in the interests of local amenity and the free flow of traffic in the vicinity, and to reduce the risk of vehicle grounding at the highway threshold.

- 16 Unless required by any other condition attached to this permission, the parking spaces (inclusive of blue badge spaces), cycle storage and refuse storage as shown on the approved plans shall be provided in full prior to first occupation of the development and shall be permanently retained, kept free from obstruction, and used solely in connection with the development hereby approved.

Reason: To ensure that the approved highway works and standards of parking provision and servicing are provided and maintained in the interests of local amenity and the free flow of traffic in the vicinity, and to encourage sustainable travel.

- 17 Prior to any works commencing in relation to the provision of parking / turning facilities, typical details, including siting and design of plugs, of electric vehicular charging points to be provided in accordance with London Plan standards (minimum 20% of spaces to be provided with electric charging points and a further 20% passive provision for electric vehicles in the future) shall be provided to the Local Planning Authority for approval in writing. All electric charging points shall be installed in accordance with the approved details prior to first occupation of the development and permanently maintained and retained.

Reason: To ensure that the development complies with the sustainable development policy requirements of the London Plan.

- 18 A Travel Plan Statement, written in accordance with TfL's guidance, shall be submitted to the Local Planning Authority for approval in writing prior to first occupation or use commences. The Statement shall set out Travel Plan measures, together with an Action Plan for implementation, to be adhered to throughout the lifetime of the development.

Reason: In the interest of promoting sustainable travel.

- 19 Prior to installation of zero/low carbon technologies, details of the zero / low carbon technologies to be used in the development (rooftop photovoltaic panels) shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented prior to first occupation of the development in accordance with the approved details and permanently maintained.

The submitted detail shall demonstrate compliance with the approved renewable energy strategy and include the design, size, siting, and a maintenance strategy / schedule, inclusive of times, frequency and method.

Reason: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by renewable energy are met in accordance with adopted Policy.

- 20 Prior to the commencement of building works, excluding demolition, details of the measures to limit the internal consumption of water to 105 litres or less per head per day has been submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the approved details prior to first occupation of the development.

Reason: To promote water conservation and efficiency measures in all new developments in accordance with policy 5.15 of the London Plan, and DMP9b of the Development Management Policies.

- 21 Prior to construction works commencing, details of the proposed SuDS measures as outlined at paragraph 6.5 of the Flood Risk Statement & Drainage Strategy (March 2017) shall be submitted to the Local Planning Authority for approval in writing. The submitted detail shall include:

- A. Location, design, substrate (extensive substrate base with a minimum depth 80-150mm), vegetation mix and density, and a cross-section of the proposed green roof
- B. Location, size, storage volumes, cross-sections, long-sections (where appropriate) and specifications of all the source control SuDS measures including rain gardens, raised planters, green roofs, water butts, geocellular storage, and permeable paving;
- C. Final sizes, storage volumes, invert levels, cross-sections and specifications of all site control SuDS measures including ponds and underground tanks
- D. Where appropriate, provide calculations to demonstrate that the SuDS provided will function for 1 in 1 year and 1 in 100 year (with the allowance of climate change) events;
- E. A management plan for future maintenance for all of the drainage features

All SuDS measures shall be implemented in accordance with the approved detail.

Reason: To assist in flood attenuation and to ensure the development provides the maximum possible provision towards the creation of habitats and valuable areas for biodiversity in accordance with adopted Policy

- 22 No above ground works, other than site clearance, shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- (a) Planting plans;
- (b) Written specifications (including cultivation and other operations associated with plant and grass establishment);
- (c) Schedules of plants and trees, to include native, wildlife friendly species and large canopy trees in appropriate locations (noting species, planting sizes and proposed numbers / densities);
- (d) Implementation timetables;
- (e) Wildlife friendly plants and trees of local or national provenance;
- (f) Details of hardsurfacing materials;
- (g) Details of any external furniture

All hard and soft landscaping shall be provided prior to first occupation following practical

completion of the development hereby approved. The landscaping and tree planting detail shall set out a plan for the continued management and maintenance of the site and any planting which dies, becomes severely damaged or diseased within five years of completion of the development shall be replaced with new planting in accordance with the approved details or an approved alternative and to the satisfaction of the Local Planning Authority.

Reason: To ensure that the ecological value of the site is enhanced post development in line with the Biodiversity Action Plan, and in accordance with DMP8 of the Development Management Policies, CP18 of the Core Strategy, and Policies 5.10, 5.11 and 7.19 the London Plan.

- 23 The site shall be enclosed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The submitted details must include specifications for a trespass-proof fence of a minimum height of 1.8m and set back from the boundary with the railway land by at least 0.5m

The means of enclosure shall be erected in accordance with the approved detail before the development is occupied.

Reason: To ensure a satisfactory appearance and safeguard the privacy, amenity and safety of adjoining occupiers and the public and in the interest of highway and railway operational safety; and to ensure that any potential maintenance can occur wholly within the site boundary and not impact on Network Rail land.

- 24 Prior to the commencement of above ground works, excluding demolition, details of the design and siting of a minimum of five bird boxes designed into and around the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

The approved bird boxes shall be maintained for the lifetime of the development hereby approved.

Reason: To enhance the site post development in accordance with CP18 of the Core Strategy by providing suitable nesting features for birds, and having regard to the recommendations of the submitted Ecological Assessment.

- 25 Prior to the commencement of above ground works, excluding demolition, for the provision of a communal television system/satellite dish have been submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the approved detail.

Reason: In order to mitigate the possibility of numerous satellite dishes being installed on the development hereby approved in the interests of the visual appearance of the development, in particular, and the locality in general.

## INFORMATIVES

- 1 Alterations in loading within 15m of the railway boundary must be agreed with Network Rail. Network Rail will not allow any maintenance works for proposal fencing or proposal boundary treatments to take place on its land. Any fencing over 1.8m in height will require agreement from Network Rail with details of foundations and wind loading calculations submitted for review.
- 2 Any scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, must have at least a 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

- 3 The applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore the proposal drainage on site will ensure that:
- All surface waters and foul waters drain away from the direction of the railway boundary.
  - Any soakaways for the proposal must be placed at least 30m from the railway boundary.
  - Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.
  - Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's property.
  - Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
  - Drainage works must not impact upon culverts on developers land including culverts/brooks etc that drain under the railway.
- There is no surface or sub-surface flow of water towards the operational railway.
- 4 The developer should also be aware of the implications for their workers / contractors as there are 25kv overhead lines and there is the risk of induced voltages up to 20-30m from the overhead lines impacting the site.
- 5 With a development of a certain height that may/will require use of a tower crane, the developer must bear in mind the following. Tower crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by Network Rail's Asset Protection prior to implementation. Tower cranes have the potential to topple over onto the railway; the arms of the cranes could over-sail onto Network Rail air-space and potentially impact any overhead lines, or drop materials accidentally onto the existing infrastructure. Crane working diagrams, specification and method of working must be submitted for review and agreement prior to work(s) commencing on site.
- 6 The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building(s), due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Review of the method statement will be undertaken by the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence. Network Rail would like to add that the applicant is strongly recommended to employ companies to demolish buildings / structures belonging to the National Federation of Demolition Contractors. This will ensure that all demolition works are carried out to professional standards and the company itself will also include liability insurance as part of its service and that demolition works on site do not impact the safety and performance of the railway.
- 7 As the proposal includes works which are within 10m of the railway boundary and which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent. The applicant / developer should liaise directly with [Richard.Draper@networkrail.co.uk](mailto:Richard.Draper@networkrail.co.uk) copying in Asset Protection [AssetProtectionLNWSouth@networkrail.co.uk](mailto:AssetProtectionLNWSouth@networkrail.co.uk) to set up the BAPA, quoting their reference: **WCS-LEC1-7-5-RD**.
- 8 The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer. The applicant /developer should submit the RAMs directly to: with [Richard.Draper@networkrail.co.uk](mailto:Richard.Draper@networkrail.co.uk) copying in Asset Protection [AssetProtectionLNWSouth@networkrail.co.uk](mailto:AssetProtectionLNWSouth@networkrail.co.uk), quoting their reference: **WCS-LEC1-7-5-RD**.

- 9 Prior to the commencement of any works involving vibro-compaction machinery / piling machinery or piling and ground treatment works as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail Asset Protection Engineer for agreement.
- All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.
  - The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.
  - Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration.
- Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.
- 10 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 11 Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant is reminded of hazards caused by asbestos materials especially during demolition and removal works and attention is drawn to your duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.
- 12 The applicant is advised to notify the Council's Highways and Infrastructure Service of the intention to commence works prior to commencement and include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.
- 13 If the development is carried out it will be necessary for a crossing to be formed over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. An application for these works should be made to the Council's Head of Highways & Infrastructure via <https://www.brent.gov.uk/services-for-residents/transport-and-streets/vehicle-crossings-and-dropped-kerbs/>, tel 020 8937 5600 or [transportation@brent.gov.uk](mailto:transportation@brent.gov.uk). The grant of planning permission, whether by the Local Planning Authority or on appeal, does not indicate that consent will be given under the Highways Act.
- 14 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 15 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 16 The applicant is reminded that nesting birds are protected under the Wildlife & Countryside Act, 1981 (as amended). All buildings and areas of trees, hedges, scrub or similar vegetation

where birds may nest which are to be removed as part of the development approved, should only be cleared outside of the bird-nesting season (March - August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist must check the buildings and vegetation to be removed immediately prior to clearance and advise whether nesting birds are present.

Any person wishing to inspect the above papers should contact Sean Newton, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5166

## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

13 February, 2019  
04  
17/5291

## SITE INFORMATION

RECEIVED	12 December, 2017
WARD	Willesden Green
PLANNING AREA	Brent Connects Willesden
LOCATION	Willesden Green Garage, St Pauls Avenue, London, NW2 5TG
PROPOSAL	Demolition of MOT garage and erection of a part seven-storey and part four storey building with basement level to provide 70 self-contained flats (35 x 1 bed, 22 x 2 bed and 13 x 3 bed) with ground, third and fourth floor amenity spaces and ground floor play area, provision of basement car parking, cycle and refuse storage, alterations to vehicular accesses and associated landscaping
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u><a href="#">When viewing this on an Electronic Device</a></u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_137677">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_137677</a></p> <p><b><u><a href="#">When viewing this as a Hard Copy</a></u></b></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> <li>1. Please go to <a href="http://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "17/5291" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## INTRODUCTION

This application was reported to the Planning Committee on 12<sup>th</sup> September 2018. Members were minded to refuse planning consent and deferred the application to the next planning committee meeting. This decision was made after officers suggested that it was appropriate that a report is presented to deal with their concerns and points of further clarification. This related to:

- The development's impact upon the living conditions of the adjoining occupiers due to the positioning and size of the development in relation to the neighbouring property to east, 75 St Pauls Avenue;
- The impact of the proposed development on views of the neighbouring Grade II Listed Building and the character of the area;
- The servicing arrangements, in particular, deliveries and to the new properties and the resultant impact on highway safety; and
- Concerns were also raised over the amount of affordable housing and the number of family sized units that were proposed.

Since the application was deferred the Agent contacted officers to discuss amendments that could be made to the scheme. Several alternative proposals have been tested, including a design to step the building down on the eastern side near the neighbouring property on St Pauls Avenue. Suggestions were also made to alter a section of road to create a servicing bay on the opposite site of St Pauls Avenue. Although these options were considered by the applicant, it has been confirmed that they no longer wish to amend the scheme and would prefer a decision to be made on the application as it was previously presented to the committee.

Officers continue to recommend that planning permission is granted. Although there are areas where the proposed development would not entirely comply with guidance, when considered on balance the benefits of the scheme would outweigh the negative aspects of the application.

Members can however choose what weight they consider should be given to the material planning considerations within the proposal and therefore could come to a different conclusion on these matters if they do not agree with the recommendation. The matters that members have expressed concern about have been discussed in this report.

### Light received by the living room window of the neighbouring property

As discussed within the previous committee meeting, the living room window to the ground floor flat at number 75 St Paul's Avenue would lose daylight to an extent that is beyond the tolerances within the BRE guidance. The impact of the surrounding properties is a material planning consideration that should be afforded significant weight when determining applications, it is correct to balance the impacts and benefits of a scheme when concluding whether planning permission should be granted. The size and nature of the use of the affected room was discussed at committee, with members expressing concern that, whilst the room is small in comparison to the other habitable rooms in the flat, it is used as a living room and the impact therefore is on the living room of the flat. The impact on the daylight that would be received by this room would be significant (50 % of the former level when measured by "Vertical Sky Component". Officers continue to consider that it is important to consider the benefits of the development together with the quality of the remainder of the affected flat. The majority of the windows of the flat face the front and rear, and would continue to experience good levels of daylight. Granting consent would result in the provision of 70 new homes, including Affordable rent that could accommodate 9 families/households from the Council's waiting list, and 4 shared ownership homes. Officers acknowledge the degree of impact on the window of this flat, but considered the impact to be justifiable when considering the positive aspects of the application.

However, should members be minded to refuse planning consent due to the impact on this window, a potential reason for refusal is set out below.

The impact of the proposed building on views of the adjacent Grade II Listed Building and the character of the area

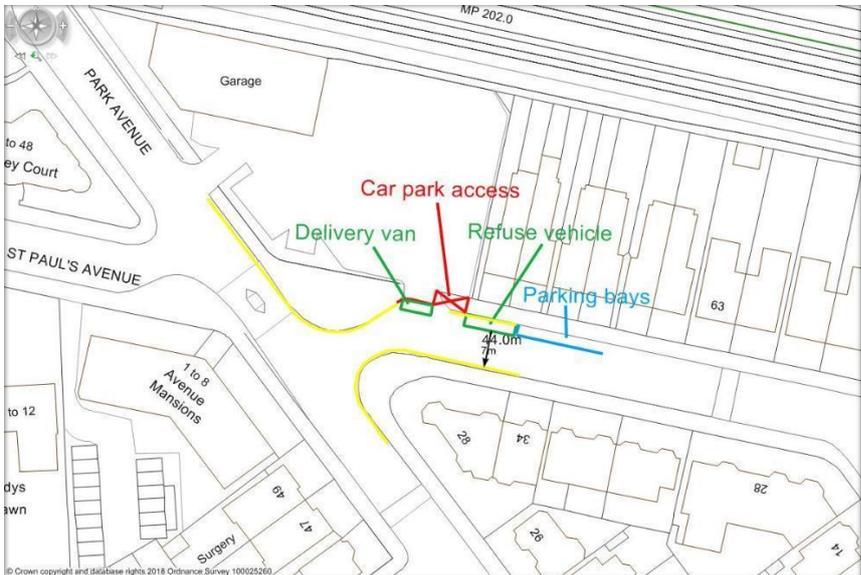
Members expressed concerns over the size, bulk and positioning of the proposed development and how this would impact on the character of the area, in particular views of Kingsley Court, the Grade II Listed Building to the west. It is agreed that the proposal would be viewed with this building and due to the scale of the proposal it would result in significant change to the appearance of the site and its context. Although visible within views from the east along St Pauls Avenue, it is not considered to be harmful to the overall setting of the Listed Building. In addition, the existing site does not make a positive contribution to character and appearance of the locality and it is considered that there would be some benefits in design terms. However, should members consider that the proposal will result in harm to the views to or setting of the listed building, a reason for refusal has been drafted.

Servicing and highways impact

Members expressed concern regarding the arrangement for servicing of the site and where vehicles would wait whilst deliveries are made.

The proposed servicing arrangements have been assessed in detail by the Council's Transportation Officer. As previously reported it is considered that the existing road layout has sufficient capacity to allow safe and convenient servicing of the proposed units. This assessment has been based on a review of TRICS data which is standard practice for transportation modelling and allows comparable existing scenarios to be used.

The Transport Officer has provided a plan to illustrate how servicing could take place using the existing road layout and confirmed that he would not support a proposal that involved a change to the layout on the opposite side of St Pauls Avenue. The plan below illustrates where a refuse vehicle and delivery van could stand on existing yellow lines adjacent to the site access if they were to arrive at the same time. There would still be sufficient of space (7m+) for two vehicles to pass each other along the street, as the overall width of St. Paul's Avenue is 9m+.



Officers consider that the servicing arrangements would not be prejudicial to highway flow and safety, and do not consider there to be a sound basis to refuse consent due to the impact of the proposal on these grounds. Nevertheless, a reason for refusal has been drafted in line with the members discussion at the last meeting.

Insufficient provision of affordable housing

Brent's policies require the provision of a minimum of 50% affordable housing, subject to viability.

In this case the applicant has put forward a viability assessment demonstrating that the viable maximum provision of affordable housing would be 18%. This assessment has been independently appraised and the offer has been based on a tenure split which is preferable to Brent residents, in that it would have a high proportion of affordable rent unit. The viability of the scheme has been robustly tested by experts in their field and the application would provide the maximum viable amount of affordable housing and therefore meets the policy requirements.

Should permission be granted (either by the Council or through an appeal), officers would require a Legal Agreement to test viability in the future and if the scheme were to become more viable, either payments would have to be made to the Council to fund affordable housing elsewhere or further affordable units would have to be incorporated into the development. This would be secured through a Section 106 legal agreement.

A draft reason for refusal based on the level of Affordable Housing has been provided later in this report. Should members agree that the scheme would deliver the maximum reasonable proportion of Affordable Housing but decide to refuse planning consent for other reasons, a reason for refusal would need to be incorporated due to the absence of a Section 106 legal agreement to secure the provision of Affordable Housing (including a late stage review mechanisms).

#### Lack of family sized units

The proposal would involve the provision of 19% of the units being family sized. Although this is below the borough wide (rather than scheme specific) target of 25% set out in policy, officers are mindful that the provision of more family sized units is likely to impact negatively on the viability of the scheme and therefore lead to a reduction of affordable housing. When considered on balance the provision of 13 family sized units rather than 17 is considered to reasonable and acceptable. Nevertheless, should members be minded to refuse planning consent on this basis, a draft reason for refusal is provided later in this report.

#### Other additional reasons for refusal

Should this application be refused, the proposal would not be accompanied by a Section 106 legal agreement to secure the obligations that are required to mitigate the impacts of the proposal, as listed within the Recommendations section of the main report. The provision of Affordable Housing and the review mechanism have been discussed above. Reasons for refusal would also be required in relation to the energy strategy, travel plan, parking permit restriction and the highways works. Reasons for refusal have been drafted in relation to these matters (again, see below).

#### Summary and draft reasons for refusal, should members be minded to refuse consent

As discussed above, officers continue to recommend that planning permission is granted for the development as currently proposed. However, if members consider that the application should be refused in its current form the following reasons for refusal are suggested based on the issues raised by members at the previous meeting.

1. The proposed development, by reason of its size and siting, would have an undue detrimental impact on the amenities of the occupiers of the adjoining building, 75 St Pauls Avenue, by way of an undue detrimental loss of light to the flank wall (living room) window. This is contrary to policy DMP1 of the Brent Local Plan Development Management Policies 2016 and Supplementary Planning Document 1;
2. The proposed development by reason of its size, siting and design would appear overly prominent and out of place when viewed from surrounding public and private vantage points, resulting in harm to the setting of and views to the neighbouring Listed Building (Kingsley Court). The proposed development would therefore fail to comply with policies DMP1 and DMP7 of the Brent Local Plan Development Management Policies 2016.
3. The proposal, by reason of the failure to demonstrate adequate arrangements for the

servicing of the building and proposed properties, having regard to the busy nature of the adjoining highway, is likely to result in conditions prejudicial to the free and safe flow of traffic on the surrounding highway network. This is contrary to Policies DMP1 and DMP12 of the Brent Local Plan Development Management Policies 2016.

4. The proposal would fail to provide the maximum reasonable amount of affordable housing which would be contrary to Core Strategy (2010) policy CP2 and Development Management Policy (2016) DMP15, policy 3.12 of the London Plan consolidated with alterations since 2011 (March 2016) and policies H5 and H6 of the draft London Plan.
5. In the absence of a legal agreement to control the matter, the development would result in additional pressure on servicing, parking demand and transport infrastructure to the detriment of the free and safe flow of traffic and pedestrians which would be contrary to Development Management Policies (2016) DMP1 and DMP12.
6. In the absence of a legal agreement to control the matter the proposal would result in additional carbon dioxide emissions within the borough in an Air Quality Management Area, without any contribution to carbon reduction measures in the area. As a result the proposal would be contrary to London Plan consolidated with alterations since 2011 (March 2016) policy 5.2, 5.3 and 7.14, Core Strategy (2010) policy CP19, Development Management Policy (2016) DMP1 and the Mayors Sustainable Design and Construction SPG (2014).
7. The proposal, by reason of the number of family sized (3 or more bedroom) homes, would fail to provide an appropriate mix of new homes to the detriment of the provision of housing to meet identified need within the Borough, contrary to of Development Management Policy (2016) DMP1 and Core Strategy (2010) Policies CP2 and CP21.

The original report for the application is as follows:

## **RECOMMENDATIONS**

That the Committee resolve to GRANT planning permission subject to:

The prior completion of a legal agreement to secure the following planning obligations:

1. Payment on completion of the deed of the Council's legal and professional fees in preparing and thereafter monitoring the agreement
2. Notice of commencement within 28 days of a material operation
3. Energy Strategy
4. Travel Plan
5. Permit free agreement
6. Training and Employment
7. Affordable Housing including a review mechanism
8. Considerate Constructors Scheme
9. s278 highway works
10. Any other planning obligation(s) considered necessary by the Head of Planning.

That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.

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

Conditions:

1. Standard 3 year permission
2. Approved plan numbers / documents
3. Sound insulation and noise reduction
4. Plant
5. Wheelchair accessible
6. Cycle/parking spaces

7. Vegetation clearance
8. Restriction on C3 to C4 use
9. Details of materials
10. Hard and soft landscaping plan
11. Mains water consumption
12. Air Quality
13. Drainage Strategy
14. Access to basement
15. Site investigation and remediation
16. Design and construction method for Network Rail
17. Piling and Excavation works

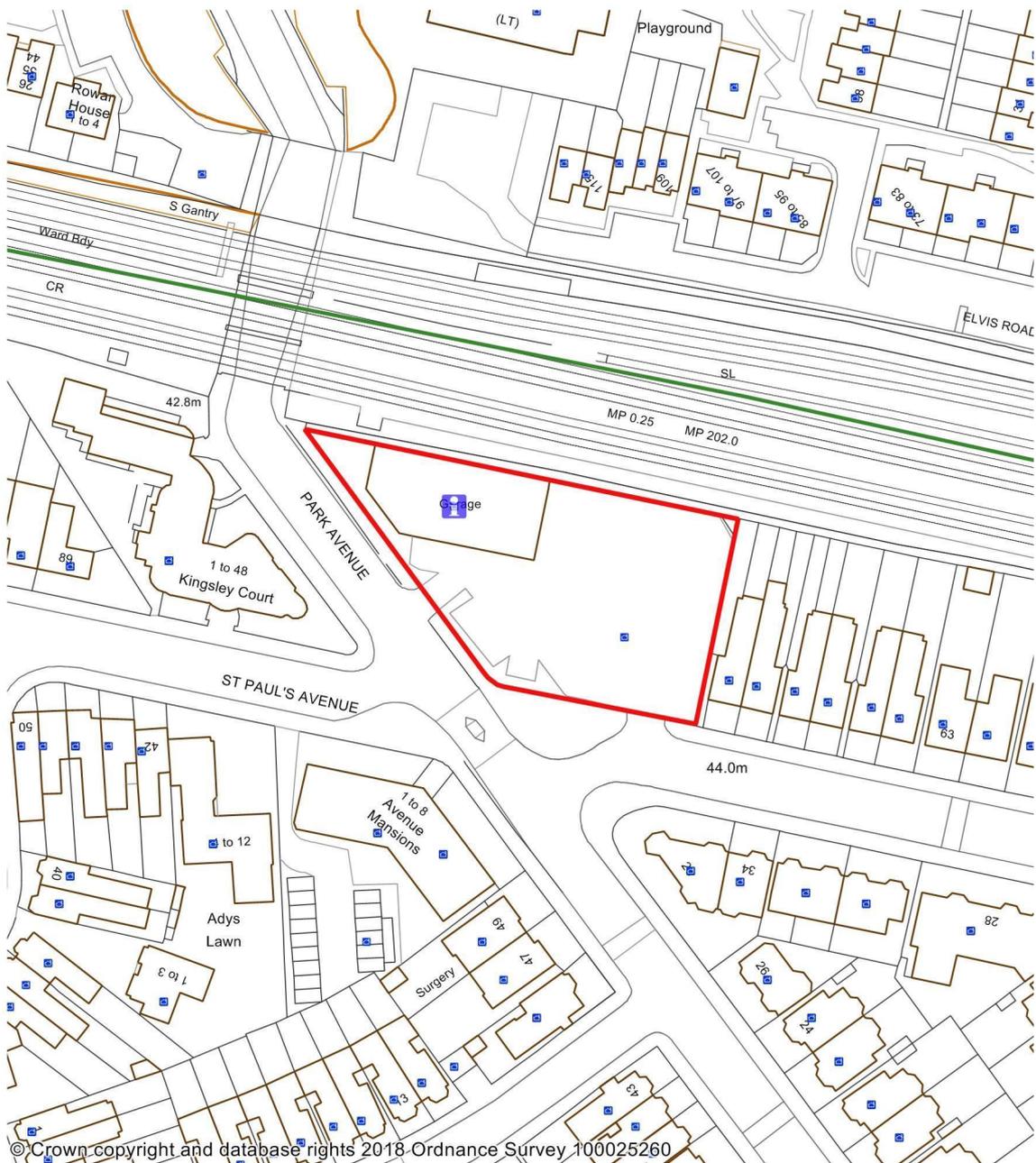
That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

That, if by 12 December 2018 the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

## SITE MAP

	<p><b>Planning Committee Map</b></p> <p>Site address: Willesden Green Garage, St Pauls Avenue, London, NW2 5TG</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is indicative only.

## PROPOSAL IN DETAIL

The application proposes the demolition of the existing building that houses the MOT centre and the redevelopment of the site as a part seven part four storey building to accommodate 70 residential units. The 7<sup>th</sup> floor of the building would be set back from the front. The proposal would consist of a basement or lower ground floor level accessed via a ramp from St Paul's Avenue. All of the upper floors would consist of residential units. The lower ground floor area would consist of 16 disabled car parking spaces, cycle/refuse storage and plant. The proposal would include three communal amenity space areas at ground, third and fourth floor level.

The mix of residential units that is proposed is as follows:

	Private	Affordable Rent	Intermediate	Total
1-bed	28	5	2	35
2-bed	19	2	1	22
3-bed	10	2	1	13
Total	57	9	4	

## EXISTING

The site previously consisted of a petrol filling station that has been demolished. The site currently consists of a building that is in use as an MOT centre and a car wash and car park. The site is located on the corner of St Paul's Avenue and Park Avenue North and a train/underground line is located to the north. The area is generally residential in character with Willesden Town Centre located 230 metres to the south of the site. To the west of the site and directly across the road is Kingsley Court which is a large Grade II listed, residential building built in the 1930s. The site is not located within a conservation area. To the south of the site there are a number of attractive mansion blocks from the Victorian era. To the east of the site there is a row of two storey, terraced properties that lead up St Pauls Avenue to Willesden High Street.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Objections have been received regarding some of these matters. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

**Principle:** There is no objection in principle to the demolition of the existing MOT garage and the redevelopment of the site for residential purposes. Although the proposal would result in the loss of a Local Employment Site, it is within a residential area and the relationship to the surrounding residential uses is such that the continued use of the site for employment purposes would be likely to result in the disturbance of surrounding occupiers. The proposal would result in more efficient use of land in a sustainable location. The proposal would include a reasonable amount of family sized units and 18% affordable housing, which is the maximum reasonable amount of affordable housing the scheme can currently deliver. The proposal would also contribute to an improved streetscape and reduce an existing problem with flooding in the area. The principle of development is therefore considered to be acceptable.

**Character and Appearance:** The proposal is considered to have a high quality design that has regard to the character of its surroundings and to not inappropriately challenge or dominate surrounding development including the adjacent Grade II listed building.

**Standard of Accommodation:** The living conditions of future occupiers of the development would be acceptable and would meet the relevant standards.

**Impact on Neighbouring Amenity:** The development has been assessed against loss of light and sense of enclosure on all neighbouring properties. It has been found that although there would be a material loss of light for a small number of properties that the relationship between the proposed development and all surrounding properties is considered to be acceptable.

**Parking & Servicing:** It is considered that the combination of the 16 parking spaces proposed and the use of a 'parking permit free' agreement secured by legal agreement would mitigate against parking concerns in the area. It is considered that the proposal would be adequately serviced by utilising the space on St Paul's Avenue.

**Representations received:** Objections were received from 75 local residents raising concerns regarding heritage & design, the impact on character, parking, flooding, neighbours living conditions, consultation, impact on local services, the amount of affordable/family housing and over development of the site.

**RELEVANT SITE HISTORY**

**17/2904 – Granted**

Retrospective application for change of use from garage (former petrol filling station) to MOT garage, car washing facilities and car sales

**12/0247 – Granted**

Variation of condition number 2 (plan numbers) to allow the following minor material amendment:

- The inclusion of 8 parking spaces (for the use of the garage business or in association with the servicing and management of the proposed residential building only) within the proposed landscaped area at the southwest corner of the development site

to the scheme granted by full planning permission 11/0051 dated 11/04/11 for the redevelopment of the site to provide a part 3, part 4, storey building, comprising 10 affordable units and associated access, landscaping, a disabled parking space and cycle parking provision, and subject to a Deed of Agreement dated 11 April 2011 under Section 106 of the Town and Country Planning Act 1990, as amended and subject to Deed of Variation dated 3 May 2012

**11/0051 – Granted**

Redevelopment of the site to provide a part 3, part 4, storey building, comprising 10 affordable units and associated access, landscaping, a disabled parking space and cycle parking provision, and subject to a Deed of Agreement dated 11 April 2011 under Section 106 of the Town and Country Planning Act 1990, as amended

**10/0677 – Refused and appeal dismissed**

Redevelopment of the site to provide part 2, 3, 4 and part 6 storey building comprising 20 (5 one, 10 two and 5 three bed) affordable units and associated access, landscaping, car parking and cycle parking provision

**CONSULTATIONS**

Neighbour consultation letters were issued to 481 neighbouring properties on 21/12/2017. Following the receipt of amended plans neighbour consultation letters were issued to 503 neighbouring properties on the 02/07/2018. Site notices were erected on the 04/01/2018 and again on the 02/07/2018 following the receipt of amended plans. A Press notice was issued in January 2018 and June 2016 following the receipt of amended plans. To date 75 objections and two comments in favour of the proposal have been received, details of which are set out in the tables below:

Objection	Officer Response
<u>Design and Heritage</u>	
The building is too high at either eight or seven storeys	The height of the building is considered acceptable following the reduction in height from eight to seven storeys. When considering

	the surrounding context, reduced size and visibility of the upper floor and the space between neighbouring buildings, it is considered that the proposed height is appropriate.
Impact on character	The proposal is considered to be acceptable in terms of its design and impact on character. This is detailed further below.
Choice of materials should be red brick rather than grey	The choice of materials are considered acceptable and will offer a contrast to the existing buildings. It is appropriate that the proposal does not appear to be a direct replica of the nearby listed building. Further details will be secured by condition to ensure a satisfactory appearance.
The front of the building should be set back to reflect the character of the area  The building line would project beyond the line of the neighbouring terrace  Further landscaping should be sought	Revised plans have been submitted which show that the building would be set back to a level that is considered to be appropriate.  The building line would be level with the front of the neighbouring terrace as per the revised plans that were submitted  Further details of all landscaping works will be secured by condition
Views of Kingsley Court would be blocked	Whilst it is acknowledged that some views of Kingsley Court would be obstructed from St Paul's Avenue, largely views of the building would be maintained from the south of the site. The proposal would not harm the setting of the listed building.
The building would reduce the open feel of the junction	The site is currently underutilised and the development would result in a better use of land. The impact upon views from of the surroundings and the streetscene from the public realm would not be harmful.
<b><u>Parking, access and refuse</u></b>	
The proposal would result in additional parking in the area	Future residents would not have access to parking permits in the area. This would be secured as part of a legal agreement.
Impact on traffic safety from increased cars, vehicles and pedestrians	The number of additional cars, vehicles and pedestrians are not considered to result in unsafe conditions.
Visitors and deliveries to the building would need to park somewhere	The area has CPZs that visitors coming by car could park in. Short term delivery vehicles would be able to pull up temporarily along the

	St Paul's Avenue kerbside fronting the site.
Would the basement car park be secured to avoid drug dealing and criminal activity?	The applicant has met with Design Out Crime Officers who recommended that security features such as an appropriately finished gate should be provided. This will be secured by condition.
There is no mention of refuse collection	The applicant has submitted an Outline Waste Management Strategy
The pavement at the corner is dangerous and should be widened	The corner does not form part of the application site.
The bike stand at the corner would cause an obstruction to pedestrians	Based on the size and location of the bike stand it is not considered that it would unsafely obstruct pedestrians
<b><u>Flooding</u></b>	
The area is already prone to flooding	Officers have assessed the flood risk in the area and are satisfied that it would be acceptable. Please see paragraphs 54 to 57 of the report for a more detailed assessment
There is already a lack of sewer capacity in the area	Officers have assessed the flood risk in the area and are satisfied that it would be acceptable. Please see paragraphs 54 to 57 of the report for a more detailed assessment
<b><u>Neighbours living conditions</u></b>	
Loss of light	Whilst it is acknowledged that there would be a loss of light and in some cases a material loss of light, it is considered to be acceptable based on the specific circumstances of each individual unit that would be affected. More detailed commentary can be found in paragraphs 24 to 30
Loss of privacy	Overlooking would be prevented from windows on the side elevation by angled windows and from the rooftop amenity spaces by privacy screens and planting. Overlooking to residential buildings would be over 20 metres between habitable rooms which is considered to be an acceptable distance.
Loss of outlook	Although there would be an increase in mass the building would be within acceptable limits as per the guidance in SPG17
Increased noise	Although there would be an increase in activity in comparison to the existing use on site the proposal is for a residential development within a residential area. The proposed land use is therefore considered to be more compatible

	<p>with the existing surrounding residential uses. There have also been noise complaints received about the current MOT and car wash from local residents. Reasonable use of a flatted development would not be considered to result in any significant noise and disturbance.</p> <p>Conditions concerning plant and any potential noise from the equipment would be conditioned to ensure that they are within acceptable limits.</p> <p>Concerns have been raised about potential noise from the roof terraces. Noise from the terraces is not considered to be excessive in this urban, residential area. Noise complaints can be dealt with by the Council's Environmental Health department.</p>
Disturbance during build time	This is not a planning consideration because a level of disturbance must be accepted with most developments and excessive noise or disturbance is covered under environmental legislation. However informatives will be added to remind the applicant of their responsibilities during construction works.
Impact on clean air	The site is located within an Air Quality Management area and an air quality assessment was submitted with the application. This is discussed further within paragraphs 53-54 below.
Structural damage from piling and the basement	Structural damage is not a planning considered as it is covered under the Party Wall Act and the Building Regulations. Informatives will be added to remind the applicant of their responsibilities.
The proposal would result in rodents	The applicant has proposed a Waste Management Strategy and bins would be stored in the basement
<b><u>Consultation</u></b> _	
The consultation period should be extended	The original neighbour consultation letters were issued in December 2017. However due to the Christmas break the site notice and press notice were not issued until January. Therefore residents had additional time to submit any comments or concerns.
Neighbours not consulted during community consultation prior to submission	A statement of community involvement has been submitted which states that two public consultation events were held prior to submission and that flyers were issued to neighbouring properties. In addition to this the

	location and staging of the event were advertised in the local paper.
<b><u>Impact on local services</u></b>	
Impact on schools, nurseries, doctors and hospitals	Whilst it is acknowledged that there would be an increased number of residents living in the area the proposal is located close to a town centre that has a good range of services available. Planning policy also supports the creation of new homes. The proposal would also be CIL liable and therefore funds could be used to improve facilities in the area.
Payment should be to improve pavements and roads in the area and also a community fund.	Such payments are not required in order to ensure that the scheme complies with adopted policy. However, the proposal would be CIL liable and funds could potentially be used to improve roads and pavements within the area
<b><u>Original land use</u></b>	
The original use of the land was for a petrol station and garage. Concerns have been raised about safety guidelines.  Measures should be put in place to prevent escape of contaminated soil.	Environmental Health officers have recommended a condition requiring concerning site investigations and remediation and verification to ensure that safety guidelines are met.
<b><u>Affordable/Family Housing</u></b>	
There will be no social housing just affordable housing  The proposal does not include enough family sized housing  There are too many one bedroomed units  The planned development is aimed at the more affluent purchaser	Nine or 18.6% of the units would be provide Affordable Rented accommodation in line with adopted policy.  The proposal would consist of 17% family sized housing. Although this is not policy compliant it is considered to be a reasonable offer for this site based on its constraints.  The maximum reasonable amount of affordable housing would be provided
<b><u>Density</u></b>	
Too high density	The proposed level of density can be supported. Please see paragraphs 15 to 18 for more detailed commentary
<b><u>Other</u></b>	
The site should be used as a communal garden and tennis courts	Planning policy supports the building of new housing. Gladstone park, which is located 650m to the north of the site, contains tennis

<p>as none are available in the area.</p> <p>The proposed amenity space at the rear of the site would not be accessible to local people</p> <p>It is not clear what the amenity spaces are for</p> <p>The communal areas will lead to loitering and unsavoury behaviour</p> <p>Children's play space should be incorporated into the rear of the site</p>	<p>courts and large areas of open space.</p> <p>The amenity spaces are proposed for use by the residents of the building</p> <p>Children's play space is proposed at the rear of the site</p>
<p>The ground floor should be occupied by coffee shop or exhibition space.</p>	<p>There is no policy requirement to include a retail use or exhibition space. Willesden Town Centre is also located 230 metres away.</p>
<p>The proposal would result in the loss of greenery and trees</p>	<p>The site is completely covered in hard standing and there are no street trees present adjacent to the site</p>
<p>There is already an issue with fly tipping in the area</p>	<p>This is not a planning consideration and should be reported to the Council's Environmental Health Department</p>

<b>Support comments</b>
A little bit of extra traffic shouldn't really amount to opposition to more housing
The current site is bordering on a wasteland which detracts from the streetscape

Ward Councillors were notified on the 04/01/2018 and 02/07/2018. To date one representation has been received from Cllr Jones who has raised concerns with the points below. These concerns have been acknowledged and addressed in the table above and in the report.

- The proposal should be considered in terms of its impact on Kingsley Court and Park Mansions
- Object to the height, density and impact on the Mansion blocks
- Eight storeys is too high
- The development is not set back enough
- Limited parking
- Overlooking and overshadowing
- Pollution

- Impact on services
- Inadequate information on affordability

These concerns have been acknowledged and addressed in the table above and in the report.

### **External Consultation**

The Willesden Green Town Team were notified and have objected on the grounds set out below. These concerns have been acknowledged and addressed in the table above and in the report.

- The height of the eight storey building
- Overlooking
- Loss of sunlight and daylight
- The grey façade and lack of red brick
- Improvements to landscaping are needed
- Strain on local infrastructure
- Parking permits should not be granted to new residents

Thames Water – no objections subject to conditions and informatives

Network Rail – have raised concerns about the proximity of the development and the railway line and have recommended a number of conditions and informatives

London Underground – no objections subject to recommended conditions

### **Internal Consultation**

Affordable Housing – No objections

Design & Heritage – No objections

Environmental Health – No objections

Flooding – No objections

Landscape and Design – No objections

Recycling and Waste – No objections

Sustainability – No objections

Transport & Highways – No objections

## **POLICY CONSIDERATIONS**

National Planning Policy Framework 2018

London Plan consolidated with alterations since 2011 (March 2016)

Brent Core Strategy (2010)

## DETAILED CONSIDERATIONS

### Background and Context

1. As outlined in the 'History' section of the report there have been two significant applications submitted for the site since 2010. Application 10/0677 for 20 residential units was recommended to be refused by the Local Planning Authority (LPA) and then refused at planning committee for reasons concerning design, pedestrian/highway safety, amenity/play space, parking, neighbouring amenity, sustainable development and noise disturbance from the existing garage. The application was subsequently dismissed at appeal based on design, pedestrian/highway safety and noise. Application 11/0051 for ten units was recommended for approval by officers and approved at planning committee. The current application is materially different to the two previous applications in terms of the actual part of the site where development is proposed, the number of units proposed and the design approach taken. Therefore whilst consideration has been given to the appeal decision and the Inspectors findings it has had little outcome on the current application due to the significant and material differences between both proposals.

### Amendments since submission

2. A number of amended reports were received including an updated Daylight/Sunlight report due to a number of inaccuracies that were included in the original report. When the proposal was first submitted concerns were raised by officers about the height of the building at eight storeys and its potential impact on the listed building to the west of the site. Concerns were also raised about the overall design of the building including the lack of a set back at street level and the corner of the four storey element at the front of the building. Concerns were also raised about the quality and quantity of the communal amenity space at ground floor level which included areas that would not have been useable. Concerns were also raised about the layout of a number of flats due to the fact that they a significant number would have been single aspect. Concerns were also raised about the increased massing of the four storey building on the eastern boundary of the site and the potential impact on the amenity of residents in No.75 and 75A St Pauls Avenue through loss of light and an increased sense of enclosure.

3. The following is a list of amendments that have been received through the submission of revised plans since the application was originally submitted:

- Reduction from eight to seven storey building
- Reduction from 81 to 70 residential units
- Reduction in size of four storey building at the rear and alterations to the design of the front of the building
- Building has been set back at street level
- Creation of a third floor amenity space area on the four storey building and alterations to ground floor level amenity space to the rear of the site
- Changes to internal layouts of residential units due to concerns with single aspect units
- Revised Daylight/Sunlight report due to errors in the original report

### Principle

## Land use

4. The lawful use of the site was previously a petrol filling station which has been demolished and a garage that was in use as an MOT centre. The site is currently in use as an MOT centre, a car wash and car park used for the storage of vehicles for sale following a recent retrospective application to change the use of the site. The site is considered to be a Local Employment Site and as such DMP14 – Employment Sites is relevant. In order to justify the loss of the existing garage it would have to be demonstrated that the continued wholly employment use is unviable or that there would be significant benefits consistent with the wider objectives of the Development Plan. In this case it has not been demonstrated that the continued employment use is unviable therefore consideration has been given to the existing employment use on site, the context of the site within an existing residential area and the proposal to include 70 residential units.

5. Paragraph 118 of the NPPF (2018) sets out a number of core principles regarding the effective use of land including that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. Paragraph 118 also states that planning policies and decisions should promote and support the development of underutilised land, especially if this would help to meet identified needs for housing. The application site is located on a previously developed brownfield site and is in a sustainable location. The level of employment currently provided on site is quite low and it is difficult to see how a site that is effectively surrounded on all sides with the exception of the railway track to the north could support larger scale employment uses without creating more disturbance for local residents. The Brent Nuisance Control Team has confirmed that complaints have been received about noise coming from the existing uses on site. Therefore although there would be a loss of an employment site the redevelopment of the site for residential purposes is supported in principle due to the fact that the proposed residential land use would be more suitable in this location and would make more efficient use of land whilst contributing 70 residential units to the boroughs housing stock. Significant weight can also be given to the planning merit of providing new homes, including the provision of affordable homes and to making more efficient use of the land by providing these homes at a reasonably high density.

6. The proposal is therefore considered to be acceptable in principle subject to the other relevant material planning considerations set out in this report.

### **Unit Mix and Affordable Housing**

7. On schemes of over 10 units Objective 7 of the Core Strategy (2010) as well policies CP2 and CP21 requires the provision of family sized homes, with a borough-wide target of 25% family sized units. The scheme would provide 19% family sized units (13 x 3-bedroom homes) which falls below the 25% target. However in this case consideration has been given to the balance between the provision of family sized homes and the provision of Affordable Housing, as the sales values for 3-bedroom homes is less (per square foot / metre) than for smaller homes and this has a negative effect on scheme viability. On balance the unit mix proposed is considered to be acceptable.

8. London Plan Policy 3.12 requires boroughs to seek the maximum reasonable amount of affordable housing when negotiating on private and mixed use developments, having regard to a number of factors, including development viability. Policy CP2 of Brent's Core Strategy sets a strategic target that 50% of new homes to be delivered in the borough are affordable. Development Management Policy DMP 15 reinforces the 50% target set by policy CP2 and the need to seek the maximum reasonable amount of affordable housing. It goes on to say that where a reduction to affordable housing obligations is sought on economic viability grounds on major phased developments, and where the proportion of affordable housing agreed is significantly below 50% appropriate provisions to re-appraise scheme viability will be sought and secured by s106 agreement.

9. Healey Development Solutions originally proposed an 81 unit scheme with 23 affordable units. This equated to 28% affordable housing provision of which 74% was intermediate tenure and only 26% as affordable rented tenure. The applicant submitted a Financial Viability Appraisal (FVA) drawn up by Redloft to demonstrate that the proposal actually put the scheme into a financial deficit and therefore this affordable housing offer represented more than the maximum reasonable and viable amount the scheme could deliver, in line with planning policy. The FVA assumed a Benchmark Land Value (BLV) of £5 million based on an alternative use value (AUV) as a free school (the BLV was calculated by Frost Meadowcroft). Redloft put the BLV into the appraisal as a fixed cost and set a target/benchmark residual profit of circa 8.3m equating to 20% on Gross Development Value (GDV). The total residual profit for the proposed scheme came out as circa £5.1m which equates to 12.32% of GDV, which falls below significantly below the target showing the

scheme to be financially unviable.

10. Officers appointed BPS Chartered Surveyors to carry out an independent review of the FVA and they produced their own assessment in March 2018. BPS disagreed with some assumptions that were used within the FVA appraisals, in particular the BLV. BPS stated that an AUV approach to measuring the BLV was not appropriate in this case and it would require a change of use consent from Sui Generis to D1. BPS calculated the BLV on an existing use value (EUV) basis as industrial/storage uses and lowered the BLV to circa £2.1m. BPS' revised appraisal showed that the proposed scheme had a surplus of £1.4m. A sensitivity test also showed that the same total affordable housing provision on a policy compliant tenure split would also be viable albeit with a very small surplus.

11. Officers had shown concern with the proposed tenure split of the affordable housing provision which was weighted heavily towards intermediate tenure and not in line with Brent's Policy DMP15 ratio of affordable rent to intermediate of 70/30. In light of BPS' analysis showing the proposed scheme was in a surplus Officers noted that the applicant should consider a policy compliant tenure split whilst seeking to maintain the overall affordable housing numbers. Redloft provided a written response to the BPS report on 23<sup>rd</sup> March 2018. This response acknowledged multiple points of agreement but contested others including BPS' approach to calculating the BLV and Redloft maintained their position on this matter. It is important to note that at this stage the Planning Team had informed the applicant that they would need to revise the scheme to address multiple issues including height and mass otherwise the scheme would be refused. BPS responded via email on the 11<sup>th</sup> April 2018. Some further points were agreed such as build costs and professional fees, however BPS maintained their position on the BLV and identified the proposed scheme was in a surplus of circa £1.1m and could deliver an improved affordable housing offer. BPS and Redloft contacted each other via conference call on the 18<sup>th</sup> and 19<sup>th</sup> April 2018 to attempt to agree on the BLV although nothing was agreed. Both consultants continued to negotiate via email until early May but no further agreement was made and negotiations were put on hold until the updated FVA for the revised scheme was submitted.

12. Redloft submitted the new FVA for the revised scheme in June 2018. The revised proposal is for a total of 70 residential units with an affordable housing provision of 18.6%. Total affordable provision consists of 9 affordable rented units and 4 intermediate. This equates to a 69/31 tenure split and is very near policy compliant. For the revised FVA Redloft adopted a reduced BLV (again, provided by Frost Meadowcroft) on a EUV basis which equated to circa £3.01m. Redloft also adopted a reduced target/benchmark profit of £6.13m which equates to 17.5% of GDV. The revised appraisal produced a residual profit of £3.43m which equates to 9.95%. The residual profit falls below the target and therefore shows the latest proposal to be unviable. It is important to stress that an overall reduction in residential floorspace (which is a requirement set by the Council) will reduce viability of the scheme and the revised scheme provides circa 15% less overall residential units than the original proposal. This factor combined with the shift to a policy compliant tenure split of the affordable units will inevitably have a negative impact on viability. Officers re-appointed BPS to review the revised FVA. BPS still did not agree with the BLV used in Red loft's appraisal and maintained their own value for the site. However, the BPS appraisal showed that the scheme hit a residual profit of 16.32% which still falls just below the 17.5% target. While BPS still disagreed with certain assumptions in Redloft's appraisal, BPS still concluded that the offer in the revised scheme represented the maximum reasonable amount of affordable housing the revised scheme can viably offer.

13. The current offer of 18.6% affordable housing falls below the 50% Local Plan target. However, the Council's own consultants agree that this is the maximum reasonable amount of affordable housing the scheme can viably deliver at this time. The applicant has shifted the tenure split of the affordable housing provision to be policy compliant, reduced their target residual profit level in an attempt to improve viability and they have agreed to have a post-implementation review mechanism secured into the s106 agreement.

14. The following represents the agreed affordable housing position:

	Private	Affordable Rent	Intermediate	Total
1-bed	28	5	2	35
2-bed	19	2	1	22
3-bed	10	2	1	13
Total	57	9	4	

**Density**

15. The proposal makes efficient use of this land to provide a significant contribution to Brent's annual

housing target of 1,525 homes. The draft London Plan has also increased this target to 2,900 homes per year.

16. London Plan policy 3.4 seeks to optimise housing potential taking into account local context, character, design principles and public transport capacity. In accordance with the London Plan density matrix (table 3.2) the application site, which is considered to be in an 'Urban' setting, with a PTAL of 3 would be appropriate for accommodating 45 to 170 units per hectare. Paragraph 17 of the NPPF sets out 'core planning principles', including that planning should "encourage the effective use of land by reusing land that has been developed previously, provided that it is not of high environmental value".

17. The proposed scheme would result in a level of density above the matrix range as development is proposed to be 304.3 units per hectare. However the London Plan Density Matrix should not be applied mechanistically when assessing schemes and this approach is widely recognised. London Plan paragraph 3.28 states that account should also be taken of other factors relevant to optimising potential which can include local context, design and transport capacity, as well as social infrastructure, open space and play.

18. The location of the site with immediate boundaries defined by the railway line to the rear and intersection of St Pauls Avenue and Park Avenue and the varied existing wider context and character of different buildings and uses locally, together with the close proximity to transport infrastructure (Willesden Green Underground station, 450m and several bus routes 550m, both within walking distance). The quality of the proposed design how this would contribute to a sense of place is also an important determining factor when considering residential density. This 'urban' site is within 250metres walking distance of Willesden Town centre and is also on the edge of a PTAL 4 area. For these reasons the proposed level of density can be supported.

### **Heritage and Design**

19. Kingsley Court is a Grade II listed building from the 1930s located to the west of the site. The area also contains some attractive Victorian buildings, most notably Avenue Mansions which is a mansion block located across the road and to the south-west of the site. The site itself consists of a modern building and large areas of open space that are currently used to store vehicles that are for sale. The site is located at a crossroads with examples of architecture from different eras. From a design perspective the applicant has sought to utilise a modern approach on a mansion block whilst also acknowledging that there is a reduction in height to the east in the form of the Victorian terraces leading towards Willesden High Street. Previously officers raised concerns with the height of the building at eight storeys and the potential for it to dominate and compete with the listed building, Kingsley Court, to the west. The applicant has therefore sought to address these concerns by lowering the height of the building by one storey and setting the building back from the street which reflects the setback seen in the other sites adjacent to the application site. The building would then step down to four storeys and the building line has been reduced to be level with that of the terrace to the east. The applicant has submitted a Heritage and Townscape report in support of the application.

20. Concerns have been raised by local residents about the overall design approach that has been taken with the proposal. Concerns have also been raised about the height despite the fact that the building has been reduced by one storey. However the design would be a modern take on the mansion blocks that can be seen in the area. The use of banding is also a nod to the listed building to the west. When analysing the design consideration has been given to the site context and the applications site location at a cross roads. The existing buildings represent structures from different eras including the Victorian era and 1930s. A number of residents have stated that the proposed design should more closely reflect the existing red brick buildings to the south of the site whilst a number of other residents have stated that the design should reflect the listed building to the west. However often a pastiche of designs based on existing styles would appear more harmful and rather than compliment with the listed building and other mansion blocks in the area, it could potentially compete with them and appear overbearing. Concerns have also been raised about the lack of landscaping and garden space at the front of the building. However the building would be set back by over 3 metres to accommodate front gardens. Again this is a reflection of the space that is afforded to the existing buildings and would allow the creation of usable space for residents. Further details of the landscaping will be secured by condition to ensure a satisfactory finish.

21. DMP7 states that proposals should have special regard to the desirability of preserving a heritage asset or its setting and that special regard should be given to detailed design, prominent elevations and the nature,

quality and type of materials used. In this case Kingsley Court has an existing height of six storeys and a unique design that incorporates banding and curved elements. The proposal has been reduced to six storeys with the seventh storey set back so that it will not be visible from street level. With the reduction in height it is now considered that the scale of the building would be acceptable in this location and rather than dominate the neighbouring listed building it would complement it in terms of its height. The four storey part of the building would also acknowledge that there is a reduction in height to the east in the form of the terraced properties and would offer a good set down in terms of height.

22. The design approach taken is a modern take on the existing mansion blocks in the area. The buildings would be well set back to allow space in front of the building. There are also some slight references to the listed building such as the curved elements on the façade and the use of banding. These are considered to be complementary in design and would not compete with the existing listed building. DMP1 states that development will be acceptable provided it is of a location, siting, layout, scale, density, materials, detailing and design that complements the locality. Overall it is considered that the design approach taken and height of the buildings is considered to be acceptable and would not harm the character or appearance of the area or the setting of the listed building to the west. The building would be well designed and would provide a significant improvement on the existing site whilst also contributing to a better sense of place.

### **Neighbouring Amenity**

23. The proposal would not materially harm the amenity of neighbouring residents.

#### Daylight, sunlight and overshadowing assessment

24. Concerns were raised with the original Daylight/Sunlight report due to inaccuracies with its content and specifically with the assumed layout of Nos.75 and 75A St Pauls Avenue. The applicant has therefore conducted an internal review of both of those properties and also produced a revised report. Concerns have also been raised by a resident following re-consultation of neighbours regarding the revised report. These concerns are based on the

25. Nos.75 and 75A are the properties that are most likely to be affected by loss of light due to their proximity to the application site and also because of the properties unique layout. The upstairs property was visited by officers to confirm the layout which was also confirmed by means of a drawing supplied by the residents living there. The property consists of a number of windows located on the side elevation that overlook the application site due to its siting on the end of a terrace. There is also an area of amenity space to the side and a garden to the rear that both flats have access to.

26. The ground floor flat (No.75) consists of three large bedrooms, a kitchen, living room and bathroom. None of the rooms currently used as bedrooms directly overlook the application site as one is at the front of the property overlooking St Pauls Avenue, one is at the rear overlooking the rear garden and one looks towards the rear of the garden via a side window. The report also demonstrates that the proportion of Vertical Sky Component (VSC) that would be retained is above the amount recommended in BRE guidance. The windows of rooms currently used as a kitchen and living room do face the application site. The kitchen would only retain 40 % of its former VSC value which is below the recommended amount of 80 % and therefore considered material. The kitchen is relatively small (approximately 9 sqm). Daylight to the kitchen is also affected by the existing overhanging stairs of No. 75A, and the kitchen would receive much higher absolute levels of daylight if these stairs were not present (an absolute level of 20 % VSC, compared to a BRE target of 27 %). The room currently used as a living room (also quite small at less than 9 sqm) would also only retain 50 % of the former VSC which again is below the recommended target of 80 % and again considered material. The applicant contends that the original use of this room is likely to be as a bedroom, which may well have the case due to its size. However, it is noted that the current occupiers of the flat (which is occupied as a shared dwelling) use it as a living room. The proposal would reduce the Average Daylight Factor (ADF) to 1.0% which is below the target of 1.5 % for a living room set out in BRE guidance, but would meet the target level for a bedroom. However, when balancing the impacts and benefits of the scheme, it is noted that the flat has large bedrooms that are significantly larger than both the kitchen and living room, with good outlook in other directions and a shared garden space.

27. No.75A is located in the upper floor of the property and consists of a living area that overlooks the rear of the property towards the railway line, a kitchen, bathroom and small bedroom that overlook the application site, a study that looks towards the railway line over the side amenity space and a front main bedroom that overlooks the front of the property over St Pauls Avenue. Similar to the downstairs flat the kitchen is small (9 sqm). However it was noted during the site visit that the room did contain a table and chairs. The Daylight/Sunlight report concludes that the absolute value of VSC for the kitchen would fall marginally below BRE guidance targets (25 % compared to a target of 27 %), but that the ADF value for the room would exceed the BRE target. As such, daylight within this room accords with BRE targets. The assessment shows that the bedroom which faces the site would have an absolute VSC level of 19 % (below the target of 27 %), but again, the ADF value complies with BRE guidance levels. As such, the level of impact on No. 75A accords with BRE guidance.

28. The report has also carried out an analysis of the other residential properties in the area including the other units in St Pauls Avenue, Kingsley Court, Ady's Lawn and Avenue Mansions. The report has concluded that with regard to VSC although there would be small number of windows (11%, or 12 of 177 windows) in Kingsley Court that would fall below the target level of 80 % of the former value (of VSC). Two of those windows would achieve an absolute value of 27 % VSC and would accord with the standards. Of those that don't meet the standards, five are within rooms that are served by more than one window, with other windows in that room meeting the standards. Where the associated rooms are only served by one window, the assessment shows that the windows achieve VSC levels in excess of 22 % (whereby the BRE target is 27 % but the BRE guidance references a level of 18 % as more typical of an urban location. The five relevant windows would have VSC levels of 22.8 to 26.7. The report shows that two windows within Adys Lawn and two windows within Avenue Mansions would experience a reduction to less than 80 % of their former value (of VSC). However, the associated rooms are also served by windows that will continue to accord with BRE guidance. With regard to sunlight the primary living room windows of Kingsley Court are within 90 degrees of due south and as such would not be affected by the proposal. Ady's Lawn located to the south-west of the site would have full compliance with BRE targets with VSC levels remaining at or within 80 % of their former values. Again the windows of this property are within 90 degrees of due south do not face the application site and as such would not be affected by the proposal in terms of loss of sunlight. Avenue Mansions located to the south of the site would only have two individual panes of bay windows that fall just outside the 80 % target (of the former value). However as the bays have multiple aspects daylight would enter from a variety of positions and therefore it is considered acceptable. Again as the windows of this property are within 90 degrees of due south do not face the application site and as such would not be affected by the proposal in terms of loss of sunlight.

29. Concerns have been raised by a resident that direct sunlight levels to windows in Kingsley Court have not been assessed. However as the windows are outside of 90 degrees of due south these windows have limited potential to enjoy direct sunlight and the BRE guidance specifies that such windows should not be tested. This is why the BRE guidance does not consider the effects to such windows as they are primarily limited by their orientation and therefore do not provide an appropriate metric for an assessment. The resident has also raised concerns with the use of APSH however this is standard that is normally used in conjunction with other assessments in assessing Daylight and Sunlight.

30. Although there would be a material loss of light to a small number of properties, and specifically Nos.75 and 75A, based on the reasons set out above it is considered to be acceptable in this case.

#### Additional mass and overlooking

31. Previously concerns were raised about the potential sense of enclosure that residents in the adjacent site and in particular No.75 and 75A St Pauls Avenue would face. This property is split into two flats with one on the ground floor and one on the first floor of the building. Due to the properties location on the end of the terrace there are windows in the side elevation that overlook the application site. There is also an area of amenity space that runs adjacent to the application site and two storey outrigger.

32. The concerns with the original proposal were primarily due to the proximity of the four storey building to the residents of No.75s side/rear amenity space and the location of habitable windows in the side elevation.

The applicant has therefore reduced the massing of the building and taken into account the 30 and 45 degree line guidance contained within SPG17. Revised drawings, including sections, now show that the proposed four storey element would be within both the 30 and 45 degree lines when measured at a height of 2 metres from the neighbours windows and amenity space respectively. It is now considered that due to the reductions in mass that the proposal four storey element would not result in material harm the neighbouring residents. There would be a slight failure of the 30 degree line from the windows of the side elevation of No.75 St Paul's Avenue when taking into account the seven storey part of the building. However this part of the development would be located 24 metres from the windows in No.75 and 75A and is therefore considered to be a sufficient distance away in terms of the additional mass.

33. Windows proposed in the side elevation would also be angled to prevent any overlooking. The roof terraces that would provide amenity space for future residents could have the potential to result in overlooking however the applicant has proposed privacy measures and set back the area that residents could physically use. Further details of these measures will be secured by condition to ensure that overlooking does not take place. Consideration has also been given to the potential for overlooking to the other existing residential properties to the west and south of the site. However a minimum distance of 20 metres would be maintained to the properties in Kingsley Court to the west and 25 metres to the properties to the south which is considered to be acceptable.

#### Impact on local services

34. A number of residents have raised concerns with the potential impact on local services such as schools, nurseries, doctors and hospitals. Whilst it is acknowledged that there would be an increased number of residents living in the area the proposal is located close to a town centre that has a good range of services available. Planning policy also supports the creation of new homes and the proposal would be CIL liable. Therefore funds from the development could be used to improve facilities in the area.

#### Proximity of vehicular ramp to neighbouring residents

35. Two neighbouring residents have raised concerns with the proximity of the ramp and the potential for noise disturbance from vehicles, bin transport and plant. Whilst it is acknowledged that there would be an increase in activity in the form of vehicles accessing the basement level there are only spaces for 16 cars. This is not considered to be overly excessive in comparison to the existing situation on St Paul's Avenue and any noise would be intermittent and last for a very short period of time. The ramp would also be covered with a green roof and further details of sound insulation and the internal acoustic design of the car park can be secured by condition which is recommended in the applicant's Noise Impact Assessment. Further details of all plant would also be secured by condition to ensure that any noise emissions are at acceptable levels. The applicant has submitted an Outline Waste Management Strategy in support of their application. This outlines procedures for collecting waste from the site which are proposed to be done at a specific time and day in conjunction with Brent's Collection Service. Based on the fact that collection times would be limited to a specific time and day and in reality would be carried out over a short period of time it is not considered that this would be materially harmful to neighbouring residents.

#### Other

36. A number of residents have raised concerns with potential disturbance during construction works. Disturbance from construction works is not a planning consideration as it is covered under environmental legislation. However a number of informatives concerning the hours of construction works, licences, vibration, air quality and a Construction Management Plan are recommended to remind the applicant of their responsibilities in terms of minimising disturbance to neighbouring residential properties.

37. Overall it is considered that the proposal would not materially harm the amenity of neighbouring residents and is considered acceptable.

#### **Standard of accommodation**

38. DMP18 requires all new residential accommodation to comply with London Plan policy 3.5 minimum

standards. All of the units proposed either meet or exceed minimum internal space standards.

39. DMP19 sets a target for all new residential units to provide residents with private amenity space with 20 sqm per flat and 50 sqm per family size unit where possible. However DMP19 also recognises that where sufficient private amenity space cannot be achieved to meet the full requirement that the remainder can be supplied in the form of communal amenity space. In this case there are a number of units that do not meet the required amount of 20 and 50 sqm. The total amount of communal space proposed is 633sqm which consists of the ground floor and roof terraces at third and fourth floor levels which works out as 9 sqm per flat when divided by the total number of units (70). 998 sqm of private amenity space is also proposed in the form of balconies and terraces, with the total amount of amenity space equalling 1,631 sqm, equating to an average of 23 sqm per unit. While this is only slightly below the DMP19 target of 1,790 sqm based on the mix of units, this is not equally distributed between units. Nevertheless, residents would still have adequate outdoor space and every unit would meet the minimum space standards for private space as per the Mayor of London's Housing SPG and the draft London Plan. The site is also located 650metres from Gladstone Park which consists of large open areas of space and sports facilities. Therefore on balance although the amount of actual private amenity space is not completely policy compliant, consideration has been given to the overall standard of accommodation that would be afforded to residents, the mixture of private and communal space and the proximity of a large park.

40. All units would be well served by windows offering good levels of outlook. The majority of the units on the southern and western side of the site would however be single aspect. There are no concerns with access to daylight or sunlight due to the orientation however this could potentially result in overheating. The applicant has submitted an overheating assessment which has identified that only units 02.GF, 08.Gf and 05 are likely to fail the TM59 compliance due to the fact that they would be south facing and single aspect. However this could be mitigated against with larger openable windows, improving the building fabric or by using CHP and boiler. Based on this a condition is recommended requiring further details of mitigation measures for these three units to ensure that overheating does not take place.

41. All units would provide an acceptable standard of accommodation for future residents.

#### Play space

42. The proposal would incorporate a children's play space with an area of 112sqm in the rear communal amenity space area at ground floor level which is required by London Plan policy 3.6. The amount of play space required is normally determined by expected child yield population. The applicant has provided information on the expected number of children that will reside in the development which equates to seven under the age of five, four between the ages of 5 to 11 and two from ages 12+, giving a total of 13. Based on policy 3.6 and when applying the SPG assessment calculator the amount of play space that would normally be required is 130sqm based on 10sqm per child. The amount of play space proposed is below the required amount and the designated area would form part of the communal amenity space. However consideration has been given to the fact that it would be difficult to achieve the maximum required amount of space due to the site's constraints and also without reducing the amount of communal space available to other residents. Consideration has also been given to the site's proximity to Gladstone Park which is located within walking distance of the site (650metres) and consists of a variety of sports and play equipment. Therefore although there would be a slight shortfall in the amount of actual play space within the site it is considered that it is acceptable in this case. Further details of the play equipment proposed will be secured through condition.

#### **Parking, access and refuse**

##### Parking

43. The higher residential car parking standards apply, so the 70 flats have a maximum parking standard of 76.5 parking spaces. The proposed provision of 16 spaces remains well within the maximum allowance, so the levels of parking are not excessive. However, consideration must be given to the potential for over-spill parking, particularly where parking levels are low. To address this, a 'parking permit restriction' agreement to remove rights of future residents to on-street parking permits will be secured through a legal agreement to ensure overspill parking does not add to on-street parking demand in the area, along with subsidised membership of existing local Car Clubs for new residents through the Travel Plan. Residents have raised concerns with overspill parking in the area however the removal of future resident's rights to permits, the proximity of public transport and membership of a local car club will prevent overspill parking in the area. The number of disabled parking spaces has been reduced to seven from the original submission, which still

meets the current London Plan requirement of a space for 10% of the flats, so is sufficient. At least six of the spaces should also be provided with electric vehicle charging points (3 active/3 passive). This is recommended to be secured through condition.

44. With regard to cycle storage the reduction in the number of flats from 81 to 70 reduces the long-term bicycle storage requirement to 105 spaces, plus two short-term spaces. The number of spaces in the basement has thus been reduced to 107, again meeting requirements in a secure and sheltered location with access via both the car park access ramp and a lift. Six bicycle stands are again proposed on the wide area of footway fronting the site to more than meet short-term parking requirements. These will again need to be funded by the applicant alongside the crossover works and further enhancements to this wide area of footway such as benches and planting.

#### Access

45. The vehicular access arrangements remain unaltered from the original proposal and include a single-width ramp with a traffic signal/barrier system. A passing area is proposed between the start of the ramp and the highway boundary which is considered to be acceptable from a highway safety perspective. However a number of residents have raised concerns with security and whether the access will be secured. This was also raised by the Designing Out Crime Officer and therefore a condition requiring the submission of further details of the access is recommended. The existing crossover to St. Paul's Avenue would need to be repositioned eastwards to suit the new access arrangements, with the redundant crossover onto Park Avenue needing to be removed. These works are recommended to be secured by legal agreement as well as improvements to planting, street furniture and the bicycle stands. The proposed ramp also meets safety standards in terms of its gradient.

46. A number of residents have raised concerns with the basement access and the potential for it to attract criminal activity. The applicant has met with Design out Crime Officers who have recommended that security features such as an appropriately finished gate should be provided. This is recommended to be secured by condition to ensure that access is controlled.

#### Refuse and delivery vehicles

47. The two proposed bin stores in the basement now show a reduced total of 14 Eurobins and seven wheeled bins, which provides adequate capacity for the reduced total of 70 flats. A standing area at the front of the site for collection day storage will allow easy access by Brent's refuse contractors from St. Paul's Avenue without refuse vehicles needing to enter the site. Similarly, other short term delivery vehicles and emergency vehicles can service the site from the adjoining kerbsides on St Paul's Avenue.

#### Impact on local transport network

48. Transport & Highways officers have assessed the potential impact on the local transport network due to the potential increased number of users in the area. As the number of flats has been reduced from the original proposal of 81 flats to 70 flats, the impact of the proposal on local transport networks would also reduce. There is therefore no need to revise the original Transport Statement submitted with the application, as it has already demonstrated that the impact of the development on the local transport networks would be acceptable. Concerns have been raised by local residents about the increased number of vehicles, bicycles and pedestrians in the area. An analysis of the accident record in the area for the three-year period December 2013-December 2016 showed only one personal injury accident in the close vicinity of the site, which was somewhat random in its nature as it involved goods falling from a vehicle and striking a pedestrian. As such, there are no concerns with regard to road safety related to this development proposal.

#### Travel Plan

49. A Framework Travel Plan was originally submitted in support of the applicant. This proposes that a named Travel Plan Co-ordinator will manage a series of measures (supply of travel information, personalised travel planning, management of car parking, car club membership subsidies etc.) to aim to reduce the proportion of car driver trips to and from the site from 19% to 13%, with progress to be monitored using

biennial surveys undertaken in line with the TRICS survey methodology. No update to the previously submitted Framework Travel Plan has been provided with the revised proposal therefore a revised Travel Plan needs to be approved prior to first occupation through the S106 Agreement.

## **Energy and Sustainability**

50. London Plan policy 5.2 seeks to minimise carbon emissions through the 'Be lean, Be Clean and Be Green' energy hierarchy. As outlined in the Housing SPG from 1 of October 2016 a zero carbon standard will be applied to new residential development. The Housing SPG defines 'Zero carbon' homes as homes forming part of major development applications where the residential element of the application achieves at least a 35 per cent reduction in regulated carbon dioxide emissions (beyond Part L 2013) on-site. The remaining regulated carbon dioxide emissions, to 100 per cent (carbon neutral), are to be off-set through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere (in line with policy 5.2E).

51. A resident has raised concerns with the amount of CO<sub>2</sub> that could potentially be emitted. However the Energy and Sustainability Statement submitted in support of the application indicates that the development meets the London Plan requirement of at least a 35% reduction in emissions against Part L 2013 (with the remaining emissions offset with a proposed Carbon Offset Payment of £82,890) and therefore complies with Brent's energy reduction policies.

## **Proximity to railway line**

52. The application site is located in close proximity to the railway line which runs along the northern edge of the site. Due to the scale of development and proximity of the railway line both Network Rail and London Underground were formally consulted. Whilst neither have objected in principle to the proposal both have recommended conditions concerning the submission of further details of design, construction methods, piling and excavation due to the potential impact on the embankment and railway line.

## **Environment**

### Air Quality

53. The site is within a designated Air Quality Management Area (AQMA); therefore an Air Quality Assessment report prepared by Capita on behalf of WYG has been submitted considering the potential air quality impacts associated with the proposed construction and future operation of the site. The report shows that construction works would give rise to a low to medium risk to air quality through dust impacts. The report recommends measures to mitigate dust emissions during construction phase and securing these by condition. It is found that additional traffic from the development would not significantly affect local air quality.

54. The Council's Environmental Health officer concurs with the methodology of the assessment. However they have recommended that there is not enough specific information on the proposed mitigation measures for the site based on the APEC levels B/C and also the transport emissions being above benchmark emissions for AQ neutral. Therefore more specific quantitative mitigation measures are required by the applicant which can be secured by condition. This is considered to be reasonable due to the fact that London Plan policy 7.14 states that major developments should be at least air quality neutral.

### Noise

55. London Plan policy 7.15 requires development proposals to be designed to minimise the impacts of noise. The site is located adjacent to a railway line that has the potential to transmit noise to the proposed residential properties. A Noise Impact Assessment has been undertaken and supports the application which has been assessed by Environmental Health officers. The officers have found that the report by Capita dated 1 December 2017 comprehensively demonstrates that the site is suitable for residential development in relation to environmental noise and vibration. Satisfactory mitigation measures are outlined in the document and potential residents inhabiting the building should be protected from excessive environmental noise if this design specification is correctly adhered to. The contents of the report and mitigation measures are there recommended to be condition to ensure that residents are not exposed to unacceptable noise levels.

### Flood risk and drainage

56. London plan policy 5.12 requires developments to comply with flood risk assessment and management requirements set out in the NPPF. The site was previously identified by the Environment Agency as Flood Zone 1. However the West London Strategic Flood Risk Assessment that was recently commissioned by

Brent and five other neighbouring boroughs shows that the site is located within Flood zone 3A (surface water) and therefore the Exception Test is required. A Flood Risk Assessment (FRA) has been submitted in support of the application. This report confirms that the site is at low risk of tidal or fluvial flooding however flood risk from surface water has historically been a problem in the area and there are also historical problems with waste water. A number of local residents have also raised concerns with flooding in the area due to the existing situation and also the potential for additional flooding due to the proposed development and in particular the basement level. Both the Council's flood engineer and Thames Water have assessed the proposal and provided comments. The applicant has also submitted an updated FRA in response to a query from officers.

57. The Council's Flooding Engineers have also confirmed that the existing site is 100% impermeable due to the presence of large amounts of concrete and that all surface water discharge is connected to the existing surface water sewer network. The proposed development will provide storage tanks and surface water will be restricted to 5 l/s, which will be significantly less than the existing discharge. Due to the measures proposed the controlled surface water discharge would actually reduce the flood risks in this area and in turn reduce the risk of flooding to the site and neighbouring properties overall which is considered to be a significant benefit.

58. London plan policy 5.13 requires development to utilise sustainable urban drainage systems (SUDS), aim to achieve greenfield run-off rates and to ensure surface water run-off is managed as close to source as possible. Thames Water have been formally consulted on the application and have requested that further details of a drainage strategy are secured by condition prior to the commencement of any works on site. Thames water has also recommended a condition requiring the submission of a piling method statement prior to any piling being carried out due to the potential for damage to subsurface water infrastructure. Subject to the submission of this strategy and information on piling Thames Water would not have any objections to the proposal. These conditions are considered to be reasonable due to the historic problems with flood in the area. Thames Water have also recommended that a number of informatives are included should the application be approved including groundwater discharge, minimum water pressure and building close to water mains.

59. The proposed storage tanks and restrictions on surface water are considered to be significant benefits to the local area due to the existing problems with surface water flooding. It has also been demonstrated that the proposal would pass the exceptions test. Subject to the submission of a drainage strategy and information on piling officers consider that the proposal would be acceptable in terms of flood risk and drainage.

#### Contaminated Land

60. The requirement to deal with contaminated land is set out in London Plan policy 5.21 and reinforced by the NPPF. The site is located on land that has had a previous contaminative land use (garage and petrol station) which indicates that there is potential for contamination to be present. Therefore Environmental Health officers have recommended a condition concerning site investigations and remediation and verification.

#### Ecology

61. The site is located adjacent to the railway line which is a wildlife corridor and as such DMP8 and London Plan policy 7.19 apply. The applicant has submitted an ecological report in support of the application. The report has made a number of recommendations concerning reptiles, bats, nesting birds and the presence of an invasive species (Virginia Creeper) that would need to be removed. The report has concluded that subject to conditions regarding ecological work that the proposal would be acceptable and would not harm the wildlife corridor.

#### Conclusion

62. Consideration has been given to the fact that there would a material loss of light to a small number of neighbouring residential properties. However based on the overall impact on living conditions and site layouts of these properties the proposal is considered to be acceptable. Consideration has also been given to the fact that although there would be a loss of an employment site the redevelopment of the site for residential purposes is acceptable in this case due to the fact that the proposed residential land use would be more suitable in this existing residential location and would make more efficient use of land, whilst contributing 70 residential units to the boroughs housing stock, 18.6% of which would be affordable. The proposal would result in a good standard of accommodation for prospective residents. The proposal would also make a

significant contribution to the streetscape and place making in the area whilst respecting the character, appearance and setting of the neighbouring listed building. The proposal would also help to address concerns with flooding in the area. Based on these factors the positives of the scheme outweigh the negatives and it is considered that the proposal is acceptable. The application is therefore recommended for approval.

**S106 DETAILS**

A legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) is required to secure a number of planning obligations that are most appropriate to secure as obligations rather than as planning conditions. See 'Recommendation' section for further details.

**CIL DETAILS**

This application is liable to pay **£2,477,541.45\*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\*\* floorspace which on completion is to be demolished (E): 458 sq. m.  
 Total amount of floorspace on completion (G): 7903 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	7903		7445	£200.00	£35.15	£2,107,200.89	£370,340.56

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	317	
<b>Total chargeable amount</b>	<b>£2,107,200.89</b>	<b>£370,340.56</b>

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

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

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



**DECISION NOTICE – APPROVAL**

Application No: 17/5291

To: Mr Mark Westcott  
WYG  
11th Floor  
1 Angel Court  
London  
EC2R 7HJ

I refer to your application dated **12/12/2017** proposing the following:

Demolition of MOT garage and erection of a part seven-storey and part four storey building with basement level to provide 70 self-contained flats (35 x 1 bed, 22 x 2 bed and 13 x 3 bed) with ground, third and fourth floor amenity spaces and ground floor play area, provision of basement car parking, cycle and refuse storage, alterations to vehicular accesses and associated landscaping

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

at **Willesden Green Garage, St Pauls Avenue, London, NW2 5TG**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 01/02/2019

Signature:

A handwritten signature in black ink that reads "Alice Lester".

**Alice Lester**  
Head of Planning, Transport and Licensing

**Notes**

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework 2012

London Plan consolidated with alterations since 2011 (March 2016)  
Core Strategy (2010)

Development Management Policies (2016)

Supplementary Planning Guidance:

SPG 17 'Design Guide for New Development' 2002

- 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):

ST-02-099B  
ST-02-100A  
ST-02-101A  
ST-02-102A  
ST-02-103A  
ST-02-104A  
ST-02-105A  
ST-02-106A  
ST-02-107A  
ST-02-109A  
ST-02-111  
ST-02-115  
ST-03-100A  
ST-03-101A  
ST-03-102A  
ST-03-103A  
ST-03-104A  
ST-03-112  
ST-04-100A  
ST-04-101A  
ST-04-102A  
ST-04-103A  
ST-04-104A

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

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

<b>Time</b>	<b>Area</b>	<b>Maximum noise level</b>
Daytime Noise 07:00 – 23:00	Living rooms and bedrooms	35 dB LAeq (16hr)

The measures set out within the report titled "Park Avenue Residential Scheme Noise Impact Assessment" by Capita dated 1 December 2017 shall be carried out in full prior to first occupation of the dwellings hereby approved and all mitigation measures shall thereafter be maintained.

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

- 4 Any plant together with any associated ancillary equipment shall be installed so as to prevent the transmission of noise and vibration into neighbouring premises. The rated noise level from all plant and ancillary equipment shall be 5dB(A) below the measured background noise level when measured at the nearest noise sensitive premises. An assessment of the expected noise levels shall be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound.' and any mitigation measures necessary to achieve the above required noise levels shall be submitted to the Local Planning Authority in writing for approval. The plant shall thereafter be installed prior to the first use of the building to which the plant relates and maintained in accordance with the approved details for the lifetime of the Development

Reason: To protect acceptable local noise levels.

- 5 Not less than 10% of residential units shall be constructed to wheelchair accessible requirements (Building Regulations M4(3)) or shall meet easily accessible/adaptable standards (Building Regulations M4(2)) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure suitable facilities for disabled users, in accordance with the London Plan policy 3.8.

- 6 Prior to the commencement of the use of any part of the approved Development the following shall be constructed and permanently marked out:-

- the approved number of car parking spaces as shown on the approved plans which shall include the provision of at least 20% active and 20% passive electric vehicle charging points and at least seven spaces designed and laid out for disabled parking
- cycle parking numbers as approved

Thereafter the approved parking shall be retained and used solely for the specified purposes in connection with the Development hereby approved for the lifetime of the Development and shall not be obstructed or used for any other purpose/s unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate parking and cycle parking provision in accordance with adopted standards.

- 7 Vegetation clearance of shrubs/trees 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 delayed 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 The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and

re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units

- 9 Before any above ground construction work (excluding demolition) is commenced, details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

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

- 10 Before any above ground construction work (excluding demolition) is commenced a detailed scheme for the hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping works shall be fully completed prior to occupation of the building(s), or within 12 (twelve) weeks of the commencement of the next planting season. Such a scheme shall include, but is not limited to:-

(a) Details of proposed walls, fencing and other means of enclosure indicating materials and heights, including secure fencing around the boundary of the site and the neighbouring designated SINC areas;

(b) Details for all new tree planting across the site, with all new trees planted at a minimum girth of 12-14cm,

(c) Details of adequate physical separation, such as protective walls and fencing between landscaped and paved areas;

(d) Details of existing contours and any proposed alteration to ground levels such as earth mounding;

(e) Details of any balustrade/balcony treatment

(f) Details of areas of hard landscape works and proposed materials, including details of a robust and durable choice of material for the refuse turning area ;

(g) Details of the proposed arrangements for the maintenance of the landscape works.

(h) Details for the provision for outside seating / benches and children's play equipment

(i) Details for the provision of on site bird boxes

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

Reason: To ensure a satisfactory appearance and setting for the proposed development, to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and, ensure that it enhances the visual amenity of the area and to protect trees in the immediate environment and to retain a mature tree cover around the site and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- 11 Prior to first occupation of the development hereby approved, confirmation from the Building Control body shall be submitted to the Local Planning Authority to demonstrate that the relevant building has been designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the

Building Regulations 2010.

Reason: In order to ensure a sustainable development.

- 12 Notwithstanding the details submitted in the Air Quality Report (CS093291-03 dated December 2017) in support of the application, prior to the commencement of development further details on the proposed mitigation measures for the site based on the APEC levels B/C and also the transport emissions being above benchmark emissions for AQ neutral shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and maintained as such for the lifetime of the development.

Reason: To ensure the safe development and secure occupancy of the site for residential use and due to the sites location within an Air Quality Management Area.

- 13 No works shall take place until full details of a drainage strategy detailing any on and/or off site drainage works which shall include but is not limited to a scheme of drainage measures for all areas of hard surface within the site, showing those areas to be treated by means of hard landscape works to utilise a sustainable urban drainage system (SUDS) to reduce run-off rates, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the development and shall be retained for the lifetime of the Development.

Reason: To ensure the development meets the requirements of London Plan Policy 5.13 Sustainable Drainage.

- 14 Prior to first occupation of the development further details of the proposed access and gate to the basement car park shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and maintained as such for the lifetime.

Reason: in the interest of safety and security

#### 15 SITE INVESTIGATION AND REMEDIATION

(a) Prior to the commencement of any works on site, with the exception of works necessary to facilitate compliance with part (a) of this condition, a Site Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Site Investigation shall be carried out by competent persons in accordance with the principles of BS 10175:2011 to determine the nature and extent of any soil contamination present; include the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination; and include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors

(b) Prior to the commencement of any works, with the exception of works necessary to facilitate compliance with part (b) of this condition and UNLESS the Local Planning Authority has previously confirmed in discharging part (a) above that no remediation measures are required, a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall specify measures to contain, treat or remove any soil contamination to bring the site to a condition suitable for the intended residential use; include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures; ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The works shall be carried in accordance with the approved details in accordance with the approved timetable of works. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Any remediation measures required by part (a) above shall be carried out in full.

(c) Prior to the occupation of the Development and UNLESS the Local Planning Authority has previously confirmed in discharging part (a) above that no remediation measures are required, a Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Verification Report shall demonstrate that the remediation has been carried out in accordance with the approved Remediation Strategy; and that the Development is permitted for its approved end use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors

16 Prior to the commencement of development further details of a detailed design and construction method (in consultation with London Underground) shall be submitted to and approved in writing by the local planning authority which:

- provide details on the use of tall plant
- accommodate the location of the existing London Underground structures

The approved details shall be implemented in full and maintained as such for the lifetime of the development.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan consolidated with alterations since 2011 (March 2016) and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

17 Prior to the commencement of development further details of piling and excavation works (in consultation with Network Rail) shall be submitted to and approved in writing by the local planning authority which provide details of:

- Vibro-compaction machinery/piling machinery
- Ground treatment works
- A method statement to include the proposed methods of piling, excavation and construction

All works shall be carried out in accordance with the approved details and maintained as such for the lifetime of the development.

Reason: to ensure that there is no impact upon critical railway infrastructure

## 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](http://www.communities.gov.uk)
- 2 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

- 3 The applicant is advised that noise and vibration is controlled by the Control of Pollution Act 1974 and statutory nuisance provisions contained within the Environmental Protection Act 1990 and the British Standard Codes of practice 5228:1997 Parts 1 to 4. Key issues relating to noise from construction sites include: (i) prior consent may be sought from the Council relating to noise from construction activities (s.61 of COPA 1974); (ii) if no prior consent is sought, the Authority may serve a notice on the site/works, setting conditions of permitted work (s.60 of COPA 1974); (iii) an action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or notice (s.82 of the EPA 1990). In particular, the normal hours of work shall be between the following hours:

Monday to Friday - 08.00 to 18.30  
Saturdays – 08.00 to 13.00  
Sundays and Bank Holidays – No noisy works at all

No work or ancillary operations, which are audible at the site boundary, will be permitted outside these hours unless fully justified and any such works shall be kept to an absolute minimum.

#### 4 STRUCTURAL INTEGRITY

The applicant is advised that Building Regulations control these works and compliance is required when converting an existing basement to habitable use, excavating a new basement or extending an existing basement. Building Regulations control matters such as structure, fire safety, ventilation, drainage, waterproofing, insulation, sound proofing, heating systems and access.

For the avoidance of doubt, the granting of planning permission does not provide any warranty against damage of adjoining or nearby properties, and the responsibility and any liability for the safe development of the site rests with the developer and/or landowner.

#### 5 LICENCES

The applicant is advised that some aspects of construction are subject to licences. For example, the developer/contractor will be required to obtain licences from the Local Authority before: (i) erecting any scaffolding, hoardings, gantry, temporary crossing or fence on the highway; (ii) depositing a skip; or (iii) operating a mobile crane, aerial platform, concrete pump lorry or any such equipment. The contractor has a duty to inform local residents likely to be affected by such activities at least 14 days prior to undertaking the works, as well as applying for the appropriate permits and licences. The most suitable method of informing residents is through newsletters. Such newsletters should also update neighbours on site progress and projected activities that might cause loss of amenity, e.g. road closures for delivery or use of mobile cranes or abnormal deliveries to the site.

#### 6 HIGHWAYS

The applicant is advised that the Highways Act 1980 (particularly Part IX) sets out requirements relating to construction work on or near the highway. Key requirements of the 1980 Act include: (i) permission by formal agreement from the Highway Authority (London Borough of Brent except for the North Circular Road) is required for any works to highways; (ii) licences are required for permission to place temporary obstructions on the highway (e.g. hoardings, fenced storage areas, temporary cross-overs, scaffolding, gantries and skips); (iii) deposition of mud or other such materials on the highway is prohibited. Measures to prevent this (e.g. wheel washing) can be required by order; (iv) surface drainage from a construction site must not be allowed to run across the footway part of a public highway; (v) the contractor is responsible for any damage caused by their activities to roads, kerbs or footpaths in the vicinity of the work site; (vi) any street furniture (electrical or non-electrical) cannot be removed or relocated by the developer or any of its contractors. This may only be carried out by the Highway Authority or its appointed contractor.

The applicant is also advised of their responsibility to apply to the Council for parking bay suspension:

[www.brent.gov.uk/services-for-residents/parking/suspending-a-parking-bay-and-dispensations](http://www.brent.gov.uk/services-for-residents/parking/suspending-a-parking-bay-and-dispensations)

#### 7 VIBRATION

The applicant is advised to adhere to the following guidance in respect of vibration to ensure measures are taken to protect the residents and users of buildings close by and passers-by from nuisance or harm and protect buildings from physical damage: (i) human exposure: the contractor should refer to BS5228:1992 Part 4 'Code of Practice for Noise and Vibration Control Applicable to Piling Operations' for guidance; and (ii) protection of structures: the contractor should carry out demolition and construction activities in such a way that vibrations arising will not cause significant damage to adjacent structures and should refer to BS7385 'Evaluation and Measurement of Vibration in Building - Part 2 Guide to Damage Levels from Groundborne Vibration' for guidance.

8 AIR QUALITY

The applicant is advised that the Environmental Act 1995, Clean Air Act 1993, the Health and Safety at Work Act 1974 etc, the Environmental Protection Act 1990 all control air quality and that the EPA 1990 controls dust under the 'statutory nuisance' provisions. The contractor should: (i) take all necessary measures to avoid creating a dust nuisance during both demolition and construction works including excavations; (ii) not burn any materials on the site; (iii) avoid the occurrence of emissions or fumes from the site including from plant and ensure off-road vehicles (e.g. bulldozers, excavators etc) with compression ignition engines comply with emission standards set in EC Directive 97/68/EC, meeting Stage II limits where possible and run on low sulphur diesel; (iv) ensure on-road vehicle emissions are in line with the provisions of the Road Vehicles (Construction and Use) Regulations (as amended) and the Motor Vehicles (Type Approval) (Great Britain) Regulations made under the Road Traffic Act 1988 and the EURO standards.

9 The applicant is advised to notify the Council's Highways and Infrastructure Service of the intention to commence works prior to commencement and include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.

10 The Council recommends that the maximum standards for fire safety are achieved within the development.

11 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.

12 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).

13 The applicant is advised to adhere to the principles set out in the Construction Management Plan at all times during construction.

14 The applicant is reminded that they are required to submit the development form to [AssetProtectionLNWSouth@networkrail.co.uk](mailto:AssetProtectionLNWSouth@networkrail.co.uk) and the Party Wall notification (including a plan of the site) to [PropertyServicesLNW@networkrail.co.uk](mailto:PropertyServicesLNW@networkrail.co.uk)

15 The applicant is advised of the following in relation to Thames water:

1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the

design of the proposed development.

2. There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
3. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of piling.

Any person wishing to inspect the above papers should contact Barry Henn, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5232

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

13 February, 2019  
05  
18/2984

## SITE INFORMATION

RECEIVED	27 July, 2018
WARD	Welsh Harp
PLANNING AREA	
LOCATION	6 & 6A Coombe Road, London, NW10 0EB
PROPOSAL	Demolition of the existing buildings and redevelopment of the site comprising the erection of a part three, five and six storey building providing 727 sqm of flexible employment workspace (Use Class B1), 42 self-contained flats (17 x 1bed, 14 x 2bed and 11 x 3bed) with associated car and cycle parking spaces, refuse and recycling stores, amenity space, landscaping and associated development.
PLAN NO'S	Please see Condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_141168">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_141168</a></p> <p><b><u>When viewing this as a Hard Copy</u></b> .</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="http://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "18/2984" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

A. That the Committee resolve to GRANT planning permission subject to:

The prior completion of a legal agreement to secure the following planning obligations:

- Payment of the Council's legal and other professional costs
- Notification of material start 28 days prior to commencement.
- *Affordable Housing* – 35% by unit comprising 11 units for affordable rent (3 x 1bed, 5 x 2bed and 3 x 3bed) and 4 units for shared ownership (3 x 1bed and 1 x 2bed)
- *Pre implementation financial review mechanism* if construction works do not commence within 18 months of the committee resolution to grant permission, to reasonably capture any improvement in viability for deferred affordable housing planning obligations.
- *Commuted sum towards Affordable Workspace provision* – £99,362
- *Highway works* - Provision of public footpath to adoptable standard at rear of site for adoption by the Highway Authority
- *Training and employment of Brent residents* - Prior to a material start to inform in writing Brent Works of the projected amount of construction jobs, training opportunities and provide a copy of the Schedule of Works. And, prior to a Material Start the submission and approval of an Employment Training Plan for the provision of training, skills and employment initiatives for residents of the Borough relating to the construction phase of the Development and in relation to the operational phase of the Development.
- *Carbon Off-setting and Sustainability compensatory measures* – Submission and approval of a sustainability implementation strategy to demonstrate how the scheme will meet London Plan energy and water use targets and financial contribution towards a local carbon offsetting scheme to achieve the targets for carbon reduction on residential development, should those targets not be met through on site measures (including initial contribution of £65,901, post-completion energy review and, if required, final contribution).

B. That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.

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

### Conditions

1. Time limit for commencement (3 years)
2. Approved Plans
3. Construction Management Plan
4. Site meeting with Tree Officer
5. Details of Electric Vehicle Charging Points
6. Site investigation for land contamination
7. Flood Resilience and Protection Plan
8. Materials samples
9. Landscaping scheme
10. Compliance with Building Regulations M4(2) and M4(3)
11. Provision of meanwhile use strategy for commercial units
12. Remediation measures and verification for land contamination
13. Assessment of plant noise
14. Sound insulation scheme
15. Internal noise levels for residential units
16. Surface water network upgrades
17. Details of PV panels
18. Highway works - reinstatement of footway, provision of loading bay and parking bays
19. Communal TV and internet
20. No PD rights for conversion from C3 to C4
21. No PD rights for conversion from commercial floorspace to C3

### Informatives

1. CIL Liability
2. Highway crossover works
3. Thames Water underground assets

4. Groundwater discharge
5. Thames Water water pressure
6. Environment Agency Flood Risk Activity Permit

D. That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

E. That, if by the "expiry date" of this application (subject to any amendments/extensions to the expiry date agreed by both parties) the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

F. That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

## SITE MAP

	<p><b>Planning Committee Map</b></p> <p>Site address: 6 &amp; 6A Coombe Road, London, NW10 0EB</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is indicative only.



## PROPOSAL IN DETAIL

The application seeks permission to demolish the existing industrial units and to redevelop the site to provide a part three-, four- and five-storey building comprising two duplex commercial units on the ground and first floors, and 42 residential units on the first to fifth floors, together with associated parking, cycle parking, refuse storage and landscaping including a public footpath along the bank of the River Brent.

The proposal was originally submitted with the description:

"Demolition of the existing building and redevelopment of the site comprising the erection of a part 3, 5 and 6 storey building providing 482sq.m of commercial floorspace (B Use Class) and 45 no. residential units (17 no. 1 bed, 18 no. 2 bed, 10 no. 3 bed), with associated on site car and cycle parking, refuse and recycling areas, amenity spaces, landscaping, and associated development"

Following discussions with officers, amended plans were submitted on 5 November 2018, addressing a number of concerns with the original proposal. The main amendments related to a change in ground floor layout, reduced ground floor footprint, revised access to Core B, increased commercial floorspace through provision of duplex units, reduced number of residential units, relocation of balconies from northern to southern elevation, reduced footprint of fourth floor and increased footprint of fifth floor, increased on-site parking provision and provision of on-street loading bay and relocated cycle storage.

## EXISTING

The existing site consists of a pair of single storey industrial units, currently in use as a reclaimed brick merchant and a scaffolding service, and associated areas of hardstanding.

The site is located on the northwestern side of Coombe Road, a cul-de-sac with pedestrian access to Harp Island Close further to the north, and its rear boundary is with the River Brent. Coombe Road is mixed in character, consisting of a small number of large-scale buildings including a residential flatted development (Roger Stone Court) adjacent to the site to the northeast, commercial storage and distribution buildings to the east and southwest (including Shurgard House adjacent to the site) and a fast food restaurant to the south. The wider surrounding area includes the A4088 Blackbird Hill to the south, residential areas to the west and east, and the Welsh Harp Reservoir and large areas of open space to the north.

## SUMMARY OF KEY ISSUES

**The key planning issues for Members to consider are set out below. Objections have been received regarding some of these matters. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:**

**Objections from neighbouring properties:** Three neighbour objections have been received, in response to two consultation exercises each consulting a total of 280 neighbouring properties. The concerns raised are addressed in the relevant sections of the report.

**Principle of development:** The proposal would provide new employment floorspace which exceeds the current floorspace on site, together with new residential units to contribute towards Brent's housing target and a financial contribution to affordable workspace. Despite some areas of concern in relation to Policy DMP14, the emerging policy context strongly supports the mixed use redevelopment of this site.

**Affordable housing and housing mix:** The proposal includes 26% family-sized housing in compliance with Policies CP2 and CP21. The proposed affordable housing provision of 35.7% with a policy-compliant tenure split is considered by your officers to exceed the proportion of affordable housing that can viably be delivered on the site. This is considered to be a significant planning benefit of the scheme.

**Design, scale and appearance:** The design approach provides a strong active frontage along the street and successfully modulates the bulk and mass of the building, while the height and contemporary architectural style are considered to be appropriate to the surrounding context and to provide a high quality development.

**Residential living standards:** The proposal would provide a high standard of accommodation, including generously sized units, a high proportion of which would be dual aspect, and a combination of private and communal amenity space.

**Relationship with neighbouring properties:** The proposal would have some impact on eight side-facing windows at Roger Stone Court but these would still receive reasonable levels of daylight for an urban context.

There are no other concerns in relation to the impact on neighbouring properties, and the proposal allows sufficient separation distances to allow adjoining sites to come forward for redevelopment.

**Flood risk, drainage, trees and biodiversity and relationship with River Brent:** The proposal has been designed to minimise the risk of flooding on site and in the surrounding area, and the findings of the Flood Risk Assessment are supported by the Environment Agency subject to conditions. A 3m buffer strip will be retained at the rear of the site to ensure that built development maintains an 8m distance from the River Brent, and this will be accessible as part of a public footpath along the riverside. There are no concerns in relation to trees and biodiversity, subject to conditions.

**Environmental Health:** There are no concerns on environmental health grounds, subject to conditions relating to internal noise criteria for residential properties, noise insulation between residential and commercial elements, assessment of plant noise, site investigation and remediation of contaminated land, and a construction management plan.

**Sustainability and energy:** The proposal achieves a 29% reduction in regulated energy emissions against the 2013 Building Regulations baseline, using a combination of energy efficiency measures and renewable energy. The remaining emissions will be offset via a financial contribution of £65,901 to Brent's carbon offsetting fund to achieve a zero carbon residential development. The commercial floorspace does not meet the 1,000sqm threshold to require a BREEAM Excellent rating but benefits from the reduced emissions achieved for the building as a whole.

**Transportation, parking and servicing:** The proposal provides on-site parking for 69% of the residential units, which is considered by Transportation officers to be appropriate within the context of local census data on car ownership. A redundant crossover will be reinstated to footway and on-street parking bays will be provided along the site frontage, together with an on-street loading bay for the commercial units, all at the applicant's expense. The number of vehicle movements is predicted to reduce compared to the existing use. Adequate provision has been made for cycle storage and bin storage. The 3m buffer strip at the rear of the site will be provided as an adoptable footpath, linking to existing sections of footpath and allowing a through route along the riverbank to be opened up. This is considered to be a significant planning benefit of the scheme.

## MONITORING

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 (sqm)
Assembly and leisure	0		0	0	
Businesses / research and development	0		0	0	
Businesses and light industry	0		0	0	
Businesses and offices	688		688	752.8	64.8
Drinking establishments (2004)	0		0	0	
Financial and professional services	0		0	0	
General industrial	0		0	0	
Hot food take away (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	

### Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING ( Flats û Market )										
EXISTING ( Flats û Intermediate )										
PROPOSED ( Flats û Market )	13	14	6							33
PROPOSED ( Flats û Intermediate )	4	4	4							12

## RELEVANT SITE HISTORY

No relevant planning history.

## CONSULTATIONS

280 neighbouring properties were consulted for a period of 21 days on 6 August 2018 and again on 6 November 2018. A site notice was posted on 8 August 2018 and a press advert was published on 20 September 2018. Two objections were received to the first consultation and one objection (from a different address) to the second. The concerns are summarised below:

Comment	Officer response
Height is too imposing in relation to existing structure and nearby residential streets. Will dominate neighbouring properties, particularly during winter when leaves fall from trees. High rise development not appropriate to the area.	See 'Design, Scale and Appearance', paragraphs 24 to 27
Design is unimaginative, does not complement or blend with existing environment.	See 'Design, Scale and Appearance', paragraph 28
Not clear whether proposed building is higher than existing trees.	See 'Design, Scale and Appearance', paragraphs 24 to 27
Crowding, overlooking, loss of privacy and blocking of light to existing residential properties and views from existing properties onto street.	Loss of view is not a material planning consideration. See 'Relationship with neighbouring properties' for other considerations, paragraphs 39 to 44
No appreciation for Welsh Harp Reservoir.	The site is located 400m distant from the Reservoir and the development would have no impact on it other than by facilitating the provision of a public footpath to allow pedestrian access along the riverbank.
Proposal will increase the impact of flooding on neighbouring properties. This is not detailed in the documents.	See 'Flood Risk', paragraphs 45 to 50
Noise and disturbance during construction process, including at anti-social hours	Construction noise and other impacts are controlled through environmental nuisance regulations, which include restrictions on the hours of construction work. Furthermore, a Construction Management Plan will be required to ensure adequate controls are in place.
Not clear whether more or fewer trees will remain.	See 'Trees and Biodiversity', paragraph 56
Increased traffic due to at least 60 extra cars using Coombe Road, which cannot accommodate such traffic and is not wide enough to allow easy traffic flow.	See 'Transportation, servicing and parking', paragraph 74
Increase in residents will lead to increased noise disturbance at anti-social hours in local area.	There is no evidence to support this assertion, and anti-social noise disturbance is controlled by environmental nuisance regulations.

*Document Imaged*

Will lead to increase in fly-tipping, overcrowding and poorly maintained street environment.	There is no evidence to support this assertion.

### **Internal, external and statutory consultees**

#### **Cllr Harbi**

Suggests the development could include a community space

#### **Affinity Water**

No response

#### **Environment Agency**

Initial objection on grounds of flood risk, and the lack of a safe means of access and / or egress in the event of flooding.

Objection withdrawn subject to condition requiring detailed flood resilience and flood proofing plan.

#### **Secure by Design Officer**

Raised concerns in relation to initial proposal, due to access arrangements for Core B and degree of natural surveillance of ground floor amenity space.

#### **Thames Water**

Requests condition regarding surface water network upgrades required to accommodate additional flows to avoid sewer flooding and / or potential pollution incidents.

No objection with regard to foul water sewage network infrastructure capacity or water network and water treatment infrastructure capacity.

Informatives requested regarding proximity to underground assets, ground water discharges.

#### **Local Lead Flood Authority**

No objection - the Flood Risk Assessment meets the LLFA's requirements and the proposal includes appropriate measures to mitigate flooding on site and within the area.

#### **Environmental Health**

No objection subject to conditions regarding noise, contaminated land and construction process.

## **POLICY CONSIDERATIONS**

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

The following are also relevant material considerations:

The National Planning Policy Framework 2018

Mayor of London's Housing SPG 2016

Mayor of London's Sustainable Design and Construction SPG 2014

SPD1 Brent Design Guide 2018

Brent Waste Planning Guide 2013

Brent Employment Land Demand Study 2015

All of these documents are adopted and therefore carry significant weight in the assessment of any planning application. In addition, Shaping Brent's Future Together (the Consultation Draft of Brent's new Local Plan) was published in November 2018, with the statutory consultation period ending on 3 January 2019. This document is expected to be adopted in 2020, when it will supersede the Core Strategy and Development Management Policies. The Draft New London Plan is being considered through an Examination in Public which began in January 2019 and is expected to conclude in May 2019. These documents also carry some weight in the assessment of planning applications, as emerging policies.

## DETAILED CONSIDERATIONS

### Principle of development

#### *Reprovision of employment floorspace*

1. The site is a Local Employment Site, part of the Coombe Road cluster of employment sites surveyed in the Brent Employment Land Demand Study. Policy DMP14 restricts the release of employment sites where continued wholly employment use is unviable or significant benefits consistent with wider development plan objectives would be achieved through the redevelopment of the site, but allows for up to 11.5ha of industrial land to be released during the plan period. The Employment Land Demand Study concluded that Coombe Road should be retained as a Local Employment Area unless it could be demonstrated that there is no evidence of current or future market demand for the site as evidenced through a period of at least 24 months of active marketing for industrial employment uses, and unless the release of industrial employment land has exceeded 11.5ha.
2. Officers have reviewed recent permissions involving the loss of industrial land which, together with prior approval conversions to residential use, would result in the loss of industrial land exceeding the policy target only three years after its adoption. The draft new London Plan also identifies that across London loss of employment sites has been far greater than expected, and proposes that there should be no further losses. Draft London Plan Policy E4 proposes that, whilst the release of industrial land will be supported in some boroughs, others will be required to retain their existing capacity or, in the case of Brent, to provide new capacity for industrial floorspace. On SIL and LSIS-designated sites, the policy seeks no net loss of industrial floorspace capacity, which is defined as either the existing floorspace or the floorspace equivalent to a 65% plot ratio, whichever is the greater, but this constraint does not apply to local employment sites. Further detail on how new capacity can be delivered is provided in Draft Policy E7, which supports mixed-use development on local employment sites where the proposal includes industrial floorspace as part of the intensification of the site, and where it has been allocated in a development plan for mixed use development. The draft new London Plan has been through a process of public consultation and is undergoing an Examination in Public until May 2019, and consequently, while not adopted, it can be given considerable weight in the determination of planning applications.
3. Brent's Preferred Options Local Plan ('Shaping Brent's Future Together') is also a material consideration that can be given some (albeit limited) weight as it has recently been subject to public consultation. It reinforces the draft new London Plan approach, identifying a number of employment sites that would be suitable for redevelopment to provide both employment and residential uses. The application site is part of the proposed site allocation BESA1 Coombe Road, and the site allocation promotes mixed use development including replacement of existing employment floorspace and residential use on the upper floors.
4. The proposal would provide two new duplex commercial units for tenants within B1 uses, Unit A being 80sqm at ground floor and 190sqm at first floor, and Unit B being 258sqm at ground floor and 198sqm at first floor with an external roof terrace of 37sqm. Your officers consider that B1(a) office floorspace would not be appropriate outside of a town centre, and a condition is recommended to restrict the permitted uses to B1(b) and B1(c). The total floorspace would be 727sqm, representing an increase of 39sqm compared to the existing floorspace of 688sqm. However, the proposal would also result in the loss of the existing industrial units and would displace two operational businesses on the site.
5. Whilst both adopted and emerging policy provide strong support for retaining industrial floorspace on site, the latter gives encouragement to using land more intensively and offers more flexibility in co-locating this with other uses. The proposal would not fully comply with Policy DMP14 as the site would not be retained in wholly employment use and is not vacant, with no marketing evidence having been submitted to support the loss of the existing floorspace, although the submitted Employment Use Assessment suggests that demand for the existing units would be low and that their refurbishment would not be viable (notwithstanding that to meet the test, redevelopment for employment uses should also be explored). However, in providing more than the equivalent amount of employment floorspace, the proposal would be consistent with the aims of the draft new London Plan and the Local Plan site allocation. It would facilitate the redevelopment of the site to provide new employment floorspace co-located with residential development. Whilst the increase in industrial floorspace is relatively small, your officers consider that this can be accepted on a local employment site proposed to be allocated for mixed use redevelopment, and that the Flood Zone designation (discussed in paragraphs 45 - 50) also constrains the increase of floorspace in this case.

6. It is noted that the existing occupiers are not to be retained on site, however this would restrict the redevelopment of the site as the nature of their business operations would not be compatible with the type of floorspace proposed or with co-location with residential uses. The applicant has offered to provide 80sqm of the floorspace as affordable workspace and, given that the scheme has been demonstrated to be in deficit with the provision of affordable housing (this issue is discussed further in paragraphs 15 to 19), it is considered that the scheme would not be deliverable with a higher proportion of affordable workspace. Your officers consider that the amount of affordable workspace proposed is too small to be attractive to a managed affordable workspace provider and have requested a financial contribution of £99,362 towards affordable workspace provision within the Borough instead. The applicant has agreed to this and it would be secured through the s106 Agreement.
7. There is a concern that without an occupier identified for the commercial units, whether managed affordable or otherwise, the space may not meet potential occupiers' requirements, in terms of design, servicing and fit out. If an occupier cannot be found this could result in either unit or both remaining vacant for long periods, which could detract from the vitality of the street scene and increase crime and the fear of crime, and could ultimately result in the loss of the employment space. Whilst the Employment Use Assessment submitted states that the space has a very strong prospect of being occupied by a range of businesses in the borough, no evidence has been provided to support this claim for example that the applicant has undertaken any marketing exercises or engagement with local businesses and that the design of the space meets their operational requirements. However, the applicant has confirmed that they have been advised by commercial agents on this issue. The floorspace could be sub-divided into smaller units if required, with a choice of fit out arrangements including 'shell and core plus'.
8. The applicant has provided employment marketing reports from two commercial agents, which illustrate demand for commercial units of this type amongst B1(b) and B1(c) businesses within the area. The latter report recommends a number of features are included in the 'shell and core' fit out, including a goods lift, level access from the loading bay, glass frontage and front doors, and capped off services. These will be required by condition. Furthermore, a meanwhile use strategy will be required by condition in order to ensure that the commercial floorspace is marketed effectively for B1(b) and B1(c) uses and to allow for alternative uses to be explored on a temporary basis in the event of any extended periods of vacancy. This would minimise the risk of the units remaining vacant for long periods of time.
9. The inclusion of community space has been suggested by Cllr Harbi, one of the ward councillors. Officers consider that this would not comply with adopted and emerging policies on employment land, and that community facilities would be better located in more accessible areas and town centres. However, the provision of community space on a temporary basis during periods of vacancy could be encouraged through the meanwhile use strategy.

#### *Residential-led redevelopment*

10. The NPPF expects the planning system to boost significantly the supply of housing, and Core Strategy Policy CP2 sets out a target of 22,000 new homes across the borough by 2026. The site adjoins an established residential flatted development, with further residential development to the north, and the wider surrounding area is primarily residential. These factors lend support for the principle of a residential use on the site, subject to compliance with policies on employment floorspace.
11. The draft new London Plan proposes significantly higher housing targets across London and is a material consideration of considerable weight. As noted above, in order to encourage the most efficient use of land, Policy E7 supports the redevelopment of industrial sites to include residential development, and Brent's Preferred Options Local Plan proposes the allocation of this site for mixed use redevelopment including housing.

#### *Conclusion*

12. The proposal would provide new commercial units, representing a net increase in employment floorspace across the site, together with 42 new residential units that would make a contribution towards Brent's housing target and a contribution towards affordable workspace within the borough. Although it does not comply fully with the precise terms of Policy DMP14 it would reflect the direction of travel established by emerging policy, which seeks to make the most efficient use of land and specifically to facilitate the co-location of industrial and residential uses. In this case your officers consider that the emerging policy context should be given considerable weight and that the proposal is acceptable in principle, subject to

other material planning considerations as discussed below.

### **Affordable housing and housing mix**

13. Core Strategy Policy CP2 sets out aims for new residential developments to achieve the London Plan target of 50% affordable housing and to provide at least 25% family sized accommodation (3bed or larger units). Brent's approach to securing affordable housing provision is set out in more detail in Policy DMP15, which requires an economic viability assessment to support proposals for less than 50% affordable housing and sets out a preferred tenure mix within the affordable housing provision of 70% social or affordable rent and 30% intermediate housing.

#### *Housing mix*

14. The housing mix proposed is 17 x 1bed, 14 x 2bed and 11 x 3bed. This represents 26% family sized (3bed) units, which complies with Policies CP2 and CP21.

#### *Affordable housing*

15. The proposal initially included the delivery of 26.6% affordable housing, comprising 12 units on a shared ownership tenure. A Financial Viability Appraisal was submitted in July 2018, to support this offer, specifying that the scheme would generate a residual profit of 6.07% of the estimated Gross Development Value, significantly below the benchmark profit of 20% and resulting in a deficit of approximately £2.8m, and that therefore the scheme was not economically viable and not able to support any additional affordable housing.
16. BPS Chartered Surveyors were commissioned to conduct an independent assessment of the affordable housing position on behalf of the Council. Their report of 13 September 2018 showed a reduced deficit, principally by reducing the Benchmark Land Value of the site by approximately £800,000. However the report concluded that the scheme would still be in deficit (although to a lesser extent of approximately £1.32m). BPS also carried out a sensitivity analysis showing that a total of five units on a 60:40 split (three social or affordable rent and two shared ownership) could be delivered at the same reduced deficit as the original offer of 12 shared ownership units, and your officers considered that this policy-compliant tenure split would be preferable to the original offer notwithstanding the lower number of units overall. The applicant was asked to consider this as an alternative to the original offer.
17. Subsequently and following discussions with officers, the applicant offered to provide 35.7% affordable housing (15 units out of a total of 42) with a policy-compliant tenure split (eleven rented units and four shared ownership units), notwithstanding the agreed viability position but on a 'without prejudice' basis, and subject to permission being granted by March 2019 and without a late stage review mechanism. The Financial Viability Appraisal was updated, based on the assumptions adopted in the BPS assessment including the reduced Benchmark Land Value, and on the agreed provision of 35% affordable housing. This demonstrated a substantial deficit of £3.92m.
18. The applicant has also offered a pre-implementation financial review that would be triggered if they have not made a substantive material start within two years of planning permission being granted.
19. Your officers consider that the provision of 35.7% affordable housing, despite being below the 50% policy target, is significantly above the level that could be delivered on the basis of the agreed viability position and that the proposal complies with policy in all other respects. In the circumstances it is considered highly unlikely that the deficit could be overcome to the extent that additional contributions to affordable housing could be made and that consequently a late stage review is likely to be superfluous. Therefore it is considered to be reasonable not to require a late stage review mechanism to capture any uplift in value. The affordable housing provision and pre-implementation review would be secured through the s106 agreement.

### **Design, scale and appearance**

20. The NPPF emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials, while not discouraging appropriate innovation, and Policy DMP1 requires the scale, type and design of development to complement the locality. Further guidance on design is provided in SPD1 Brent Design Guide 2018.
21. In this case the area is of mixed character and the site allocation anticipates that neighbouring sites may

come forward for redevelopment in the future, so to some extent the character of the area can be expected to evolve further. There are no in principle objections to the demolition of the existing buildings, and the site allocation supports a contemporary approach to the design of new development in this area.

#### *Site layout*

22. The two commercial units would provide an active frontage addressing the street across the ground floor, interspersed by smaller areas of inactive frontage providing entrance to the car park, bin storage and a secondary entrance to the rear of the building to allow for maintenance, refuse collection and fire escape access. The residential cores would be set back behind the commercial units and accessed via a shared corridor to create a T-shaped layout providing open views across the rear of the site to the riverside, however the central location of the residential entrance between the two commercial units would provide legibility and a strong sense of arrival for residents.
23. The ground floor parking area would be set back from the frontage and largely shielded from public view by the building, whilst the extent of hard surfacing within the layout would be softened by the provision of small areas of soft landscaping within the parking area and of timber carports to support climbing plants. The remaining area at ground floor level to the north of the building would provide communal residential amenity space which would be easily accessible from the residential cores, particularly from Core B. Although this area would not be overlooked at ground floor level by residential units, there would be a degree of natural surveillance from the upper floors and from the rear of the commercial unit, Unit B, and consequently the location of this amenity space is considered to be acceptable.

#### *Height, bulk and mass*

24. The proposed building would be a maximum of six stories high and would extend across the full width of the site frontage (other than on the northeastern boundary with Roger Stone Court, where a 2.7m set in from the side boundary would allow for the secondary access to the rear of the building) on the ground, first and second floors. It would be set in quite substantially from the northeastern boundary on the third to fifth floors, with the fourth and fifth floors also set in from the southwestern boundary with Shurgard House. The rear element of the building would occupy the centre of the site, being set in from both side boundaries, and would be partly six stories and partly five stories in height.
25. The height of the building is considered to be appropriate in the context of the adjacent flatted development, Roger Stone Court. This is a largely four-storey building with a steep gable roof adding extra height. Although other buildings on Coombe Road are primarily single-storey or two-storey, the site allocation supports new development of up to five stories, with the upper storey set back and a reduction to four stories on the edges. Your officers consider that the sixth storey, although not explicitly supported by the site allocation, represents a modest increase in relation to the height of Roger Stone Court and given the modest overall footprint of the sixth storey. Stepping down the building line as it approaches the side boundary with Roger Stone Court is also seen as appropriate as a response to the design of that development and to reflect the smaller scale of the existing residential building.
26. Although neighbour objections have expressed concern regarding the height of the building in relation to traditional residential streets in the wider surrounding area, your officers consider that due to the location of the site and the character of the immediately surrounding area, the building would not appear overly imposing or dominant. To the northeast of the site, the River Brent provides a 20m buffer zone, including extensive tree cover on both river banks, between the rear boundary and the rear gardens of properties on Birchen Grove. To the east, the site is separated from the rear gardens of properties on Braemar Avenue by the industrial buildings on the east side of Coombe Road and the canal feeder, establishing a distance of 70m from the site. To the south, the site is separated from properties on Oakside Terrace by the London Distributor Road and the extensive bulk of Shurgard House, at a distance of 100m. Although the building may be visible from some residential properties or gardens, loss of view is not a material planning consideration and therefore is not a factor that constrains development. The impact on light, outlook and privacy of neighbouring properties is a closely related issue and is considered in more detail in paragraphs 39 to 44 below.
27. The overall bulk and massing of the proposal would respect the context of the surrounding area, with neighbouring buildings being of a large scale and having extensive footprints in relation to their plot sizes.

#### *Architectural design and materials*

- 28. The architectural approach is contemporary, with elements of different heights modulating the overall bulk and mass, and areas of flat roof utilised for roof terraces and photovoltaic panels. The upper residential floors would be set back on the front elevation so as to avoid the impression of the building being overbearing within the street scene and, coupled with the distinct architectural treatment of the commercial floors, this set back would create a clear visual distinction between the base and middle of the building, solidly grounding the development and creating a harmonious relationship with the street scene. The progression of set in and set back sections on the upper floors would further reduce the impression of bulk and mass, whilst the rhythm of fenestration including the repetition of window patterns on alternating floors and the combination of recessed and projecting balconies would provide additional articulation to emphasise the verticality of the building.
- 29. Materials have been indicated on the plans, with the facades being primarily in brick including brick corduroy patterning on the ground and first floors, and a landscape strategy has been submitted, incorporating tree planting, a children's play area, shrub borders within the parking area and roof terrace amenity areas. However further details of materials and landscaping would be required by condition.

**Residential living standards**

- 30. All development is required to comply with standards set out in the Mayor's Housing SPG (including minimum internal space standards based on Technical Housing Standards – Nationally Described Space Standard 2015), and with Brent Policy DMP19, which requires private amenity space of 20sqm per 1bed or 2bed flat and 50sqm for family housing including ground floor and 3bed or 4bed flats. Amenity space can be provided as a mixture of private and communal space. Balconies should have a minimum width and depth of 1.5m to be considered usable, and single aspect units should be avoided, particularly if north-facing.
- 31. Internal floorspace is proposed as follows:

	<b>Minimum floorspace required</b>	<b>Floorspace proposed</b>	<b>Number of single aspect units</b>	<b>Number of wheelchair accessible units</b>
<b>17 x 1b2p units</b>	50sqm	50sqm - 63.9sqm	12	3
<b>14 x 2b4p units</b>	70sqm	70.1sqm - 83.1sqm	7	0
<b>11 x 3b5p units</b>	86sqm	89sqm - 107sqm	0	2

- 32. All of the units would meet or exceed minimum internal floorspace standards, with many being generously sized, all bedrooms exceeding minimum sizes and floor-to-ceiling heights of 2.5m. The internal layouts are considered to make efficient use of the space and the units are arranged so as to avoid any problems due to adverse stacking other than the living area of Unit A04.01 being above the bedrooms of Unit B03.03. It is recommended that sound insulation measures are required by condition to ensure that this does not create unacceptable noise levels.
- 33. Five wheelchair accessible units are proposed, which exceeds the 10% required by the Mayor's Housing SPG, and these are generously sized in order to accommodate the additional requirements for wheelchair accessible homes. However further details would be required by condition to demonstrate that these units comply fully with the Building Regulations M4(3) standards and that the remaining units comply with the M4(2) 'accessible and adaptable homes' standards
- 34. A maximum of eight flats per core is recommended in the Mayor's Housing SPG and the proposal complies with this requirement. Over half of the flats (55%) including all of the 3bed flats would be dual aspect, and this is considered to be a positive aspect of the scheme. The Daylight & Sunlight Report finds that 98% of living spaces would meet the recommended target of 1.5% Average Daylight Factor for living rooms and that 88% would meet the 2% target for kitchens, whilst 100% of the bedrooms would meet the target of 1%, and concludes that the amenity benefits associated with providing balconies (which obstruct daylight and sunlight to rooms below) could offset any reduced level of daylight. In terms of sunlight, 100% of windows with an orientation facing within 90 degrees of due south would comply with the Annual Probable Sunlight Hours test.
- 35. It is noted that there is potential for overlooking between neighbouring balconies within the development and between balconies and habitable room windows within the development. To address any concerns with overlooking between different units, it is recommended that a condition is secured requiring details of

screens to the sides of balconies (minimum 1.5m high) to prevent direct overlooking.

36. Overall the standard of accommodation proposed is considered to comply with all the relevant standards and is acceptable.
37. The provision of residential amenity space is proposed as a mixture of private balconies, terraces and communal space comprising the following:

Ground floor communal space	210sqm
Block A third floor terrace	87sqm
Block A fifth floor terrace	89sqm
Block A & B fifth floor terrace	76sqm
<b>Communal space total</b>	<b>462sqm</b>
Private balconies and terraces (minimum of 6sqm per unit)	252sqm
<b>Combined communal and private total</b>	<b>714sqm</b>
<b>Average space per unit (minimum)</b>	<b>17sqm minimum</b>

38. Although the average amenity space per unit falls slightly below the 20sqm policy target, this is a minimum calculated on the basis of each unit having a 6sqm private balcony, whereas this minimum would apply to only 12 of the 1bed flats and many other flats would have larger private balconies or terraces of up to 36sqm. Those residents with the largest areas of private amenity space would be less likely to use the communal roof terraces and therefore it is considered unlikely that these would be over-used or excessively crowded. Furthermore, many of the units would have a generous amount of internal floorspace, which would compensate to some extent to the slight shortfall in external amenity space. The provision of amenity space is considered to be acceptable in terms of Policy DMP19, subject to further details of landscaping to be provided.

#### Relationship with neighbouring properties

39. Any development will need to maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1. The building should sit within a 30 degree line of existing habitable room windows and a 45 degree line of existing private rear garden boundaries, measured from a height of 2m above ground level. Separation distances of 18m to windows and 9m to rear boundaries should be maintained. The 1:2 rule should be applied in respect of extending to the rear of adjacent dwellings (the rear building line should not project further to the rear than half the distance between the proposed flank wall and the centre point of the nearest existing rear habitable room window).
40. For buildings that neighbour a new development, the industry standard guidance by the Building Research Establishment (BRE) suggests that daylight to an existing property will be adversely affected by the development, if its windows achieve a Vertical Sky Component (VSC) below 27% and have their levels reduced to less than 0.8 times their former value, and if the levels of No Sky-Line Contour (NSC) within rooms are reduced to less than 0.8 times their former values. For sunlight the relevant test is the Average Probable Sunlight Hours (APSH) that occupiers will notice the loss of sunlight if the APSH to main living rooms is both less than 25% annually (with 5% during winter) and that the amount of sunlight, following the proposed development, is reduced to less than 0.8 times its former value. The Mayor's Housing SPG emphasises the need for flexibility in achieving these targets, however, in higher density urban locations.
41. Beyond the site frontage, the building would retain separation distances of 17m to the boundary with Shurgard House and 13m to the boundary with Roger Stone Court. These distances provide adequate separation to avoid any overlooking and loss of privacy to existing residents at Roger Stone Court and to allow the future redevelopment of both sites to come forward without prejudicing the privacy of any neighbours. To the rear of the site, the River Brent provides a 20m separation distance to the rear gardens of properties on Birchen Grove, which significantly exceeds the requirements set out in SPD1.
42. Side-facing windows at Roger Stone Court could potentially be affected by the proposal in terms of loss of light and outlook. The amended proposal has set back the building line at fourth floor level and provided a roof terrace at fifth floor level on the central section of the building in order to ensure that the building sits within the 30 degree line from the ground floor window on this unit. The Daylight and Sunlight Report notes that windows on this elevation are generally overhung by balconies or the protruding roof element, and that features such as these can restrict existing views of the sky and

exaggerate the effects of relatively modest obstructions on the site opposite. Of the 20 side-facing windows assessed, 12 would meet the BRE targets by retaining both VSC levels and NSL levels within 0.8 times their existing value. The remaining eight windows would experience reductions in daylight (VSC) slightly beyond 0.8 times their former value, but would still retain VSC levels between 19% and 25.3% compared to a target of 27%. The NSL levels within these rooms would be reduced to 0.4 times or 0.5 times their former value, compared to the target of 0.8 times.

43. Although no information has been provided on this point by the applicant, given the design of the building and the size of the windows it is considered unlikely that all of these windows serve habitable rooms. Furthermore, this element of Roger Stone Court is located only 5m distant from the application site, with windows facing onto the shared boundary, which would not be compliant with Brent's current policies on the relationship with neighbouring properties. It should also be noted that outlook from the side facing windows in Roger Stone Court currently face out onto industrial buildings and the associated open storage yard. Officers are of the view that the overall quality of outlook will be improved. The levels of daylight for some windows do fall below BRE guidance levels, but are still considered to achieve reasonable levels of daylight given the urban context of the site and the change in outlook for these windows which currently overlook an industrial building and yard. In light of this, the impact to the neighbouring property is not considered to be unduly detrimental.
44. There are no private rear gardens at Roger Stone Court and the side boundary is to a parking area, to which the 45 degree line does not apply. The proposal would not breach either the 30 degree line or 45 degree line from properties on Birchen Grove due to the 20m separation distance. There are no other existing residential properties that would potentially be affected by the proposal in terms of loss of light and outlook.

### **Flood risk, drainage, trees and biodiversity and relationship with River Brent**

#### *Flood risk and drainage*

45. The NPPF aims to direct development towards areas of the lowest practicable flood risk and to ensure that all development is safe, without increasing flood risk elsewhere, and requires a Flood Risk Assessment for all development in Flood Zones 2 and 3. Brent Policy DMP9A requires proposals requiring a Flood Risk Assessment to contribute to flood risk management and reduction, and provides specific criteria for assessing such applications including the provision of a dry means of escape and finished floor levels at least 300mm above the modelled 1 in 100 year plus climate change flood level. Policy DMP9B also requires sustainable drainage measures for major developments.
46. The majority of the site is located in Flood Zone 2 and some areas near the riverbank are located in Flood Zone 3, as defined on the Environment Agency mapping system. However the site is enveloped by Flood Zone 3 and is therefore regarded as being entirely within Flood Zone 3 and at high risk of fluvial flooding. A site-specific Flood Risk Assessment has been submitted, and this concludes that only a very small portion of the site to the rear would be anticipated to flood, with very shallow depths, although the entire site is at risk of flooding with the application of climate change.
47. The site layout takes into account the risk of flooding, with open landscaping and an open cycle storage facility within Flood Zone 3 and the bulk of the commercial and residential floorspace in Flood Zone 2. The cycle storage would be enclosed by full height steel railings and would be allowed to flood in order to improve floodplain storage. Floor levels of plant storage areas would be located above the 300mm level recommended in Policy DMP9A. Materials and detailed design features would enhance flood resilience, for example in the location of electrical wiring. Following an objection by the Environment Agency to the initial proposal, the scheme has been redesigned to reduce the proposed building footprint to 678sqm (compared to the existing footprint of 700sqm). Residential uses, which are classified as 'more vulnerable' in terms of flood risk, are located at first floor and above, whilst occupiers of the commercial units would also have internal access to the first floor of the units which would provide safe refuge in the event that the site became flooded and safe evacuation was not available.
48. The Local Lead Flood Authority have raised no objections and consider that the proposal includes appropriate measures to mitigate flooding on site and within the surrounding area. However, the Environment Agency objected to the initial proposal on the grounds that it would involve an increase in built footprint within Flood Zone 3 and would impede flood flow and reduce flood storage capacity thereby increasing the risk of flooding elsewhere, whilst the proposed mitigation measures could exacerbate flood risk to the site and surrounding areas, and the proposal did not provide a safe means of access and / or egress in the event of flooding.

49. The Environment Agency objection has been withdrawn following the submission of the amended proposal and further supporting information. A detailed flood resilience / flood proofing scheme is requested as a condition to ensure the development meets NPPF policy to mitigate the danger of floodwater to people and property.
50. Thames Water have also been consulted and have identified the need for upgrades to the surface water network in order to prevent increased risk of surface water flooding. This would also be secured by condition.

#### *Relationship with River Brent*

51. Policy DMP9 requires riverside development to improve access to the waterways and to provide an appropriate landscaped set back, and a set back of at least 8m from a main river is required by the Environment Agency to allow for maintenance and protect the open character of the riverside and wildlife habitats.
52. The proposal would retain a 3m undeveloped buffer strip at the rear of the site, which would also provide maintenance access for Environment Agency personnel. The riverbank beyond the rear site boundary itself is approximately 5m in depth, and consequently the 3m buffer strip would ensure that built development would be located at least 8m from the riverbed. Transportation officers have requested a 3m wide adoptable public footpath at the rear of the site (this issue is discussed further in paragraph 75). This would comply with the aims of Policy DMP9 to provide public access to the riverside, and the Environment Agency have agreed to the use of the buffer strip in this way, subject to conditions to avoid any adverse biodiversity impacts resulting from its encroachment into the buffer zone.

#### *Trees and biodiversity*

53. London Plan Policy 7.19 requires development proposals to make a positive contribution to the protection, enhancement, creation and management of biodiversity. Core Strategy Policy CP18 also supports the enhancement and management of open space for biodiversity and nature conservation and protects open space of value, including waterways, from inappropriate development. Although not currently accessible to the public or available for recreational purposes, the riverbank is part of a designated Green Chain and Site of Importance for Nature Conservation (SINC) (of Borough Importance Grade II), and part of the Blue Ribbon Network. The riverbank provides a naturalised and partly undisturbed landscape, and specific reference is made to these sites in London Plan Policy 7.19, which requires them to be given a level of protection commensurate with their importance, based on the following hierarchy:
  - avoid adverse impact to the biodiversity interest
  - minimise impact and seek mitigation
  - only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.
54. A review of SINC sites was carried out for the Council in 2014 (this site is known as Harp Island, ref B1106). This section of riverbank includes a number of trees, which are noted as making an important contribution to the SINC and are also a planning consideration in their own right on both arboricultural and visual amenity grounds.
55. A preliminary ecological appraisal was submitted, based on a desk study and site survey. The site was assessed for the potential to support a range of protected species, including an external investigation of the building to assess the potential for bat roosts. As the site consists almost entirely of hardstanding and buildings, it is considered highly unlikely that protected species would be present on site, due to the lack of any suitable habitat. The riverbanks were observed to be dominated by Japanese knotweed, an invasive species, and fly-tipping was observed in the canal. However the tree line was considered to provide good opportunities for birds and foraging bats. Overall, the appraisal concluded that the development would not have any adverse impacts on biodiversity interests. A condition is recommended to require approval of external lighting, together with bat boxes, bird boxes and suitable planting and green roofs. The Environment Agency have requested a condition for a removal and management strategy to deal with the Japanese knotweed, and this will need to be a pre-commencement condition as any demolition or site clearance works could potentially lead to the spread of this invasive species. A further condition is requested, for the submission of a buffer zone management plan, which would secure adequate protection for the buffer zone and would support the aims of the Brent Catchment Partnership

to naturalise 10km of the Brent catchment by 2021.

56. A Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement was submitted. This identified two trees and four tree groups on or near the site, and recommended removal of part of two low quality groups of trees and one Hawthorn tree which has significant deadwood throughout the crown, with replacement tree planting to be provided as part of the landscaping scheme. The Tree Officer has raised no concerns in relation to the proposal, subject to the development being carried out in accordance with the approved documents, and has welcomed the suggestion of a pre-commencement meeting, which is proposed as a separate pre-commencement condition to which the applicant has agreed.

## **Environmental health**

### *Air quality*

57. As the site falls within an Air Quality Management Area and includes residential uses, London Plan Policy 7.14 requires proposals to demonstrate that development would be 'air quality neutral', that is that it would not worsen existing air quality. An Air Quality Assessment has been submitted and this has been reviewed by environmental health officers. The methodology of this assessment is considered to be acceptable and therefore Environmental Health consider that no conditions are required in relation to air quality, subject to the design of the development and proposed heating and transport emissions remaining as per the assessment.

### *Noise*

58. A Noise Assessment was submitted, in which noise on the site from surrounding noise sources was surveyed. The main source of noise was road traffic, and glazing and ventilation to dwellings were recommended as mitigation measures. Environmental Health officers have reviewed the Assessment and accept its conclusions. Conditions are required to secure an assessment of plant noise and any mitigation measures necessary to achieve the required noise levels in the residential units, together with a scheme of sound insulation measures to prevent transmission of noise between commercial and residential areas, and the design and testing of residential areas in accordance with BS8233 to ensure the required sound insulation is obtained and noise nuisance prevented.

### *Land contamination*

59. The proposed site has been identified as potentially contaminated and the application has been supported by a Phase 1 assessment. This has identified that site investigation works are required. Environmental Health officers agree with this conclusion and have requested conditions to secure a site investigation together with any necessary remediation works and verification.

### *Construction noise and dust*

60. Due to the proposed demolition and construction being close to existing residential properties, Environmental Health officers have requested a Construction Management Plan to ensure that noise, vibration and dust are controlled during the demolition and construction phases. This would need to be submitted as a pre-commencement condition as it applies to the construction process as a whole, and the applicant has agreed to this.

## **Sustainability and energy**

61. Major residential developments are expected to achieve zero carbon standards in accordance with London Plan Policy 5.2, which requires an Energy Assessment setting out how these standards are to be achieved. Any shortfall in achieving zero carbon emissions would need to be compensated for by a financial contribution to the Council's Carbon Offsetting Fund, based on the notional price per tonne of carbon of £60. A BREEAM Excellent rating would be required for commercial floorspace of 1000sqm or more, however this requirement does not apply in this case as the proposed commercial floorspace is less than 1000sqm.
62. An Energy and Sustainability Statement has been submitted, demonstrating that the development employs a highly efficient building fabric, including well insulated walls and high-performance glazing, in accordance with the 'Be Lean' principle in London Plan Policy 5.2. There are no district energy networks

within a 2m radius of the site, and combined heat and power or community energy systems are not viable on a scheme of this size, and consequently no reductions have been made in the 'Be Clean' category. PV Panels are specified on all roof areas that are not used to provide amenity space, in accordance with the third 'Be Green' priority, and other renewable technologies are reviewed but found not to be suitable to the scheme. Overall the proposal achieves a 29% reduction in emissions compared to the Part L baseline. Although this is lower than the target of 35% on site, it is considered that the limited footprint required to minimise flood risk coupled with the use of roof terraces to provide amenity space reduces the amount of roof available for PV panels.

63. The remaining carbon emissions to achieve "zero carbon" (36.61 tonnes per annum) would be offset by a financial contribution to Brent's carbon offsetting fund, costed at £65,901. This sum would be secured via the s106 Agreement, together with submission and approval of a Sustainability Implementation Strategy calculating emissions for the commercial and residential elements separately at both the detailed design stage and again following completion.
64. The Statement also demonstrates that water fittings would be specified to achieve the London Plan target water consumption of 105litres per person per day, and that responsible sourcing of building materials would be employed.

### **Transportation, parking and servicing**

65. The NPPF requires applications for development generating significant transport impacts to be accompanied by a Transport Assessment. Parking standards for new developments are given in Policy DMP12 and Appendix 1 of the Development Management Policies, whilst servicing requirements are given in Appendix 2 and Policy DMP11 provides criteria for new or altered road accesses. Cycle parking is required in compliance with the London Plan (two spaces per 2bed and 3bed flat, or one space for 1bed flats, and one space per 150sqm of B1 office space or 250sqm of B1 light industrial floorspace or 500sqm of B2/B8 floorspace) in a secure weatherproof location. Detailed guidance on bin storage requirements is given in the Waste Planning Guide, with storage locations required to be within a maximum 30m carrying distance from any individual flat (excluding vertical distances) and to allow for collection within a 20m carrying distance (10m for larger Eurobins).
66. Coombe Road is a short cul-de-sac comprising a mixture of industrial, commercial and residential uses, located off Blackbird Hill, a London Distributor Road. It is considered to be a heavily parked street and there is evidence that vehicles frequently park on the footway. The site has medium accessibility to public transport (PTAL 3) and as such is subject to the higher maximum residential parking allowances given in Appendix 1, whilst the location northwest of the Dudding Hill rail line allows one space per 200sqm of gross employment floorspace.
67. The existing site comprises two industrial units, served by separate accesses, and three parking spaces would be allowed for the existing 675sqm floorspace. The site frontage can accommodate about six cars, which exceeds the standards. The proposed 727sqm of employment floorspace would be allowed a maximum of three parking spaces, whilst the proposed residential use would be allowed a maximum of 47 spaces. The employment floorspace would also require a servicing bay.
68. The proposal is to retain an existing dropped kerb at the southwest of the site, providing access to a parking area at the rear of the building and partly in an undercroft. The parking area would be gated, with the gates set back from the footway by 6.5m to allow adequate space for cars to wait away from the highway whilst the gates are opened. A total of 29 on-site parking spaces are proposed, equating to a parking space for 69% of the units.
69. Transportation officers consider this level of provision to be acceptable as it reflects the projected ratio of car ownership within the area based on census data, subject to the redundant dropped kerb at the northeast of the site being removed at the applicant's expense in order to facilitate the provision of further parking spaces on the street in front of the site (in addition to a loading bay, the total length of frontage excluding the retained dropped kerb being approximately 40m and providing scope for up to four additional parking bays). The applicant has agreed to these works, which would be secured by condition and carried out at the applicant's expense. Three of the spaces are shown as being for disabled use, which would comply with the requirement in Appendix 1 of the Development Management Policies for 10% of spaces to be for disabled use.
70. London Plan Policy 6.13 requires 20% of all car parking spaces to be served by charging points for electric vehicles with passive provision of the necessary infrastructure to install charging points for an

additional 20%. The Transport Statement Addendum confirms that this provision will be made, however no details have been provided and consequently a condition is recommended to require these details to be submitted.

71. A loading bay to serve the commercial units would be provided on-street along the site frontage, facilitated by the removal of the redundant crossover, and tracking diagrams have been submitted to demonstrate that an 8m goods vehicle can turn around within the confines of the adopted carriageway. Transportation officers have accepted this arrangement, which is comparable to the existing situation whereby the industrial units are serviced by vehicles using the site frontage and turning within the cul-de-sac.
72. A minimum of 67 cycle parking spaces are required for the residential use, in addition to five for the commercial use. These would be provided at the rear of the site in separate secure cycle stores, with five spaces provided for the commercial use and 96 for the residential use (the latter reflects the higher standards for cycle parking proposed in the Draft New London Plan).
73. The proposed refuse store for Core A comprises six x 1,100l Eurobins and eight x 240l bins, and would be located at the front of the site within 10m of the highway and 30m of Core A. This complies with Brent's guidance and is acceptable. The proposed refuse store for Core B comprises 15 x 204l bins, and would be located at the rear of the larger commercial unit approximately 12m from the highway and 15m from the carriageway, and within a 20m distance of Core B. As this store does not include any larger Eurobins, the maximum carrying distance to the highway is 20m, and this is also acceptable.
74. The Transport Statement Addendum predicts a maximum of seven two-way vehicular movements in the AM peak hour, which is not considered to raise any concerns regarding highway safety or the impact on the highway network. In fact it would represent a reduction in the number of vehicle movements compared to the existing industrial uses on site. Transportation officers consider that the transport impacts of the proposal would be acceptable.
75. Transportation officers have requested that the 3m buffer strip along the rear site boundary with the riverbank be used to provide a public footpath. The two adjoining sites, Shurgard House and Roger Stone Court, are both subject to s106 Agreements requiring the provision of adoptable public footpaths along the riverbank, and the provision of a similar footpath at the rear of this site would enable the three lengths of footpath to be linked together, formally dedicated as public highway and opened up for public use (the footpath to the rear of Shurgard House is currently gated and locked). The footpath would be constructed to adoptable standards, with hard surfacing and two lighting columns linked to the cabling for the existing lighting along the footpath to the rear of Shurgard House. This is considered to be a significant positive feature of the development, enhancing the ability of the public to enjoy the riverside location and improving pedestrian accessibility and permeability in the area. Provision of the footpath will be secured through the s106 Agreement.

## Density

76. The London Plan density range that would be applicable to the site would be 200 - 450 hr/ha for urban sites (or 70 - 170 units/ha) with a PTAL score of 3, unless a higher density can be justified as a result of a scheme being acceptable in planning terms. The proposed density of approx. 571 hr/ha or 200 units/ha exceeds the London Plan density range but is considered to be acceptable in planning terms and in light of the design-led approach to density set out in the draft new London Plan.

## Equalities

77. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

## CIL DETAILS

This application is liable to pay **£1,316,867.59\*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\*\* floorspace which on completion is to be demolished (E): 688 sq. m.  
 Total amount of floorspace on completion (G): 5139.4 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Businesses and offices	752.8		652.02	£40.00	£35.15	£36,443.50	£32,024.73
Dwelling houses	4386.6		3799.38	£200.00	£35.15	£1,061,789.80	£186,609.56

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	313	
<b>Total chargeable amount</b>	£1,098,233.30	£218,634.29

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

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

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



Application No: 18/2984

To: Mr Evans  
ROK Planning  
5-11 Mortimer Street  
LONDON  
W1T 3HS

I refer to your application dated **27/07/2018** proposing the following:

Demolition of the existing buildings and redevelopment of the site comprising the erection of a part three, five and six storey building providing 727 sqm of flexible employment workspace (Use Class B1), 42 self-contained flats (17 x 1bed, 14 x 2bed and 11 x 3bed) with associated car and cycle parking spaces, refuse and recycling stores, amenity space, landscaping and associated development.

and accompanied by plans or documents listed here:  
Please see Condition 2.

at **6 & 6A Coombe Road, London, NW10 0EB**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 04/02/2019

Signature:

A handwritten signature in black ink that reads "Alice Lester".

**Alice Lester**  
Head of Planning, Transport and Licensing

**Notes**

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

DnStdG

## SUMMARY OF REASONS FOR APPROVAL

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

London Plan 2016  
Brent Core Strategy 2010  
Brent Development Management Policies 2016  
Draft London Plan 2017  
Shaping Brent's Future Together Consultation Draft Local Plan 2018

- 1 Prior to the commencement of the development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

Reason for pre-commencement condition: Impacts of the construction process can arise at any time during the construction process and therefore controls need to be in place prior to construction commencing.

- 2 Prior to commencement of the development, a pre-commencement site meeting arranged by the applicant will be held, including representatives of the applicant, the arboricultural consultant and the LPA Tree Officer, as recommended in the approved Revised Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement (Chalice Consulting Ltd, Ref CC/1938 AR3666, 10 July 2018). A record of the meeting will be circulated to all parties and to the LPA by the arboricultural consultant within five days of the meeting.

Reason: To ensure that all aspects of the tree protection process are understood and agreed.

Reason for pre-commencement condition: All aspects of the construction process, including the demolition of existing buildings and site preparation, can impact upon trees to be retained on and near the site, and the tree protection process therefore needs to be agreed prior to works commencing.

- 3 No development, including facilitative activity or site clearance, shall take place until a removal and management plan to control any invasive non-native species, including long-term objectives and management responsibilities, has been submitted to, and approved in writing by, the local planning authority. The management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- (i) details of removal and management regime, including methodology and monitoring strategy
- (ii) details of treatment of site boundaries and buffers around water bodies
- (iii) outline of designated waste management responsibilities
- (iv) details of strong biosecurity protocols – applied to PPE, tools, machinery and other potential spread pathways.

Reason: This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a

last resort compensated for, planning permission should be refused. Without this condition it cannot be guaranteed that the development will not result in significant harm to the Brent catchment and objectives for halting the spread of invasive non-native species such as Japanese knotweed.

Reason for pre-commencement condition: As Japanese knotweed has been identified as being present on site, any demolition and site clearance activities could result in it spreading to adjoining areas. Therefore a scheme for its removal and management needs to be agreed and in place before any work commences.

- 4 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.

- 5 The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

#### **Drawings**

534 - 2b - 001 Rev A  
534 - 2b - 010  
534 - 2b - 011  
534 - 2b - 030  
534 - 2b - 031  
534 - 2b - 110 Rev F  
534 - 2b - 111 Rev D  
534 - 2b - 112 Rev D  
534 - 2b - 113 Rev D  
534 - 2b - 114 Rev D  
534 - 2b - 115 Rev D  
534 - 2b - 116 Rev E  
534 - 2b - 200 Rev F  
534 - 2b - 300 Rev E  
534 - 2b - 301 Rev E  
534 - 2b - 350 Rev D  
534 - 2b - 351 Rev B  
LC00288 01 C

#### **Documents**

Accommodation Schedule Rev N (29.10.18)  
Air Quality Assessment (Ardent Consulting Engineers, Ref 181160-04, July 2018)  
Daylight and Sunlight Report (eb7, 25 October 2018)  
Design and Access Statement (HWO, July 2018)  
Design and Access Statement Addendum - Design Changes Schedule (HWO, October 2018)  
Employment Use Assessment (Rapleys, Ref AAMJ/18-01378, 3 July 2018)  
Employment Use Assessment Addendum Letter (Rapleys, Ref AAMJ/18-01378, 26 October 2018)  
Energy and Sustainability Statement (JAW Sustainability, 29 October 2018)  
Financial Viability Assessment & Updated Financial Viability Appraisal (Redloft, July 2018 & October 2018)  
Flood Risk Assessment and Sustainable Drainage Strategy (Ardent Consulting Engineers, Ref 181160-01, October 2018)  
Geo-Environmental Desk Study / Preliminary Risk Assessment Report (Jomas Associates Ltd, Ref P1426J1345/TE, 29 March 2018)  
Noise Assessment (Ardent Consulting Engineers, Ref 181160 - 03, July 2018)  
Planning Statement & Statement of Community Involvement (SCI) (ROK Planning, Ref R00002, July 2018)  
Preliminary Ecological Appraisal (The ecology partnership, June 2018)  
Revised Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement

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

- 6 Prior to first occupation or use of the development, the amenity spaces, soft and hard landscaping, car parking, cycle parking and bin storage shown on the approved plans shall be provided in full. These or equivalent facilities shall be retained in full for the use of occupiers of the development thereafter.

Reason: To ensure adequate provision of these facilities for the lifetime of the development.

- 7 Prior to first occupation or use of the development, the applicant shall enter into a S278 Agreement with the Highway Authority to enable the following highway works to be undertaken at the applicant's expense, and these works shall be undertaken to the Highway Authority's satisfaction:

- reinstatement of redundant crossover to footway;
- provision of Wembley Stadium Event Day parking bays along reinstated footway.

Reason: In order to increase the level of on-street parking available to serve the development.

- 8 Prior to first occupation of the development hereby approved, further details of a communal television system/satellite dish shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details. The equipment shall be located so as to have the least impact on the external appearance of the development.

Reason: In the interests of the visual appearance of the development in particular and the locality in general.

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

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

- 10 The commercial floorspace hereby approved shall be used not be used other than for purposes within Use Classes B1(b) and B1(c) as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended), notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking and re-enacting those Orders, without express planning permission having first been granted by the Local Planning Authority.

Reason: In the interest of the provision of industrial capacity within the Borough.

- 11 The development shall be undertaken in accordance with the recommendations and mitigation measures set out within the Arden Air Quality Assessment report ref 181160-04 dated July 2018, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect local air quality.

- 12 No access shall be provided to the area marked as 'Commercial Amenity' on Drawing No 534-2b-111 Rev D other than for maintenance purposes.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- 13 The following features shall be provided as part of the 'shell and core' construction of the commercial units (unless otherwise agreed in writing with the local planning authority on the basis that they are not required by a confirmed tenant of the unit(s)):

- a goods lift to serve each unit;
- capped off services including water, electricity, gas and drainage;
- glass frontage including full height double width front doors to each ground floor unit;
- level access from the on-street loading bay.

Reason: In order to ensure that the commercial units meet the requirements of potential occupiers and can reasonably facilitate the occupation for purposes within use classes B1(b) and B1(c).

- 14 No development other than demolition and site clearance shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the watercourse has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be as much as possible, free from built development including lighting, domestic gardens and formal landscaping.

The scheme should include:

- plans showing the extent and layout of the buffer zone (as taken from the top of bank), including the layout and extent of the intended pathway.
- details of any proposed planting scheme within the buffer zone (NB: planting should be of native species, of local genetic provenance).
- details demonstrating how the buffer zone will be protected during construction, developed and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- details of any proposed footpaths, fencing, lighting, etc. NB: external artificial lighting design should avoid or minimise any light spill into the watercourse or adjacent river corridor habitat. The specifications, location and
- direction of external artificial lights should be such that the lighting levels within 5 metres of the top of bank of the watercourse are maintained at background levels. The Environment Agency considers background levels to be a Lux level of 0-2.

Reason: Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat, and in particular is inhibitive to bats utilising the river corridor. This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. This condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

- 15 Prior to development commencing (other than demolition, site clearance and groundworks), further details of active Electric Vehicle Charging Points to serve 20% of the car parking spaces and the provision of passive charging points for a minimum of 20% of the remaining car parking spaces shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be carried out with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to facilitate sustainable modes of travel. In compliance with London Plan Policy. To comply with London Plan Policy 6.13.

- 16 (a) Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present, and a report shall be submitted to and approved in writing by the Local Planning Authority, including the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination, and an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. The investigation shall be carried out in accordance with the principles of BS 10175:2011.

(b) Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be submitted to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required). The verification report shall be approved in writing by the Local Planning Authority prior to first occupation or use of the development.

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

- 17 Prior to development commencing (other than demolition, site clearance and groundworks), a flood resilience/proofing scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include:

- A maintenance plan for the intended floodable structures
- Further details of the flood resilience measures to be incorporated into all ground floor development

Further information on flood proofing/resilience measures can be found in the documents 'Improving the flood performance of new buildings' and the Environment Agency Publication 'Prepare your property for flooding'.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: As the development is being constructed to a similar built footprint, there is still fluvial risk to the site. Flood proofing/resilience measures have been recommended in the submitted flood risk assessment (ref: 181160-01B), but further detailed designs are required. This should include designs for all of the ground floor development, such as the plant cores, cycle stores, and commercial units. In addition a plan for the maintenance of the floodable cycle stores will need to be submitted and approved to ensure these structures function as intended during a flood event.

- 18 Prior to commencement of work on the superstructure of the development, details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

- 19 Prior to works commencing on the superstructure, and notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works shall be submitted to and approved in writing by the Local Planning Authority. 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 and trees including location, species, size, density and number incorporating native species
- (b) details of the layouts of the shared amenity space, including details of play equipment
- (c) details of the provision of artificial bird and bat boxes
- (d) areas of all 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 disabled users
- (e) proposed boundary treatments including walls, fencing and retaining walls, indicating materials and height
- (f) 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)
- (g) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.
- (h) details of all tree planting pits (including surfacing)

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.

- 20 Prior to development commencing (other than demolition, site clearance and groundworks), details of the measures to limit the internal consumption of water to 105 litres or less per head per day has been submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the approved details prior to first occupation of the development.

Reason: To promote water conservation and efficiency measures in all new developments in accordance with policy 5.15 of the London Plan, and DMP9b of the Development Management Policies.

- 21 Prior to works commencing on the superstructure of the development, further details of how the development will be built so that 90% of the residential units will achieve Building Regulations requirement M4(2) – ‘accessible and adaptable dwellings’ and that the remaining 10% of the residential units will be easily adaptable to achieve Building Regulations requirement M4(3) – ‘wheelchair user dwellings’ shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved details.

Reason: To ensure that the development achieves an inclusive design in accordance with London Plan Policy 3.8.

- 22 Prior to first occupation or use of the development, a Meanwhile Use Strategy shall be submitted to and approved in writing by the Local Planning Authority, and implemented in full thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason; In the interests of proper planning. To allow for alternative uses of the commercial units to be explored on a temporary basis in the event of any extended periods of vacancy.

- 23 Prior to first occupation or use of the development, an assessment of the expected noise levels from all plant and ancillary equipment shall be carried out in accordance with BS4142:2014

'Methods for rating and assessing industrial and commercial sound' and shall be submitted to and approved in writing by the Local Planning Authority, together with any mitigation measures necessary to achieve the required noise levels. The plant shall thereafter be installed and maintained in accordance with the approved details.

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

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

- 24 Prior to first occupation or use of the development, a scheme of sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to meet the standards of Building Regulations Approved Document E 'Resistance to the passage of sound' in order to prevent noise transmission between the commercial units and residential units and between the living area of Unit A04.01 and the bedrooms of Unit B03.03. The approved measures shall thereafter be implemented in full.

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

- 25 Prior to first occupation or use of the development, a test shall be carried out to show that the required noise levels set out below have been met and the results shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To obtain required sound insulation and prevent noise nuisance

- 26 Prior to first occupation or use of the development, the following shall be submitted to and approved in writing by the Local Planning Authority:

- Confirmation that all surface water network upgrades required to accommodate the additional flows from the development have been completed, or
- Confirmation that a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

The applicant is advised that further information to support the discharge of this condition is available at [www.thameswater.co.uk/preplanning](http://www.thameswater.co.uk/preplanning).

Reason: The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

- 27 Prior to completion of construction work, further details of the roof plan, confirming 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, and the development shall thereafter be completed in accordance with the approved details.

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

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 If the development is carried out it will be necessary for a crossing to be formed over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Should Application for such works should be made to the Council's Safer Streets Department Tel 020 8937 5050. The grant of planning permission, whether by the Local Planning Authority or on appeal, does not indicate that consent will be given under the Highways Act.
- 3 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please refer to Thames Water's Guidelines for working near our water mains and sewers' (available at <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>) to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near Thames Water's pipes or other structures  
  
Further information is available from Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
- 4 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expect the applicant to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
- 5 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The applicant should take account of this minimum pressure in the design of the proposed development.
- 6 Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit (FRAP) is required from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of a watercourse designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found on the gov.uk website. Please contact the Environment Agency at [PSO-Thames@environment-agency.gov.uk](mailto:PSO-Thames@environment-agency.gov.uk).
- 7 The use of the commercial units is restricted to B1(b) and B1(c) uses. Office use is permitted if it remains an ancillary part of the main B1(b) or B1(c) use.



Any person wishing to inspect the above papers should contact June Taylor, Planning and Regeneration,  
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2233

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