



Planning Committee

Tuesday 16 July 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
Hylton
Mahmood
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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The press and public are welcome to attend this meeting

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

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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 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 held on 19 June 2019		1 - 10
APPLICATIONS FOR DECISION		
3. 2A, Preston Waye and 283, 285 & 287 Preston Road, Harrow, HA3 (Ref.18/4902)	Barnhill	15 - 44
4. Olympic Way and land between Fulton Road and South Way including Green Car Park, Wembley Retail Park, 1-11 Rutherford Way, 20-28 Fulton Road, Land south of Fulton Road opposite Stadium Retail Park, land opposite Wembley Hilton, land opposite London Design (Ref.19/1387)	Tokyington	45 - 58
5. Bobby Moore Bridge and Underpass, Olympic Way, Wembley (Ref.19/1474)	Tokyington	59 - 76
6. 1-12 INC, Queens Parade, Willesden Lane, Willesden, London, NW2 5HT (Ref.17/0322)	Willesden Green	77 - 100
7. Willesden Green Baptist Church, High Road, London, NW10 2PR (Ref.18/4746)	Willesden Green	101-118
8. All Units at 4-9 INC, and Garages rear of 4-9 Gladstone Parade, Edgware Road, Cricklewood, London (Ref.18/4777)	Dollis Hill	119-142
9. 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: Wednesday 21 August 2019



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- 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 19 June 2019 at 6.00 pm

PRESENT: Councillors Denselow (Chair), Johnson (Vice-Chair), S Butt, Chappell, Hylton, Mahmood and Maurice.

ALSO PRESENT: Councillors Tariq Dar MBE, Dixon, Donnelly-Jackson and Shahzad OBE

Apologies for absence were received from Councillor Sangani.

1. **Declarations of interests**

None.

Approaches

110 Walm Lane, London, NW2 4RS (Ref.18/4675)

Councillors Chappell, Denselow, Hylton, Johnson, Mahmood, Maurice declared that they had been approached by either the residents, agents and/or developer.

2. **Minutes of the previous meeting - 10 April 2019**

RESOLVED:

that the minutes of the previous meeting held on 10th April 2019 be approved as an accurate record of the meeting.

3. **Wembley Youth Centre and Land next to Ex Dennis Jackson Centre, London Road, Wembley, HA9 (Ref 18/4273)**

PROPOSAL: Demolition of community centre and erection of three residential blocks ranging from three to seven storeys in height comprising a total of 170 residential units (67 x 1 bed, 82 x 2 Bed, 13 x 3 Bed and 8 houses) with community centre, new vehicular and pedestrian access, provision for car parking, cycle and refuse storage, amenity spaces and gardens and associated landscaping.

RECOMMENDATION: That the Committee resolve to GRANT planning permission subject to: Referral to the Mayor of London (stage 2 referral)

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out within the reports.

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 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.

Mr Toby Huntingford (Principal Planning Officer) introduced the report and answered Members' questions. He referenced the supplementary report and drew attention to amendments to conditions 39 and 41 and corrections in the main body of the report. He went on to clarify that there are 44 trees on site, rather than 43 as specified in the main report. Whilst 29 trees were to be lost on site, 85 new trees were proposed to be planted alongside a comprehensive landscaping scheme. Mr Huntingford also clarified the ecology impact and responded to questions about tenure.

DECISION: Granted planning permission as recommended with amended conditions as set out within the supplementary report.

(Voting on the recommendation was as follows: For 7, Against 0)

4. 2A, Preston Waye and 283, 285 & 287 Preston Road, Harrow, HA3 (Ref. 18/4902)

PROPOSAL: Demolition of buildings and erection of a 2 to 4 storey residential building comprising 35 self-contained flats (6 x studios, 12 x 1 bed, 10 x two bed and 7 x 3 bed) with basement level, provision for car and cycle parking and associated landscaping.

RECOMMENDATION: That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to secure the planning obligations set out within the reports and that the Head of Planning be granted delegated authority to negotiate the legal agreement indicated above.

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 reports.

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, 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 the "expiry date" of the planning application the legal agreement has not been completed, the Head of Planning be granted 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.

Mr Damian Manhertz (Development Management Team Leader) introduced the report and answered Members' questions. In reference to the supplementary report, Mr Manhertz clarified that a gate in the location was evaluated but as it was not considered to be necessary it was not included in the final proposal. He then outlined the differences between the current application and the previous application that was refused.

Members then discussed the application during which they expressed concerns that the design of the building was out of context and character with the buildings in the area. The scale, massing and design of the building were of concern to members. It was also felt that the proposed development would give rise to issues regarding highway flow and safety. Members considered that the proposal is likely to result in an excessive level of over-spill parking within a narrow road and the associated vehicle movements would result in highway safety issues. Members also expressed concerns about the scheme which proposed 35 flats comprising (6 x studios, 12 x 1 bed, 10 x two bed and 7 x 3 bed) but included an insufficient level and mix of affordable housing. Members were therefore minded to refuse the application.

In addressing Members' concerns, Mr Manhertz responded that although the proposal looked different from existing properties within the area, it was not likely to cause harm or detriment to the area. Reference was made to the scale of buildings within the retail frontages. He continued that the Transportation Team had assessed the scheme and concluded that the development would not give rise to highway or servicing problems. In respect of the affordable housing, Mr Manhertz stated that the viability of the proposed development had been independently assessed and was considered to demonstrate that the proposal would provide the maximum reasonable proportion of affordable housing.

Having heard the officer's response, Members were minded to refuse the application and in accordance with the Planning Code of Practice, decided to defer the application for a report to be prepared on the matters of concern raised within this meeting.

DECISION: Deferred to another meeting for the reasons for refusal to be assessed by officers in a follow-up report.

(Voting on the recommendation was as follows: For 0, Against 7).

(Voting on the deferral was as follows: For 7, Against 0).

5. 110 Walm Lane, London, NW2 4RS (Ref. 18/4675)

PROPOSAL: Replacement of existing building (containing public house and former members club) with a mixed use development within a part 4 and 5 storey building comprising public house and function room on ground floor (Use Class A4), 48 self-contained flats (14 x 1 bed, 22 x 2 bed, 11 x 3 bed & 1 x 4 bed), green roof and photovoltaics panels, bicycle and refuse storage, amenity space and landscaping (SCHEME A) (Amended Plans - Key changes to public house façade and internal layout)

RECOMMENDATION: That planning permission should be **refused** for the following reasons:

1. The proposed development, by reason of its massing and poorly designed front elevation, would appear unduly prominent and out of character in the street scene and in the wider locality. The development would fail to preserve or enhance the character or appearance of the Mapesbury Conservation Area. As a result, the proposal fails to comply with Policies 3.4, 3.5, 7.4, 7.6 and 7.8 of the London Plan; policy CP17 of the Core Strategy, Policies DMP1 and DMP7 of the Development Management Policies; National Planning Policy Framework 2018.
2. In the absence of a legal agreement to control the matter the proposal would fail to provide the maximum reasonable amount of affordable housing which would be contrary to Policy 3.12 of the London Plan, Policies H5 and H6 of the draft London Plan, Policy CP2 of the Core Strategy, Policy DMP15 of the Development Management Policies.
3. 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 Policies 5.2, 5.3 and 7.14 of the London Plan, Policy CP19 of the Core Strategy, Policy DMP1 of the Development Management Policies.
4. 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 Policies DMP1 and DMP12 of the Development Management Policies

The Committee agreed to receive together the representations for application references 18/4675 and 18/4710 relating to the same site but to decide them individually.

Mr Sean Newton (Principal Planning Officer) introduced the reports and answered members' questions. He referenced the supplementary reports which summarised additional objections received since the publication of the agenda adding that the points raised had been addressed within the Committee reports. Mr Newton addressed the issues raised by Councillor Miller as referenced within the

supplementary report. He also clarified that the Community Infrastructure Levy (CIL) indexation figure should be 224.

Mr Ian Elliott (Save the Queensbury) speaking in objection to the applications stated that whilst the residents accepted the principle of development on the site, he expressed concerns about a number of issues, including: the applicant's failure to retain the heritage building which is also an asset of community value, issues with the statement of community involvement, the design, massing and height which would be out of character within the Mapesbury Conservation Area. Mr Elliott also endorsed the officers' reasons for refusal for application reference 18/4675, as amplified within the report, adding that those reasons were equally valid to support refusal of application reference 18/4701.

Mr Stephen Nathan QC representing Mapesbury Residents' Association objected to both schemes on a number of grounds, including: The design, scale and appearance of the proposed building including the materials, that the proposal is unsympathetic to the Conservation Area; significant heritage building that ought to be preserved rather than demolished; the existing building which made a positive contribution to the heritage area ought to be preserved so as to maintain the character of the area; the report failed to address the concerns in respect of the south elevation.

In accordance with the Planning Code of Practice, Councillor Donnelly-Jackson stated that she had been approached by the developer and the local community. Echoing the views expressed by Save the Queensbury Pub group, Councillor Jackson added that the proposals through their poor designs, would be out of character with the Conservation Area. She continued that the demolition of the existing building would adversely impact on facilities for families and the local nursery (Busy Rascals).

In accordance with the Planning Code of Practice, Councillor Dar stated that he had been approached by the local residents. Councillor Dar also objected on the grounds that the proposed demolition would adversely affect the users including Busy Rascals and the pub. He continued that the modern design proposed would also be out of character with the area. Councillor Dar expressed that the consultation for the schemes was flawed.

In accordance with the Planning Code of Practice, Councillor Shahzad stated that he had been approached by the local residents. Councillor Shahzad raised concerns about the following matters; excessive height, inappropriate roofscape, scale and massing unsympathetic and out of character with the appearance of the area. Furthermore, the proposal would adversely impact on local residents who regularly used the building.

Councillor Dixon read out a statement on behalf of Councillor Colacicco (Deputy Mayor) highlighting the following issues; potential harm to the users; excessive height; insufficient architectural merit; lack of thorough character appraisal and lack of consultation with the local community. She continued that the proposals would fail to enhance and preserve the character of the area and hence urged refusal of both applications.

Mr. Luke Raistrick (agent) outlined the main differences between the applications and drew members' attention to the affordable and family housing provision. He considered that both schemes complied with and responded to the character of Mapesbury Conservation Area. He set out that the current pub operators have been offered the first right of refusal for the pub in the new development, if approved. Mr. Raistrick added that the schemes would provide substantial planning benefits including the provision of 48 homes of which 35% would be Affordable, the protection of the pub use and a community space for Busy Rascals nursery for whom the applicant had offered to find a temporary accommodation.

Mr. John Pryer (the operator of the Queensbury Public House) spoke in support of the proposals. He thanked the local community and Busy Rascals for their support adding that the scheme would seek to make the best possible use of the site. In response to members' questions, Mr. Pryer stated that both schemes would deliver the pub and community uses, hence achieving the aims of Save the Queensbury group.

In the ensuing discussion, members sought clarification on a number of matters including consultation, access, design, scale, massing, external materials, size and layout of the pub, whether the pub was designed to allow the provision of a kitchen, the level of affordable housing and tenure split to which Mr. Newton responded. Members acknowledged the re-provision of the pub. The value of the existing building was discussed together with the impacts associated with its loss and the benefits associated with the scheme. The potential impacts of the three heritage assets were also discussed.

Members weighted the benefits of the scheme with the impacts associated with the loss of the existing building and the construction of the proposed development. Concern was expressed regarding the design, height and massing of the proposed scheme. Members considered that the proposed building would appear overly prominent and discordant within the conservation area setting, and that both proposals would result in harm to the character and appearance of the conservation area that is not outweighed by the benefits of the scheme.

Members then decided to endorse the recommendation for refusal for the reasons as set out within the report for application reference 18/4675, with the reason for refusal on design grounds amended to also include a reference to the scale and massing of the building. Members were also minded to refuse planning consent for application reference 18/4701 for the same reasons.

DECISION: Refused planning permission as recommended and the following additional reasons; excessive height, the scale and massing of the building.
(Voting on the recommendation for refusal was as follows: For 7, Against 0).

6. 110 Walm Lane, London, NW2 4RS Ref. 18/4701)

PROPOSAL: Replacement of existing building (containing public house and former members club) with a mixed use development within a part 4 and 5 storey building comprising public house and function room on ground floor (Use Class A4), 48 self-contained flats (14 x 1 bed, 22 x 2 bed, 11 x 3 bed & 1 x 4 bed), green roof and photovoltaics panels, bicycle and refuse storage, amenity space and landscaping (SCHEME B) (Amended Plans - Key changes to roof form, public house facade and internal layout).

RECOMMENDATION: 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.

That the Head of Planning be granted delegated authority to negotiate the legal agreement indicated above and to issue the planning permission and impose conditions to secure the matters set out within the 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, 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.

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 be granted delegated authority to refuse planning permission.

For preamble, see planning reference 18/4675.

DECISION: Refused planning permission for the following reasons:

Insufficient architectural merit, out of character with the Mapesbury Conservation Area in terms of excessive height, design and massing and lack of a legal agreement to control resulting harm.

(Voting on the substantive recommendation was as follows: For 2, Against 5).

Voting on the refusal, contrary to officers' recommendation, was as follows:

For	Councillors Denselow, Butt, Chappell, Mahmood and Maurice (5)
Against	Councillors Hylton and Johnson (2).

7. Stonebridge Primary School Annexe, Twybridge Way, NW10 0ST (Ref. 18/4810)

PROPOSAL: Demolition of the former day centre and redevelopment of the site to provide an apartment block rising to 5 storeys comprising 13 flats (4 x 1 bedroom and 9 x 2 bedroom), 14 houses rising to 3 storeys (10 x 3 bedroom and 4 x 4 bedroom), and one apartment block rising to 5 storeys comprising 40 studio flats with an element of care (Use Class C3(b)) with associated amenity space and landscaping, the creation of a new loop road, car parking, cycle storage and refuse storage.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Mr Damian Manhertz (Area Planning Manager) introduced the report and informed Members that additional information received since the report was published related to daylight/sunlight issues and affordable housing which had been addressed within the report. Members heard that the applicant had submitted a daylight, sunlight and overshadowing analysis of the impact of the development on surrounding properties. It was noted that all 67 of the residential units (both C3 and C3b accommodation) would be 100% affordable rented housing (at a social / affordable rent). Mr Manhertz recommended an additional condition to restrict permitted development rights under Classes A to E for the houses.

DECISION: Granted planning permission as recommended subject to additional condition restricting permitted development rights under Classes A to E for the houses.

(Voting on the recommendation as amended was as follows: For 7, Against 0).

8. 3 Cygnus Business Park, Dalmeyer Road NW10 2XA (Ref. 19/0888)

PROPOSAL: Change of use from a light industrial use (Use class B1c) to MOT service centre (Use class B2).

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Mr. Damian Manhertz (Area Planning Manager) introduced the report and answered Members' questions. He confirmed that Dalmeyer Road was not controlled (not within CPZ) and that any resulting parking overspill on the public highway would be dealt with through parking enforcement. He continued that the 2 parking spaces provided, which accorded with Development Management Policies, would be line with the Council's parking standards. He clarified that the allocation and management of parking spaces within the business park would be the responsibility of the land of the landowner.

DECISION: Granted planning permission as recommended.

(Voting on the recommendation was as follows: For 7, Against 0).

9. Any Other Urgent Business

None.

The meeting closed at 9.20 pm

COUNCILLOR J. DENSELOW
Chair

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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.

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

16 July, 2019
03
18/4902

SITE INFORMATION

RECEIVED	24 December, 2018
WARD	Barnhill
PLANNING AREA	
LOCATION	2A, Preston Waye and 283, 285 & 287 Preston Road, Harrow, HA3
PROPOSAL	Demolition of buildings and erection of a 2 to 4 storey residential building comprising 35 self-contained flats (6 x studios, 12 x 1 bed, 10 x two bed and 7 x 3 bed) with basement level, provision for car and cycle parking and associated landscaping
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_143278</p> <p><u>When viewing this as an Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "18/4902" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

INTRODUCTION

The application is reported to the Planning Committee under the provisions of Clause 24 of the Planning Code of Practice following the resolution at the previous meeting on 19 June 2019 of 'minded to refuse', contrary to the Officer recommendation to grant consent.

In making this resolution, Members raised concerns about the development related to reasons highlighted below. In response, the applicant has provided additional material on the design merits of the scheme including a comparison with the extant permission and has made a revised affordable housing offer.

The applicant has reviewed their Affordable housing proposals and is now proposing 2 affordable rented units (comprising a three bedroom and a two bedroom home) and 1 shared ownership unit (studio). Further clarification the regarding design and transport assessment have been provided. These are discussed below.

1. Concerns with the lack of on site affordable housing including no provision of affordable rented units

As discussed within the main committee report, the application has been subject to a Financial Viability Assessment (FVA) that has been robustly reviewed by independent experts, who have concluded that the scheme cannot reasonably deliver any affordable housing. Notwithstanding this, the applicant had proposed the provision of 4 shared ownership units, and agreed to a post implementation review.

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, high existing use values and low value of new flats within this area. These elements resulted in a deficit to the scheme (£62,813) prior to any affordable housing being considered. These figures were independently verified and supported by the Council's own Financial viability officers who have provided additional details below.

With regard to viability, the Council's Financial Viability Officers note that it is important to consider that across Greater London there has been a stagnation in residential sales values while construction costs have continued to rise. This has caused negative impacts on all major viability cases within the Borough in recent times. This is evident when looking at various re-submitted applications across Brent such as the case of 4-9 Gladstone Parade whereby the consented scheme is in a weaker viability position now than it was when the FVA was originally submitted in January 2017.

In regard to the Preston Road case specifically there is a serious issue with residential sales values as they are much lower in that area compared to elsewhere in the Borough. BNP Paribas made the following assumptions for their appraisals on this case –

Unit Type	Average Sales Value
1 Bed	£368,160
2 Bed	£443,700
3 Bed	£494,414

Compare this to estimated flat sales values BNP Paribas made for an exercise concerning a potential scheme on Wembley High Road –

Unit Type	Average Sales Value
1 Bed	£469,000
2 Bed	£582,000
3 Bed	£761,000

It is very apparent that the Preston Road scheme suffers from significantly lower anticipated sales values when observing these figures produced by the same consultant.

There is also the factor of costs and the negative impact the provision of a basement inevitably has on viability. Taking the blended build cost per square foot assumed in the FVA and applying it to the GIA of the basement along with the appropriate professional fees and contingency, the basement alone costs in excess of £2.15m to build. Looking at the assumed revenue attributed to the 2 basement flats and the non-disabled parking spaces located within the basement the basement costs over twice as much to build compared to what it generates in value. This is a common issue with basement provision on any scheme. We can also observe cases such as Trinity House and 381 Edgware Road where both applications were re-submitted with the basement element removed and viability in both cases increased substantially. However, in this case the basement is required in order for the development to have an acceptable impact in terms of parking within the area. The loss of this basement would therefore be unacceptable in this instance, as the scheme would result in overspill parking onto the surrounding road network that could not be reasonably controlled (i.e. through a CPZ), and thus likely to have a detrimental impact on the safety of the surrounding road network.

For the reasons set out above, the scheme suffers in terms of viability and cannot reasonably provide a significant amount of affordable housing. Hence BNP Paribas' latest conclusion that even a wholly private scheme results in a deficit and is technically not viable. As such, any provision of affordable housing would be entirely voluntary on the behalf of the applicant and would be wholly supported in terms of policy. It should also be noted that the previously consented scheme included no affordable units and as such any provision as part of this scheme would represent an increase in affordable housing which is welcomed.

Since members considered the scheme, the applicant has reviewed the scheme. As an alternative option, they propose that two homes (one 3 bed 6 person and one 2 bedroom 4 person respectively) would be offered as Affordable rented units and one studio unit offered at shared ownership. These larger units and the provision of affordable rent are considered to be more in line with the requirements and identified needs of the borough and is welcomed.

When compared to the previous offer of 3 studio units and 1x1 bed unit, this would be one less unit than previously proposed. However, for the reasons noted above, the overall planning gain is considered to be of greater benefit with the revised offer. Taking into consideration the results of the financial viability assessments, it is considered that this offer is above what can be reasonable expected from the applicant.

Notwithstanding the above, if permission were to be granted a post-implementation review mechanism would be included as part of the S.106 legal agreement.

Taking due consideration to all of the above, the current scheme is considered to represent more than 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 (2016) and policies H5 and H6 of the draft London Plan (2017).

2. Concerns that the building by reason of its scale, massing and design (including balcony treatment) is out of scale and character with the locality

Emerging draft policy H1 in the London Plan proposes to increase Brent's Housing targets to around 2,900 homes per year compared to the current target of 1,950 homes per year. It seeks for boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions. This includes sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m of a town centre boundary. The application site is located on the edge of Preston Road town centre and within PTAL 3.

Whilst there is the need to optimise the delivery of housing on appropriate sites, there is also a need to ensure that development proposals have regard to the character of the area in terms of design and scale. SPD1 requires new development height, massing and facade design to positively respond to the existing

context and scale.

It is also important to note the materiality of the extant planning permission which is able to be implemented for a 25-unit scheme. The proposed development would be similar to the existing permission in terms of height and mass. The current proposal would have an almost identical height to the already consented scheme but would be set back further from the front and sides of the site boundaries and streetscene. As such, from the streetscene the impact would not be dissimilar to the already approved application. The main difference in design is with regards to the rearward extension. This has been designed to be stepped in as the height increases which would help mitigate the overall bulk and mass of the development when viewed from the surrounding public and private views.

A condition has been recommended requiring samples of the materials to be submitted and approved. The developer has confirmed since the previous committee that several options for different material choices are available. As such, the choice of materials would not be considered a reason for refusal.

Overall, taking due consideration to the consented scheme, it is considered that the current proposal would not result in an unduly harmful impact in terms of character of the locality. The additional wing element and reconfiguration in the design detailing has sought to optimise the amount of housing that the site can deliver from 25 to 35 units, whilst maintaining a similar height of development along Preston Road and Preston Way frontages. The current proposal also includes a higher proportion of family sized units (7 x 3 bedroom units compared to 4 x 3 bedroom units within the previous approval) and the provision of three affordable units (zero provision in the previous approval).

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 proposed development, by reason of its height, massing and poorly detailed balconies, would appear unduly prominent and out of character in the street scene and in the wider locality. As a result, the proposal fails to comply with Policies 7.4 and 7.6 of the London Plan; policy CP17 of the Core Strategy, Policy DMP1 of the Development Management Policies; National Planning Policy Framework 2019, and the guidance set out in SPD1 "Brent's Design Guide".

3. Concerns with vehicle movements along Preston Way and associated parking with the development

Traffic Generation

The Transport Statement has provided estimated vehicular traffic flows to and from the development, which total 22 arrivals/25 departures over a 12-hour day. This translates to 1 arrival/2 departures in the morning peak hour (8-9am) and 2 arrivals/3 departures in the evening peak hour (5-6pm). This is similar to the extant permission which included a total vehicle trips are estimated at 15 arrivals and 16 departures over the course of the 12-hour day, with peak hour flows of 1 arrival/3 departures in the am peak (8-9am) and 1 arrival/1 departure in the pm peak (5-6pm).

To assess the impact of these additional trips on the operation of the Preston Road/Preston Way junction, traffic counts were obtained for the morning peak hour. The traffic counts showed 27 vehicles turning into Preston Way and 27 vehicles turning out during the hour. Most of these were setting down passengers for the Underground station, so would U-turn and leave in a short period of time. No difficulties were observed for traffic entering and leaving the junction or passing along Preston Way, even with a number of the setting down cars stopping on the double yellow lines on the southern side of the road.

Concerns were raised about the width of Preston Way, but it only narrows significantly beyond the site entrance. Between the site entrance and Preston Road, it measures 7.3m in width, which with the double yellow lines along one side can comfortably accommodate two-way flow. The predicted flows to and from this site would amount to about 5-10% of existing flows on Preston Way, which is not considered significant enough to cause any noticeable worsening of the junction operation. A junction capacity test has been undertaken on the future operation in the morning peak hour with the additional development traffic flows and this showed the maximum ratio of flow to capacity (rfc) to be 0.07 for traffic turning out of Preston Way, against a recommended maximum value of 0.85. As such, your officers in Transportation have advised there is plenty of spare capacity available and the development would not have any adverse impact on the junction operation.

Car parking

With regards to parking, concerns were raised with increased vehicle movements along the link between Preston Way and Preston Road, the impact on parking within the local area and concerns regarding refuse collection. The Transport Team have provided further detailed clarifications and still consider that the application is acceptable in transport terms.

The extant permission included a basement car park with access in the same location from Preston Way. The earlier approval included provision for 23 car parking spaces within the site compared to 19 spaces as now proposed. The key consideration is whether the reduced level of parking on site and associated increased number of flats would result in overspill parking onto the surrounding highway that would result in a detrimental impact on highway and pedestrian safety.

Officers in Transportation have advised that the 35 proposed flats are allowed up to 39 parking spaces as a maximum. A crude assessment of parking demand at 75% of the maximum allowance for the 32 private units and 50% for the 3 x affordable units 1.75 would suggest that 28-29 cars would be owned. However, Census data from 2011 suggests car ownership for flats in the area averages 0.51-0.55 cars/flat, suggesting that 18-19 cars would be owned by future residents. The site layout shows 19 spaces, which would fully meet demand if car ownership matches the existing average for flats in the area.

If parking demand is higher in practice and there is overspill parking, Brent's overnight parking surveys show the area to be very lightly parked at night, with just two cars noted as being parked in Preston Way and just one in this length of Preston Road (both sides), which reflects the fact that most houses in the area have off-street parking.

The removal of the crossovers in Preston Road would allow at least two additional parking bays to be marked along the site frontage (n.b. these would be pay and display bays during the day, but are unrestricted at night when demand from residents would be highest). As such, it is considered that parking demand can be safely accommodated within the site, but that if car ownership exceeds the average for the area, then there is spare on-street parking capacity available to accommodate this.

A parking permit restriction could be imposed, but this could only be enforced on Wembley Stadium event days unless a year-round CPZ is introduced in the future. At present there is no existing demand for a CPZ from local residents.

Given the levels of parking identified through the census data, it is not considered that a 'parking permit restriction' agreement is necessary. However, such a restriction would provide the ability to mitigate the potential impact of over-spill parking should levels exceed these predictions and this could be secured through a condition.

Refuse Collection

Adequate refuse storage capacity (8 x 1100l Eurobins) is shown at the rear of the basement car park for residents. A secondary collection day store is shown at the car park entrance, so a site manager will be responsible for repositioning the bins on collection days. This forms the same arrangement to the extant permission. Furthermore, Brent's Waste & Recycling service have confirmed this would be acceptable.

The distance of the store from Preston Way is about 25m, so refuse vehicles would need to reverse about 15m along the site access road to get to within the recommended 10m of the store. Once again, this is the same arrangement as the extant permission. Your officers in Highways have confirmed that the route is straight and wide and should have few (if any) pedestrians along it, so the arrangement is deemed to be safe.

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

- 1 That the Committee resolve to GRANT planning permission subject to:
 - A. The prior completion of a legal agreement to secure the following planning obligations:

1. Payment of legal and professional costs
2. Notification of commencement 28 days prior to material start
3. Affordable housing - provision of 4 shared ownership units together with a post-implementation review mechanism for affordable housing.
4. Training and employment of Brent residents
5. Energy Assessment- Submission of Energy Assessment, and carbon offset contribution to be paid in two stages, following pre-construction submission of revised Energy Assessment and post-completion submission of Energy Assessment Review. Energy Assessment to include overheating analysis.
6. Contribution towards offsite landscape works for strip of land between access road to Tenterden Sports Ground and eastern boundary of the site
7. 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.

B. 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. Three year rule
2. Approved plans
3. Withdraw permitted development rights for C3 conversion to C4
4. Obscure glazing to windows overlooking neighbours
5. Considerate constructors scheme
6. Sustainable Urban Drainage
7. Mains water consumption for residential units not to exceed 105lppd
8. Construction Method Statement (CMS)
9. Non-road mobile machinery (NRMM)
10. Connection District Heat Network
11. Piling details
12. External materials
13. Accessibility
14. Balcony details
15. Garden screens
16. Hard and soft landscaping
17. Lighting
18. Details of boiler flues and PV panels on roof
19. Air quality follow up
20. Highways works
21. Internal noise
22. Plant noise

Informatives


1. CIL liability
2. Party Wall
3. Building near boundary
4. Environmental Health general comments
5. Asbestos
6. Groundwater risk permit
7. Highway works
8. Notify highways
9. Living Wage
10. Fire Safety

1. 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.

2. That, if by the "expiry date" of the planning application the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

3. 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



Planning Committee Map

Site address: 2A, Preston Way and 283, 285 & 287 Preston Road, Harrow, HA3

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This map is indicative only.

PROPOSAL IN DETAIL

The application proposes the demolition of buildings and erection of a 2 to 4 storey residential building comprising 35 self-contained flats (6 x studios, 12 x 1 bed, 10 x two bed and 7 x 3 bed) with basement level, provision for car and cycle parking and associated landscaping (revised description)

EXISTING

The site for the proposed development is located on the western side of Preston Road and currently contains 2 detached dwellinghouses (2a Preston Way & 283 Preston Road) and 2 semi-detached dwellinghouses (285 & 287 Preston Road) dwellinghouses and associated gardens. The site is bounded by No. 281 Preston Road and Preston Way to the south, the rear garden of 2 Preston Way to the west, a Council owned landscaping strip and access road to Tenterden sports ground to the North and Preston Road to the east.

The site has an area of 0.19ha and a level drop of approximately 2.9m from east to west towards 2 Preston Way. The site has a Public Transport Accessibility Level (PTAL) rating of 3 which is classified as good and it is within 150m of Preston Road tube station.

The application site is not located within a conservation area nor does it contain any listed buildings. It sits just outside the boundaries of Preston Road Town Centre.

AMENDMENTS SINCE SUBMISSION

The following amendments were made to the plans during the application:

- Alterations to the layout of the amenity space
- Alterations to increase the size of balconies to ensure adequate levels of private amenity space
- Alterations to ceiling height of basement above disabled spaces, relocation of 2 disabled parking spaces to outside the basement, and alterations to headroom height in basement to accommodate double stacked bicycles
- Rearrangement of 2 x one bedroom units into 2 x studio units on southern elevation (details to be conditioned)
- Amendments to basement layout to rearranged bins and provide a plant room

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 neighbours: 6 objections have been received from individual properties together with an objection from Cllr Pavey. A petition with 45 signatures has also been received objecting to the proposal. These relate mainly to the impact of the buildings on the character of the area, the impact on light, outlook and privacy to neighbouring properties, parking provision and the impact on existing congestion in the area, and are covered in the relevant sections of the report.

Principle of development: The principle of the development has been established through planning approval reference 16/5444. This proposal seeks to optimise the delivery of housing within the site, and is considered acceptable in an area of good public transport accessibility (PTAL 3) and located next to Preston Road Town Centre. It will positively contribute towards the Council's housing targets.

Affordable housing and housing mix: The proposal includes 4 shared ownership units (2 x studio flats and 2 x one bedroom flats) accounting for 11% of units or 6.6% by habitable room. In addition 7 of 35 units are family sized (three bedroom), accounting for 20% of the units. Your officers consider this to be the maximum reasonable amount of affordable housing that can be provided, subject to any additional surplus being captured through early stage and late stage review mechanisms.

Design, scale and appearance: The proposal offers a more contemporary design on a corner location adjacent to a town centre area. The height, massing and scale of the development are all considered to be acceptable within this location.

Residential living standards: The 35 residential units would all meet or exceed internal space standards and the majority of units would be dual aspect. All units would have balconies and additional amenity space would be provided in the form of a communal garden. A financial contribution towards improvements to the landscape strip between the northern elevation of the site and the access road to Tenterden Sports Ground will be secured through the Section 106 Agreement.

Impact on neighbouring properties: The proposal would not result in any undue impact on the residential amenities of neighbouring occupiers in terms of daylight, sunlight or overlooking and would be acceptable.

Transportation and highways considerations: The scheme proposes 17 car parking spaces (4 of which will be disabled) within the basement car park and provision for upto 7 spaces along the access road into the site. Vehicular access is proposed from Preston Way next to No. 2 Preston Way. Cycle parking and bin storage comply with the relevant standards. Transport officers have assessed the scheme and consider that it would not result in any undue impact on traffic or parking within the area

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)
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Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING (Houses)			4							4
EXISTING (Flats û Market)										
PROPOSED (Houses)										
PROPOSED (Flats û Market)	18	10	7							35

RELEVANT SITE HISTORY

Relevant Planning history

16/5444: Demolition of the existing buildings and construction of a four storey building with a basement level providing 25 self-contained flats (11 x 1bed, 10 x 2bed and 4 x 3bed) with associated vehicular crossover off Preston Way, car and cycle parking spaces, bin stores, amenity space and ancillary gym for private use by the residents - **Granted, 14/08/2017.**

09/2136: Demolition of 4 existing dwellings and erection of a two-, three- and four-storey building to provide 33 flats (17 one-bedroom, 10 two-bedroom and 6 three-bedroom) and a basement car-park, with formation of new vehicular access from Preston Way, associated services and landscaping - **Refused and Dismissed on Appeal, 16/06/2010.**

CONSULTATIONS

Consultation Period: 14/01/2019 - 04/02/2019

Site Notice Displayed on 18/01/2019

Press Notice dated 24/01/2019

Public Consultation

83 neighbours consulted.

6 objections have been received from individual properties together with an objection from Councillor Pavey. The objections are summarised below:

Objection	Response
The proposal would have negative impacts on residential amenity of neighbouring occupiers in terms of loss of light and privacy	The impact of the proposal in relation to neighbouring amenity has been considered, and discussed within paragraphs 17 to 30 below.
The proposal is not in keeping with the existing townscape	This is discussed within paragraphs 8 to 16 below.
Increase the massing of the building along the access road to Tenterden Sports Ground that is out of keeping with the context and would restrict views into this open space	This is discussed within paragraphs 8 to 16 below
Proposal is too dense for its context	This is discussed within paragraphs 1 to 3 below
The proposal would prejudice future development at no. 281 Preston Road	The proposal maintains an acceptable relationship with No. 281 Preston Road, and will not prejudice future development of the adjoining site – this is discussed within paragraphs 18 to 20 below.
It would set an unwanted precedent	Each application is assessed on its own merits having regard to the context of the site and its relationship to neighbouring sites, and considered against relevant and up to date planning policies.
Concerns over traffic and transport impact on Preston Way including pedestrian safety	This is discussed within paragraphs 51 to 59 below
Proposal needs to be considered in the context of a current planning application submitted at Tenterden Sports (LPA Ref: 18/4008), and the cumulative increase in traffic and congestion along the access road into Tenterden Sports ground	This is discussed within paragraphs 51 to 59 below
Transport study is out of date and should be updated	This is discussed within paragraphs 51 to 59 below
There is a Covenant in place on the land which prevents more than 11 units being developed	Covenants are covered by separate legislation and are not a material planning consideration. As such, they are an issue to be resolved by the parties involved and cannot be taken into consideration.
Loss of existing views	'views' are not protected under planning legislation and the loss of a view is not sufficient grounds to refuse permission. Notwithstanding

	this, the outlook from neighbouring properties has been assessed and is considered to be acceptable.
General disruption to neighbours as a result of dust and noise, and traffic congestion	Construction works and traffic will be managed through a construction management and logistic plan. The impact of the proposal in terms of air quality has been considered and discussed within paragraph 69 below
Proposal is too dense and not appropriate for a suburban location. The proposal will fundamentally alter the character and appearance of Preston Road	This is discussed within paragraphs 1 to 16 below.
Access from Preston Way too narrow and not appropriate to serve this development	This is discussed within paragraphs 51 to 59 below
Proposal is too dense and represents an over development of the site compared to the 2016 application	This is discussed within paragraphs 1 to 3 below

A petition with 45 signatures has also been received objecting to the proposal on the grounds of the proposal having a detrimental impact on the character of the area, seeks to increase the number of flats above a previous scheme refused by the Council, problems with traffic manoeuvring and parking, entry on Preston Way will increase risk of crime and anti-social behaviour.

Internal and External Consultation

Environmental Health - Proposal is acceptable subject to a number of conditions being secured in relation to noise, air quality, non-road mobile machinery and construction noise and dust.

Sustainability Officer - Further information requested in relation to how the total carbon emissions have been calculated, provision of an overheating analysis taking into account future climate change scenarios, and details of flues to be provided as the scheme includes a strategy for individual boilers.

Local Lead Flood Authority - Has confirmed that the site falls within Flood Zone 1 and the risks of flooding is very low and the developers are taking appropriate measures to reduce the risks further. The proposed development will have Green Roof, Permeable Paving and the discharge rate will be restricted to 5 l/s. This will improve the capacity in the existing drainage system and overall, flood risk will be greatly reduced in the area.

Parks Service - No objections subject to conditions regarding landscaping and management.

Thames Water - Confirmed that they have no objections to disposal of surface water subject to following sequential approach. They have recommended a condition for any piling works due to proximity to strategic sewer, and have recommended that an informative is attached in relation to ground water permits. They have confirmed that there is no objection to this proposal with regards to waste water network and waste water process infrastructure capacity.

POLICY CONSIDERATIONS

National Planning Policy Framework (2018)

London Plan (2016)

3.3 - Increasing Housing Supply
3.4 - Optimising housing potential
3.5 – Quality and Design of Housing Development
3.6 - Children and young person's play and informal recreation facilities
3.8 - Housing Choice
3.12 - Negotiating affordable housing on individual private residential and mixed use schemes -
5.2 - Minimising Carbon Dioxide emissions
5.13 - Sustainable Drainage
6.3 - Assessing effects of development on transport capacity
6.9 - Cycling
6.10 - Walking
7.2 - An inclusive environment
7.4: Local Character
7.6: Architecture

Core Strategy (2010)

CP 2 Population and Housing Growth
CP 17- Protecting and Enhancing the Suburban Character of Brent
CP19: Brent Strategic Climate Change Mitigation and Adaptation Measures
CP21 A balance Housing Stock

Development Management Policy (2016)

DMP 1: Development Management General Policy
DMP 9 B: On Site Water Management and Surface Water Attenuation
DMP 11: Forming an Access on to a Road
DMP12: Parking
DMP 13: Movement of Goods and Materials
DMP 15: Affordable Housing
DMP 18: Dwelling Size and Residential Outbuildings
DMP 19: Residential Amenity Space

Supplementary Planning Guide
SPD1 - Brent Design Guide (2018)
Technical housing standards: nationally described space standard (2015)
Housing SPG (2016)
Mayor's Affordable Housing and Viability SPG

DETAILED CONSIDERATIONS

Principle of development

1. The principle of the redevelopment of the site has already been established through the approval of planning permission reference: 16/5444. The 2016 application approved the demolition of the four dwellinghouses and their replacement with a four storey development with a basement level to accommodate 25 self-contained flats (including 4 x 3 bedroom flats - accounting for 16% of units within the scheme). It should be noted that planning permission reference 16/5444 is still live and has until 14/08/2020 to be implemented. The approved scheme represents a legitimate fallback position.

2. The current scheme proposes a similar form of development to the 2016 approval but includes an additional 3/4 storey wing along the north west section of the site to continue the frontage along the access road to Tenterden Sports Ground. The main building will not exceed 4 storeys high but the design detailing has also been amended and discussed in detail below. The scheme now proposes 35 flats including 7 three bedroom units (accounting for 20% of the units within the scheme). Access to the basement car park will still be provided from Preston Way next to No. 2 Preston Way. The proposal will therefore still comply with policies CP2 and CP21 of Brent's Core Strategy 2010 and policy DMP16 in Brent's Development Management Policies.

3. It should also be noted that the emerging draft policy H1 in the London Plan proposes to increase Brent's Housing targets to around 2,900 homes per year compared to the current target of 1,950 homes per year. It seeks for boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions. This includes sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m of a town centre boundary. The application site is located on the edge of Preston Road town centre and within PTAL 3.

Mix of units and affordable housing

4. The scheme proposes 35 flats comprising 6 x studios, 12 x 1 bed, 10 x two bed and 7 x 3 bed. The amount of three bedroom units accounts for 20% of the scheme which falls slightly under the target of 25% as set out within policy CP2. Nevertheless it represents an uplift in family sized units compared to the existing 4 dwellinghouses on site and the provision of 4 three bedroom units secured as part of 2016 application (accounting for 16% of the units).

5. 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.

6. The applicant has provided a financial viability assessment (FVA) which states that it would not be financially viable to provide any affordable housing on this application site. This assessment has been independently assessed and the conclusions of which have been supported. The independent assessment states that the residual land value is £2,570,587 and the Benchmark Land Value was £2,633,400. This assessment concluded that the wholly private scheme would a very mild deficit of -£62,813. Notwithstanding this, the applicant has voluntarily chosen to provide 4 shared ownership units. The proposed units would be 3 x studio flats and 1 x one bed flats. This would work out as 11% of the overall scheme by unit number or 6.6% via habitable room and would mean that the developer would receive a level of profit that is below accepted targets. Whilst it is regrettable that the scheme does not include any affordable rented units, the scheme could not provide any Affordable Housing if target profits were achieved. Furthermore, given the low number of affordable units that are proposed, it is unlikely that a register provider would be interested in taking on such a small number of units. The provision of affordable rented units would make the scheme even more unviable to that as concluded within the FVA.

7. Additionally, it is noted that the area, and scheme are subject to value growth over the development period. As the deficit is considered to be minor, the Council will be requiring a post implementation late stage viability

review mechanism to be secured through a S106 agreement, to capture any uplift in affordable housing. In conclusion, the proposal has secured the maximum reason level of affordable housing.

Design

8. Policy CP17 seeks to protect the traditional suburban character of Brent and states that more contemporary designs should be located in designated town centres or on corner sites. Policies DMP1 of the Development Management Policies and London Plan Policy 7.4 further state that development should be of a design, massing and scale which respects its surroundings.

9. There is no objection to the loss of the existing buildings. They are not listed and are not considered to be of a significant architectural value. Furthermore, their loss has already been established as part of the 2016 application.

10. The proposed development features a largely contemporary design which differs significantly to the traditional hipped roof buildings which surround it. However, it is noted that the site is a prominent corner site and located immediately adjacent to the Preston Road Town Centre. As such, it is considered that the more contemporary approach is appropriate in this location and would comply with the aims of Policy CP17 in this regard.

11. The choice of materials would consist of a light coloured mixed brick and light metal balustrades. It is considered that this choice of materials would be appropriate for residential properties and although different from surrounding properties, would not appear obtrusive in context. The fenestration would be of an appropriate size and would serve to add interest to the elevations of the proposal. As such, these elements would be acceptable.

Scale and Massing

12. The proposal would be set back from the main streetscene to an extent that broadly matches the front building line of no. 291 and the previously existing buildings. The design of the building would use two front projections with a further setback at the main entrance to provide a more open frontage and to further break up the front elevation. Similarly, the hexagonal approach would result in the bulk of the building being set away from the side and rear boundaries of the site.

13. In terms of height the proposal would have a maximum height of 4 storeys which would step down towards the rear of the site. The upper most floor would be set in from the front and side elevations. The rooftop areas would be used as private terraces and a green roof for the very top of the building. 14. The maximum height would therefore be greater than the two storey houses which it would replace and the nearby two storey residences in the immediate area. However, it is noted that the properties within the adjacent town centre area are 3 and 4 storey structures.

14. Considering the shape and design of the proposal including the proposed step downs and set-backs it is considered that the proposal would not appear unduly tall or bulky within its plot and would not appear at odds with the surrounding streetscene and local area. It is of a similar scale to that approved as part of 2016 application and the additional form of development at the north western end of the site is appropriately stepped down so that its massing is broken up and it reflects the transition between the more urban context and suburban form of development.

Layout

15. The proposal would feature a hexagonal design with angled walls. The main entrance would be located on Preston Road. A smaller secondary entrance on the southern side elevation would open onto a pedestrian walkway linking Preston Road and the rear of the site. This secondary entrance will provide disabled access into the site and follows the same arrangement as the 2016 application. The vehicle access down into the basement parking would be located on Preston Way. The northwestern corner of the site would also link into the nearby sports ground.

Neighbouring residential amenity

16. Policy 7.6 of the London Plan and Policy DMP1 of the local plan both emphasise that new development should not result in unacceptable harm to the residential amenities of neighbouring properties. SPD1 provides further guidance on the layout of new development to avoid such impacts.

Privacy

17. SPD1 requires a minimum distance of 9m from habitable room window to neighbouring private external amenity spaces and a minimum distance of 18m between directly facing rear habitable room windows. The proposal does not directly face the rear windows of adjoining properties.

18. A distance of over 9m is maintained to the boundary with the rear garden of 291 Preston Road. At first floor level upwards a distance of over 9m is also maintained to the rear garden of No. 2 Preston Waye. At ground floor level, the private amenity space is located within 7.8m to the boundary with the rear garden of No. 2 Preston Waye. However, the section plans show that the existing boundary fence will prevent directly overlooking from these terraces into this rear garden.

19. There are windows within the southern elevation of the development that face onto 281 Preston Road. At ground floor level these serve a number of habitable rooms and are located within 3m of the boundary. However, the section plans show that the existing boundary fence will prevent directly overlooking from these windows into the adjoining site at No. 281 Preston Road, and thus would not prejudice the future ability of this site to come forward for development in the future. On the upper floors there is a secondary window to a kitchen/living area that can be conditioned to be obscured glazed and opening at high level only. The scheme also originally proposed 2 x one bedroom flats (01_07 and 02_06) with the sole source of outlook from the bedroom facing out onto No. 281 Preston Road. Officers raised concerns with the reliance on outlook over the neighbouring site and loss of privacy. To address this concern, these two units have been amended to studio flats with the window where the former bedrooms are located obscured and opening at high level only. The sides of balconies in proximity to No. 281 Preston Road can be conditioned to include screening along the side facing No. 281 Preston Road to prevent directly overlooking. Subject to the conditions as set out above, the proposal will not result in a detrimental level of overlooking or loss of privacy to neighbouring occupiers or unduly prevent the neighbouring sites from coming forward for redevelopment.

Outlook and Overbearing appearance

20. SPD1 requires new development to sit within a line drawn at 45 degree (measured at 2m high) from the boundary of adjoining private external amenity space, and to sit within a line of 30 degrees (measured at 2m from internal floor level) from neighbouring rear habitable room windows.

21. The building sits within 45 degree lines from the rear gardens of No. 281 and Preston Road and the rear garden of No. 2 Preston Waye. It does not face onto rear habitable room windows within adjoining properties and as such 30 degree line is not applicable. As such, it is not considered to be overbearing or adversely impact on outlook from neighbouring rear gardens or rear habitable room windows.

22. The element closest to No. 281 Preston Road will sit rearward of the bedroom above the garage of No. 281 Preston Road by 5.87m compared to 2.85m as per the 2016 application. However the main element of this four storey section of the building is set further away from the boundary at 2.98m compared to 1.12m. As such the overall impact of the proposal would be not materially greater than already approved and would be acceptable on balance.

Daylight and Sunlight

23. The applicant has supplied a Daylight and Sunlight assessment to support the scheme.

24. The report uses the Vertical Sky Component (VSC) test which measures the amount of visible sky outside a property. In addition, the report uses a No Skyline Contour (NSC) test which calculates the distribution of daylight within rooms.

Guidance states that an undue impact is considered to be where the VSC levels drop below 27% or are reduced to 0.8 times their existing value or the NSC values drop to less than 0.8 times their former value.

25. For the assessment of Sunlight the report uses the APSH test which calculates the percentage of statistically probable hours of sunlight received by each window in both summer and winter months represented as APSH (Average Probable Sunlight Hours) and WPSH (Winter Probable Sunlight Hours). BRE guidelines suggest that main living rooms should achieve at least 25% of annual sunlight hours with 5% in the winter period.

26. The report identifies 3 neighbouring properties which would be at risk from the development, 281, 288 and 291 Preston Road.

27. In terms of daylight, no. 281 would have two windows which would be reduced to less than 0.8 times their original VSC value. However, these rooms serve dual aspected rooms and as per guidance, the mean VSC values for all windows serving the room may be taken into account. In these circumstances the proposal would not result in an undue loss of ambient daylight. With regards to sunlight, the only windows overlooking the site are north facing and therefore do not require a sunlight assessment as per BRE guidance.

28. The report indicates that there would be no material impact on daylight or sunlight with regards to nos. 288 or 291.

29. Overall it is concluded that the proposal would not result in any undue impacts on neighbouring amenity and would be acceptable in that regard.

Quality of accommodation

30. All of the proposed units would meet or exceed the minimum space standards as require by The London Plan. All bedrooms would meet the minimum sizes as set out by the THS and the floor to ceiling height of each unit would meet the 2.5m minimum required for development within London. All habitable rooms would be served with an external window with sufficient space adjacent to provide acceptable levels of outlook throughout the scheme. Sectional drawings have been provided to indicate that the basement units would have sufficient space to not compromise the outlook to these units. Furthermore, railings are proposed on the boundary with the park in order to prevent any further impact on the outlook or daylight of these units. The outlook to these units have been confirmed with a sectional drawing and supported by the daylight/sunlight assessment.

31. Of the proposed units, 12 would be single aspect which represents 34% of the overall development. Which is considered to be an acceptable amount given the limitations of the site.

32. There would be no direct overlooking or loss of privacy between units within the development.

33. The building would be structured around a single core. Most of the floors would have less than the 8 units per core maximum as allowed by The London Plan. However, it is noted that the 1st and 2nd floors would have 10 units and 9 units respectively and as such would not comply with the aspect of policy. However, the overall length of the corridor is not significantly long due to the cluster arrangement of units around the core, and on balance is considered acceptable.

Wheelchair accessible units

34. London Plan requires 10% of the units to be easily adaptable for wheelchair users. The scheme proposes 4 units represents just over 10% of units. These units are three 1 bedroom units. Although not located on the ground floor, they are easily accessed internally via the lift system and are considered to be acceptable on balance.

Daylight and Sunlight

35. The applicant has supplied a Daylight and Sunlight assessment to support the scheme.

36. For the assessment of daylight report uses the ADF test to calculate the average illuminance within a room expressed as a percentage. Guidance suggests that the minimum levels for kitchens should be 2% ADF, living and dining rooms 1.5%ADF and bedrooms at least 1% ADF.

37. The results of the assessment indicate that 89 of the 92 proposed new rooms would achieve an ADF target of 2% which would represent 97% of the overall development. 100% of the habitable rooms achieve a slightly lower ADF level of 1.5%. Overall this level of daylight is considered to be acceptable.

38. For the assessment of Sunlight the report uses the APSH test which calculates the percentage of statistically probable hours of sunlight received by each window in both summer and winter months represented as APSH (Average Probable Sunlight Hours) and WPSH (Winter Probable Sunlight Hours). BRE guidelines suggest that main living rooms should achieve at least 25% of annual sunlight hours with 5% in the winter period.

39. Results of the test indicate that of the 33 rooms proposed, 23 would achieve 25% APSH and 5% WPSH representing 70% of the overall scheme. The report notes that all of the 10 rooms which fail to meet the criteria would be located on the northern elevation or have windows located beneath external balconies and it

would not be possible for these rooms to meet BRE criteria.

40. Given the constraints of the site and the orientation of the building, it is considered that the overall sunlight levels are considered to be acceptable. Furthermore, it is acknowledged that the previously consented scheme achieved 60% of rooms meeting BRE criteria. As such, the levels proposed as part of this scheme would represent an overall increase in the number of acceptable units.

External amenity space

41. Policy DMP19 requires all flats to be served with 20sqm of amenity space with a minimum of 50sqm for family sized units (3 beds or more) including ground floor flats. This can be provided through private balconies/terraces meeting the minimum requirements set out within the mayor's Housing SPG (at least 5sqm for a 1-2 person unit with an additional 1sqm per additional occupant). In certain circumstances a smaller balcony may be acceptable provided that the lost balcony space is incorporated into the internal floorspace of the unit.

42. All of the units with the exception of 3 (addressed below) would feature balconies/terraces which either meet or exceed the minimum sized required, in some cases they would exceed the minimum significantly. All balconies would meet the required depths and widths and would be of a useable and practical shape.

43. Of the proposed units, 2 would fall short of the required size of balcony (Units 01_04 and 02_03). However it is noted that the shortfall is relatively minor (3sqm for unit 01_04 and 0.5sqm for unit 02_03) and these units both exceed the minimal internal floorspace by 6sqm. On balance, the shortfall is considered to be acceptable in the context of the overall development.

44. Unit 01_09 would not have a private balcony. However, it is noted that this unit is a studio flat and as such would have a very low occupancy. Furthermore the size of the unit would exceed the minimum space standards by 5sqm. Given these circumstances and in the context of the development as a whole, this is considered to be acceptable on balance.

45. In addition to the private amenity space, 243sqm of communal amenity space would be provided. When taken as a whole the combined private and communal amenity space would total 820sqm (577sqm + 243sqm) which would average out at 23.4sqm per unit, which exceeds the guidance of 20sqm per unit as set out in DMP17. The amenity space has been provided in two main areas which are separate from each other but substantial enough to be useable. The smaller of the areas is proposed to be flexible area which can be used as children's playspace.

46. Given the overall quality of the units internally, the overall provision of amenity space over the scheme as a whole and the close proximity of the sports ground, it is considered that the proposal would comply with the aims and objectives of DMP19 and would provide an acceptable level of amenity overall.

Landscape and Trees

Landscape

47. The proposal would result in the loss of some vegetation and two small trees along the frontage and the loss of 15 trees within the rear of the site. A comprehensive landscaping plan is provided which would see a significant amount of planting within the proposed amenity spaces and a total of 13 new trees would be planted to effectively mitigate the loss of the existing trees. A full landscaping strategy has been submitted indicating the type and sizes of the proposed plans to be used in the proposal.

48. The Council's Tree officer has assessed the submission and considers that the proposed landscaping would be of a good quality and the types and sizes of trees to be used are appropriate for the site. They have raised no objection to the proposal.

49. Notwithstanding the above, a condition has been attached to ensure that any dead trees or planting are replaced in order to preserve the appearance of the development.

50. As part of the proposal, the scheme would rely on the boundary treatment along the Tenterten Sports Ground via a strip of land which is owned and managed by the Council's Parks Service. The Parks Service has been notified of the proposal and offers no objections to the proposal in principle and consider that a comprehensive landscaping scheme would have an overall positive impact for the area. However the removal of the existing boundary treatment would require some improvements to the landscaping immediately

adjacent to the site in order to ensure adequate levels of amenity to the proposed basement units. As these works would fall outside the red line boundary, they would be secured via a S.106 requiring a financial contribution for these works.

Sustainability

51. London Plan Policy 5.2 seeks to minimise carbon emissions through the 'Be Lean, Be Clean and Be Green' energy hierarchy, and a 'zero carbon' standard is applied to all new residential development from 2016 onwards. The Mayor's Housing SPG defines 'zero carbon' homes as homes forming part of major development applications where the residential element of the scheme achieves at least a 35% reduction in regulated carbon dioxide emissions (beyond the Building Regulations Part L 2013 targets) on-site. The remaining regulated carbon dioxide emissions, to 100%, are to be off-set through a financial contribution in lieu to the borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere. Brent's Policy CP19 also requires limiting water use to 105 litres per person per day.

52. The applicant has included an Energy Statement with the proposal. The statement demonstrates that the development would achieve a 35.26% reduction on 2013 Building Regulations emissions through these Be Lean and Be Green measures, and that a financial contribution to carbon-offsetting would be required to achieve 'zero carbon' status. A communal boiler in the basement is proposed. Details of the flue from the boiler on the roof is recommended to be conditioned to any forthcoming consent.

Transport consideration

53. Preston Road is a local distributor road, with three pay & display parking bays in place along the site frontage. Preston Way is a local residential cul-de-sac, with parking restrictions in place along the frontage of No. 2a.

Public transport access to the site is moderate (PTAL 3), with Preston Road station (Metropolitan line) and three bus services within 640 metres.

Car Parking

54. A total of 17 car parking spaces (incl. two disabled) are indicated at basement level. Vehicular access remains via Preston Way, but only part of the access drive is shown on the plans. The length that is shown has a general carriageway width of 5.5m with margins of at least 300mm width, plus 2-3 further parallel parking spaces indicated alongside the drive.

55. The moderate access to public transport services means the higher residential car parking allowance set out in Appendix 1 of the adopted DMP 2016 apply. For the increased total of 35 units (18 x 1-bed, 9 x 2-bed & 8 x 3-bed), up to 39 off-street parking spaces would now be allowed. With a reduced total of 17 marked spaces in the basement plus 2-3 spaces along the access road now proposed, maximum standards would still be complied with.

56. Policy DMP12 also requires that any overspill parking that is generated can be safely accommodated on-street though. Assuming the development generates parking at 75% of the maximum allowance, this would equate to 30 cars, which also corresponds to 2011 Census data on car ownership in the area (0.875 cars/household) (n.b. the Census data suggests just 17 cars would be owned if only flats are taken into account). The first figure exceeds the number of marked spaces that are proposed.

57. Previous assessments have taken into account potential parking along the access drive. Full details of the drive have not been provided, but it is shown with a carriageway width of 5.5m that could allow 3-4 cars to park along its western side, in addition to the 2-3 spaces indicated on its eastern side, taking off-street parking to about 24-26 spaces.

58. In addition, Preston Road has daytime pay & display bays along the site frontage and the removal of the two crossovers to the site would allow the number of bays to be increased from four to six, which can be used without charge by residents overnight (between 6.30pm - 8am).

59. As such, your officers in Transportation have advised that it is considered that sufficient space is able to be provided within the site and along the Preston Road to safely accommodate the likely future parking demand from these 35 flats and on this basis, the proposal is not considered likely to have a severe impact on parking conditions in the area.

60. The proposed provision of four wide, marked disabled spaces is sufficient to satisfy Brent's Blue Badge

parking requirement of 10% of spaces being for disabled persons. Two of the spaces would be located outside along the driveway and two within the basement. The headroom in the basement would be 2.2m, which is insufficient to accommodate high-top conversion vehicles for wheelchairs. A condition is recommended for the basement to be increased in height to 2.6m.

61. At least eight spaces (four active/four passive) will also need to be provided with electric vehicle charging points. This will be secured via a condition. Otherwise, the layout of the proposed basement provides adequate dimensions for the parking spaces and for manoeuvring.

Cycle Parking

62. London Plan bicycle parking standards require 52 secure spaces, so the proposed provision of two stores in the basement with an overall capacity for 54 bikes on two-tier racks would meet requirements. A section plan has been provided confirming the headroom of 2.4m will be provided to allow sufficient headroom for the bikes.

Refuse facilities

63. Refuse storage is proposed in two storerooms within the basement car park, each with space for 8 Eurobins in accordance with standards. One store at the far end of the car park is close to the lift core so is for the convenience of residents to satisfy the recommended maximum refuse carrying distance of 30m set out in Brent's Waste Guidance Document for residents. A property manager will then take responsibility for relocating the bins on collection days to the other store this, arrangement is considered acceptable.

64. The collection day store is still some 25m from Preston Way though, meaning the maximum refuse carrying distance of 10m for flats (as set out in Brent's Waste Planning Policy) is still exceeded. Refuse vehicles will therefore again be required to reverse into the site from Preston Way. This is again generally acceptable, with tracking having been previously provided to demonstrate this would work, subject to suitable kerb radii of about 4m being provided onto Preston Way. A full vehicle tracking diagram has been provided which shows that refuse vehicles would be able to access the site without problem.

65. All units are within 45m of Preston Road, so fire access requirements are catered for.

Vehicular access

66. As before, the provision of vehicular access from Preston Way is generally supported, as it will allow two redundant crossovers onto Preston Road to be removed and additional on-street pay and display bays to be provided. The cost of amending the Traffic Regulation Orders will be added to the cost of the crossover works. As above, suitable kerb radii will be needed to accommodate refuse vehicles and precise access layout arrangements will need to be agreed with the Highway & Infrastructure Service as a condition of any approval.

67. Visibility issues were carefully considered under the previous applications, due to the narrow footway width and the bend in the road. As before, sightlines would fall marginally short of the appropriate standard for the traffic speeds in the road (i.e. 2m x 21m (eastwards) and 2m x 23m (westwards)), but not by so significant a degree as to be likely to cause a highway safety problem.

Trip generation

68. An updated Transport Statement has been submitted for the amended number of flats. This amended assessment gives a predicted total of 224 movements between 7am and 7pm on a weekday, with 21% as car drivers, 7% as car passengers, 28% on public transport, 42% by foot and 2% by bicycle. Total vehicle trips are therefore estimated at 22 arrivals and 25 departures over the course of the 12-hour day, with peak hour flows of 1 arrival/2 departures in the am peak (8-9am) and 2 arrival/3 departures in the pm peak (5-6pm). Transportation officers have concluded that these totals are again not considered large enough to have a significant impact on the local transport network.

Environmental Health

Noise

69. The Environmental Health Team have assessed the application and note that potential exist for noise disturbance for future occupants to occur in certain areas of the development. In order to mitigate this they

Use	Floorspace on	Eligible* retained	Net area chargeable	Rate R: Brent	Rate R: Mayoral	Brent sub-total	Mayoral sub-total
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	completion (Gr)	floorspace (Kr)	at rate R (A)	multiplier used	multiplier used		
(Brent) Dwelling houses	3281.81		2713.01	£200.00	£0.00	£794,524.36	£0.00
(Mayoral) Dwelling houses	3281.81		2713.01	£0.00	£60.00	£0.00	£162,780.60

BCIS figure for year in which the charging schedule took effect (Ic)	224	323
BCIS figure for year in which the planning permission was granted (Ip)	328	
TOTAL CHARGEABLE AMOUNT	£794,524.36	£162,780.60

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

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

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

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 18/4902

To: Mr Thomas
Savills
33 Margaret Street

London
W1G 0JD

I refer to your application dated **24/12/2018** proposing the following:

Demolition of buildings and erection of a 2 to 4 storey residential building comprising 35 self-contained flats (6 x studios, 12 x 1 bed, 10 x two bed and 7 x 3 bed) with basement level, provision for car and cycle parking and associated landscaping

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

at **2A, Preston Waye and 283, 285 & 287 Preston Road, Harrow, HA3**

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: 08/07/2019

Signature:

Gerry Ansell

Interim 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
- The London Plan 2016
- Brent's Core Strategy 2010
- Brent's Development Management Policies 2016
- Brent's Supplementary planning Document 1: Design Guide for New Development 2018

- 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):

AL(00)001 A, AL(00)100, AL(01)099 E, AL(01)100 C, AL(01)101 F, AL(01)102 F, AL(01)103 D, AL(01)104 D, AL(02)220 E, AL(02)240 C, AL(02)242 A, AL(03)320 F, AL(03)340 F, AL(03)360 C, AL(03)380 C

Supporting Documents:

Daylight/Sunlight Report

Flood Risk assessment

Air Quality Assessment

Landscape Strategy

Design and Access Statement

Transport Statement

Flood Risk Assessment

Sustainable Development Checklist

Energy Assessment

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

- 3 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.

- 4 The windows on the south elevation of units 01_06, 01_07, 02_05, 02_06 and 03_05 shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.7m above floor level) and shall be permanently returned and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- 5 No development shall be carried out until the person carrying out the works is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.

Reason: To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.

- 6 The development hereby approved shall be carried out and maintained so as to fully accord with the proposed SUDS solution as detailed within the Flood risk assessment & SUDS report prepared by Nimbus Engineering Consultants Ltd dated March 2017.

Reason: To ensure that the development will not give rise to undue surface water runoff and associated flood risks.

- 7 The development shall be constructed in full accordance with the approved internal water use calculations.

Reason: to reduce the consumption of potable water in the home from all sources, including borehole well water, through the use of water efficient fittings, appliances and water recycling systems in accordance with London Plan Policy 5.15."

- 8 Prior to the commencement of the development (including the demolition of the existing dwellinghouses) a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The CMS shall include details of a dust monitoring plan, to be implemented during construction and demolition works. The approved CMS shall thereafter be carried out in full accordance with the approved details.

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

Reason for pre-commencement condition: Impacts arising from the construction process occur as soon as development commences and adequate controls need to be in place from this time.

- 9 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: To protect local amenity and air quality

- 10 Prior to commencement of development (excluding demolition), details of how the development is designed to allow future connection to a district heating network should one become available, shall be submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with the approved details.

Reason: To ensure the development is in accordance with the principles of London Plan Policy 5.6.

- 11 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

- 12 Prior to the commencement of works above ground level, further details of the external materials for the development (including samples to be provided on site) 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 a satisfactory appearance.

- 13 Prior to the commencement of works above ground level, 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.

- 14 Within three months of commencement of works above ground level, details of screening for the southern sides of the balconies serving flats 01-07, 01_08, 02_06 and 02_07 shall be submitted to and approved in writing by the Local Planning Authority. The approved screening details shall be implemented in full prior to first occupation of the development and thereafter retained for the lifetime of the development.

Reason: To protect the privacy of residents at no. 281 Preston Road

- 15 Within six months of commencement of works above ground level, further details of screening between the communal and private gardens, as well as between individual private gardens within the outdoor spaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved screening details shall be implemented in full prior to first occupation of the development and thereafter retained for the lifetime of the development.

Reason: To protect the privacy between communal and private gardens within the proposed development.

- 16 Within six months of commencement of works above ground level, details of the hard and soft landscaping of the areas identified within the drawings hereby approved, including the roof

terraces, shall be submitted to and approved in writing by the Local Planning Authority. The details shall specify species, densities and heights of plants proposed together with hard landscaping materials and other landscaping features.

Details of specific infrastructure and/or apparatus forming a child play space, measuring at least 24sqm in size, within the communal rear garden shall also be submitted to and approved in writing by the local planning authority.

The details shall be implemented in full prior to first occupation and thereafter retained.

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

Reason: To preserve and enhance the amenities of nearby residents, in compliance with the London Plan and to prevent privacy being compromised

- 17 Within six months of commencement of works above ground level, details of any external lighting, including details of the fixtures and luminance levels, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such lighting and the lighting shall thereafter be installed in accordance with the approved details.

Reason: In the interest of the amenity of adjoining occupiers and the safety of pedestrians and vehicles using the parking and communal areas within the development and on the local highway network.

- 18 Within six months of commencement of works above ground level, full details of the following shall be submitted to and approved in writing by the Local Planning Authority that demonstrate that the details are sufficient to meet proposed carbon dioxide emissions reduction on Part L 2013 as approved within the Energy Assessment:

- (a) proposed solar PV array together including evidence to demonstrate that the solar PV panels will be spaced sufficiently to prevent shading each other
- (b) details of the design, specification and layout of the proposed extract flues for the boiler system (including location of flues on the roof)

The development shall be implemented in accordance with the approved details, and thereafter retained throughout the lifetime of the development.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan Policy 5.2.

- 19 Prior to the first occupation of the flats hereby approved, the applicant shall submit for the written approval of the Local Planning Authority, a report which provides evidence that the mitigation measures described in the approved Air Quality Impact Assessment (GEM air quality ref AQ1479 dated December 2018) have been implemented.

Reason: To ensure the safe development and secure occupancy of the site proposed for residential use.

- 20 The development hereby approved shall not be occupied until:

- i) All crossovers onto Preston Road that are rendered redundant by this development are reinstated to footway and associated amendments are made to on-street parking bays
- ii) The highway arrangement at the junction of the proposed vehicular access road with Preston Waye has been altered to provide 4m kerb radii

These works will need to be carried out by the Council at the applicant's expense. The development shall not be occupied unless the above works have been implemented in full and the works to the adopted highway have been completed, and the car parking spaces and accesses within the site and to and from the adopted highway (both vehicular and pedestrian) as detailed within the approved drawings and documents have been implemented in full accordance with the approved drawings and details and are available for use for the residents of the development. Thereafter, the car parking spaces, cycle storage, bin storage and vehicular and pedestrian accesses shall be retained and maintained for the life of the development and they shall be used solely for purposes ancillary to the flats hereby approved unless an alternative arrangement is first agreed in writing by the Local Planning Authority.

Reason: In the interest of pedestrian and highway safety, to ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development does not harm the visual amenity of the locality in the interests of protecting the amenities of the occupants of the development.

- 21 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:

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

Prior to first occupation of the flats hereby approved, a test shall be carried and the results of the test submitted to and approved in writing by the Local Planning Authority to demonstrate that the required internal noise levels have been met.

Reason: To obtain required sound insulation and prevent noise nuisance

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

Reason: To protect acceptable local noise levels.

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also

ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

- 4 During demolition and construction on site:
 - The best practical means available in accordance with British Standard Code of Practice BS5228-1:2009 shall be employed at all times to minimise the emission of noise from the site;
 - The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 08:00 - 18:00 Mondays-Fridays, 08:00 -13:00 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;
 - Vehicular access to adjoining and opposite premises shall not be impeded;
 - All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only;
 - A barrier shall be constructed around the site, to be erected prior to demolition;
 - A suitable and sufficient means of suppressing dust must be provided and maintained.
 - A wheel washing facility shall be installed and operated to ensure that dust/debris is not carried onto the road by vehicles exiting the site.
- 5 The applicant is 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.
- 6 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. We would expect the developer to demonstrate what measures he 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. Application forms should be completed on line via: www.thameswater.co.uk_wastewaterquality&d=DwIFAw&c=OMjwGp47Ad5otWI0__lpOg&r=G_hzVySAkixNx_E_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=fy9jnBYRqAvW9YSPKXkNf3_CpWatQhD
- 7 The applicant is advised by the applicant to contact the Head of Highways & Infrastructure to arrange for the crossover, on street parking bay and kerb radii works to be undertaken. Such works are undertaken by the Council at the applicant's expense.
- 8 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall contact Mark O'Brien (Public Realm Monitoring Manager) at Mark.O'Brien@brent.gov.uk, and include photographs showing the condition of highway along the site boundaries.
- 9 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.
- 10 The Council recommends that the maximum standards for fire safety are achieved within the development.

Any person wishing to inspect the above papers should contact Liam McFadden, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 3299

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

16 July, 2019
04
19/1387

SITE INFORMATION

RECEIVED	12 April, 2019
WARD	Tokyngham
PLANNING AREA	
LOCATION	Olympic Way and land between Fulton Road and South Way including Green Car Park, Wembley Retail Park, 1-11 Rutherford Way, 20-28 Fulton Road, Land south of Fulton Road opposite Stadium Retail Park, land opposite Wembley Hilton, land opposite London Design
PROPOSAL	<p>Details pursuant to conditions 19a (materials), 20e (hard landscape works) and 20i (maintenance of landscape works) in relation to Olympic Way, Zone B (ii) relating to Hybrid planning application reference 15/5550 dated 23/12/2016 (as amended by 17/0328 dated 26/05/2017), accompanied by an Environmental Impact Assessment, for the redevelopment of the site including; -</p> <p>Full planning permission for erection of a 10-storey car park to the east of the Stadium comprising 1,816 car parking spaces of which 1,642 are for non-residential purposes, up to 82 coach parking spaces and associated infrastructure, landscaping and vehicular access.</p> <p>And</p> <p>Outline application for the demolition of existing buildings on site and the provision of up to 420,000 sqm (gross external area) of new floorspace within a series of buildings comprising:</p> <ul style="list-style-type: none"> • Retail/financial and professional services/food and drink (Use Class A1 to A4) up to 21,000 sqm; • Commercial (Use Class B1) up to 82,000 sqm; • Hotel (Use Class C1): up to 25,000 sqm; • Residential (Use Class C3): up to 350,000 sqm (up to 4,000 homes) plus up to 20,000 sqm of floorspace for internal plant, refuse, cycle stores, residential lobbies, circulation and other residential ancillary space; • Education, healthcare and community facilities (Use Class D1): up to 15,000 sqm; • Assembly and leisure (Use Class D2): 23,000 sqm; • Student accommodation (Use Class D3): Up to 90,000 sqm. <p>And associated open space (including a new public park) and landscaping; car and coach parking (including up to 55,000 sqm of residential parking and 80,000 sqm non-residential parking) and cycle storage; pedestrian, cycle and vehicular accesses; associated highway works; and associated infrastructure including water attenuation tanks, an energy centre and the diversion of any utilities and services to accommodate the development.</p> <p>Subject to a Deed of Agreement dated 23 December 2016 under Section 106 of the Town and Country Planning Act 1990, as amended'.</p>
PLAN NO'S	<p>The Light Lab Letter (Dated 22/03/19) 11145-LA-401 Rev 00 20-ZB-301 Rev C Wembley Bobby Moore Bridge CGI</p> <p style="text-align: right;"><i>DocRepF</i> Ref: 19/1387 Page 1 of 13</p>

	<p>11145-LA-400 Rev 00 WYG Planning Condition 19 (a), 20 (e), 20 (i) Letter (Dated 12 April 2019)</p> <p><i>Background documents</i> Statement of Significance Addendum to Statement of Significance</p>
<p>LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION</p>	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_144852</p> <p><u>When viewing this as an Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "19/1387" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab


RECOMMENDATIONS

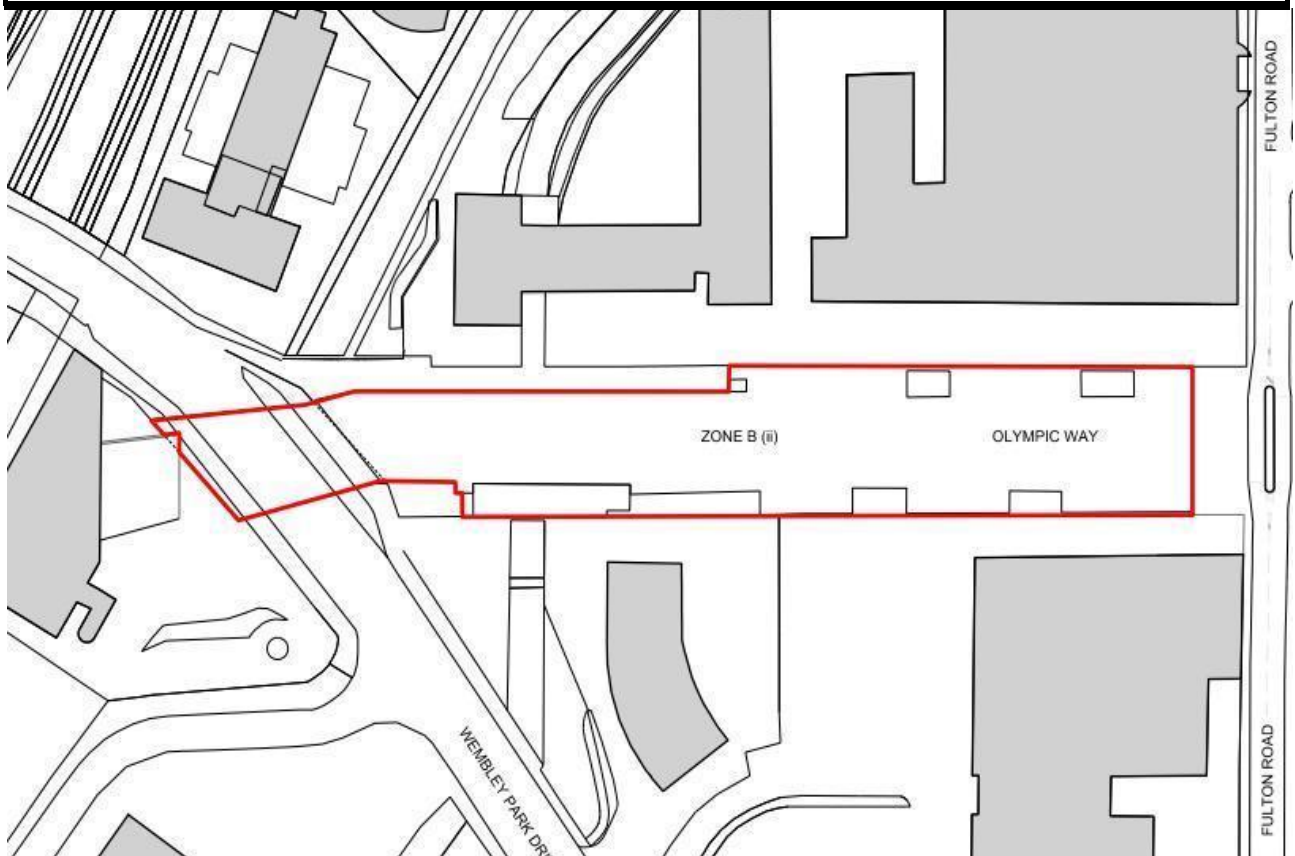
That the Committee resolve to approve the details submitted pursuant to conditions 19a, 20e and 20i of planning consent reference 15/5550 as varied by consent reference 17/0328 in relation to Olympic Way Zone B (ii).

That the Head of Planning is delegated authority to issue the decision:

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to add informatives 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.

SITE MAP

	Planning Committee Map
Site address: Olympic Way and land between Fulton Road and South Way including Green Car Park, Wembley Retail Park, 1-11 Rutherford Way, 20-28 Fulton Road, Land south of Fulton Road opposite Stadium Retail Park, land opposite Wembley Hilton, land opposite London Design	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



This map is indicative only.

PROPOSAL IN DETAIL

The proposal is an application to discharge the following conditions:

- 19a (Materials)
- 20e (Hard Landscape Works)
- 20i (Maintenance of Landscape Works)

in relation to Olympic Way, Zone B (ii) (the zone between Fulton Road and the base of Wembley Park Underground Station Steps), specifically relating to the Bobby Moore Bridge and Underpass.

EXISTING

This application relates to Olympic Way, Zone B (ii) which comprises the northern section of Olympic Way between Fulton Road and the foot of the Wembley Park station steps. As existing beneath the Bobby Moore Bridge there are tiled murals attached to both sides of the underpass beneath the coffered ceiling. The site is not within a conservation area and there are no listed buildings within the site's curtilage.

SUMMARY OF KEY ISSUES

This conditions discharge application is presented for determination by the Planning Committee owing to the number of representations received. The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

1. **Principle of development:** Planning consent has already been granted and this application relates solely to the approval of details pursuant to conditions attached to the consent, namely the materials, hard landscaping works and landscape maintenance. The installation of the light boxes on the walls of the underpass and the installation of advertising panels on the northern and southern parapets of Bobby Moore Bridge have been previously consented. The principle of installing the light boxes and parapet advertising panels in their currently proposed positions has therefore already been established and approved. The current application provides further details of the materials to be used and the construction methods to be employed in installing them.
2. **Representations received:** A number of representations have been received objecting to this application for a variety of reasons - objections from 5 individuals, a petition with 283 signatures (at least 65 of which are likely to be from Brent residents) and an ePetition with 44 signatures. Officers consider that the proposals are acceptable and that none of the grounds upon which objectors oppose the proposals are sufficient to warrant refusing the proposals on planning grounds. The Wembley History Society has voiced support for the proposals.
3. **Protection of tile murals under proposed scheme:** Objectors have expressed concerns that the installation of the light boxes could damage the tile murals underneath. Officers are satisfied that adequate measures would be put in place to ensure that the tiles are protected.
4. **Details of materials, hard landscaping and landscape maintenance:** The details of the materials and the maintenance regime are considered to be acceptable and suitable to ensure that the appearance and maintenance of the approved development will be of a high standard.

RELEVANT SITE HISTORY

19/1474 - Advertisement Consent Under consideration - to be determined by Planning Committee

Installation of 2 internally illuminated LED advertisement displays attached to the northern and southern parapets of Bobby Moore Bridge. Use of the light boxes to east and west wall beneath Bobby Moore Bridge approved under planning consent 17/3840 for advertising purposes.

17/3840 – Granted 31/01/2018

Document Imaged

*DocRepF
Ref: 19/1387 Page 2 of 13*

Reserved matters application relating to condition 1 (layout, scale, appearance, access and landscaping) pursuant to outline planning permission 15/5550 for the northern section of Olympic Way (between Fulton Road and the foot of the Wembley Park station steps). This area is referred to as Olympic Way, Zone B(ii). The proposal includes: New paving; New lighting columns which can incorporate advertising banners; Minor changes to levels to achieve an improved cross fall; Introduction of carefully selected trees; Flood attenuation measures below ground along with the co-ordination of utilities; New pedestrian seating; Identified locations for future wayfinding signage; Retention of CCTV columns; Water and electric points for markets and events; Replacement of existing coffered ceiling below the Bobby Moore bridge with new lighting; Re-cladding of the southern abutments to the Bobby Moore bridge; Demolition of the former Olympic Way toilet block in due course.

The application seeks to discharge the following conditions for Zone B (ii):

19(a): Materials; 19(c): Highway and footpath layout, sub surface details, surfacing materials and street furniture; 19(h): Wind; 19(l): Access; 20(a): Planting Plan; 20(b): Subsurface treatments and root management systems; 20(c): Details of walls/fences; 20(d): Contours and ground levels; 20(e): Areas of hard landscape works and external furniture and proposed materials; 20(g): Ecology; 20(i): Landscape Maintenance

15/5550 WEMBLEY MASTERPLAN – Granted 23 December 2016

Hybrid planning application, accompanied by an Environmental Impact Assessment, for the redevelopment of the site including:-

Full planning permission for erection of a 10-storey car park to the east of the Stadium comprising 1,816 car parking spaces of which 1,642 are for non-residential purposes, up to 82 coach parking spaces and associated infrastructure, landscaping and vehicular access.

And

Outline application for the demolition of existing buildings on site and the provision of up to 420,000 sqm (gross external area) of new floorspace within a series of buildings comprising:

- Retail/financial and professional services/food and drink (Use Class A1 to A4) up to 21,000 sqm;
- Commercial (Use Class B1) up to 82,000 sqm;
- Hotel (Use Class C1): up to 25,000 sqm;
- Residential (Use Class C3): up to 350,000 sqm (up to 4,000 homes) plus up to 20,000 sqm of floorspace for internal plant, refuse, cycle stores, residential lobbies, circulation and other residential ancillary space;
- Education, healthcare and community facilities (Use Class D1): up to 15,000 sqm;
- Assembly and leisure (Use Class D2): 23,000 sqm;
- Student accommodation (Sui Generis): Up to 90,000 sqm.

And associated open space (including a new public park) and landscaping; car and coach parking (including up to 55,000 sqm of residential parking and 80,000 sqm non-residential parking) and cycle storage; pedestrian, cycle and vehicular accesses; associated highway works; and associated infrastructure including water attenuation tanks, an energy centre and the diversion of any utilities and services to accommodate the development.

Subject to a Deed of Agreement dated 23 December 2016 under Section 106 of the Town and Country Planning Act 1990, as amended

CONSULTATIONS

It should be noted that there is no statutory requirement to carry out consultation on a discharge of conditions application. This is because it is not a planning application. The LPA does however carry out internal consultation with relevant departments within the Council/external consultees to seek their expert views on certain matters e.g. environmental health for conditions on noise assessment.

As part of this discharge of conditions application, consultation was carried out with the following internal department:

Environmental Health - no objections were raised.

External

No formal consultation has been carried out. However, a number of objections have been received from the public. Objectors generally submitted comments in relation to the proposals as a whole rather than

differentiating between the advertisement consent application and the conditions discharge application. Therefore the objections submitted for both applications are presented below.

Most of the comments below relate to the principle of the development that already has consent. Comments relating to the fixing of the light boxes (i.e. how they are fixed to the walls) have been considered pursuant to the materials condition submission.

Wembley History Society – support proposals

The Society state that this is a matter they have discussed at some length and made representations on, to both the Chief Executive of Brent Council and Quintain Limited. As a result, Quintain met them to discuss their objections to the complete lack of visibility of the Tiled Murals. Quintain sent representatives to one of the Society's meetings in 2018. The Society raised a number of objections which Quintain considered. After further discussions, Quintain modified their original plans and agreed to make the main mural, depicting famous footballers playing, visible for most of the year. The other murals would be exposed occasionally. The lighting of the whole area under the bridge would also be upgraded, considerably improving the experience for the public and fans. The Society state that in light of these changes, they overwhelmingly agreed to accept these proposals.

Petition received with 283 signatures

At least 65 of which are likely to be from Brent residents based on postcodes recorded. The petition is headed by the statement, 'I would like to see all of the Bobby Moore Bridge tile murals put back on permanent public display.'

ePetition received with 44 signatures

The ePetition's accompanying text states that the undersigned petition the council to put the tile murals in the Bobby Moore Bridge subway at Wembley Park back on permanent public display to be enjoyed by residents and visitors to Wembley. It states that the tile murals are a major piece of public art, reflecting the historic and cultural importance of Wembley Park as "the Venue of Legends".

Representations received from 6 individuals objecting to the proposals.

The key objections raised are summarised in the below table:

The murals are public art and of cultural importance and should be on permanent public display. They promote pride in local public art and greet those emerging from Wembley Park station with a sense of arrival	Please see 'Tile Murals within the context of the current proposals' section of 19/1474 report
The advertisements would not be in scale or in keeping with the tile murals as a feature of the locality	Please see 'Tile Murals within the context of the current proposals' section of 19/1474 report
In order to protect 'the Special Character of Olympic Way' (WAAP), all of the Bobby Moore Bridge tile murals need to be put back on permanent public display	Please see 'Tile Murals within the context of the current proposals' section of 19/1474 report
Installing light boxes may damage the tiles underneath	Please see 'Tile Murals within the context of the current proposals' section of 19/1474 report
The adverts on the northern parapet would be distracting to those on the steps of Wembley Park station and therefore a risk to public safety	Please see 'Pedestrian Safety' section of 19/1474 report
The adverts on the southern parapet would obscure views of the stadium for some people in wheelchairs and young children	Please see 'LED Advertisement Displays on Bridge Parapets' section of 19/1474 report
As the low level views down Olympic Way would be	Please see 'Pedestrian Safety' section of 19/1474

obscured by the proposed screen, a young child could climb on the railings in an attempt to view the stadium and fall	report
Current application may be invalid because it seeks to renew a previous consent, but this cannot be done more than 6 months before the date on which the previous consent is due to expire	The current application seeks consent for a replacement scheme rather than the renewal of the existing scheme and so the application is not invalidated on this basis
Wembley History Society did not overwhelmingly agree with the current proposals, they just agreed that having one scene on public display was better than having none at all	The Chair of the Wembley History Society has written the Council specifying that “our Society overwhelmingly agree to accept these much improved proposals”
A condition should be attached to requiring cleaning and repair of the mural.	The exposed part of the mural would be carefully cleaned. This application seeks to discharge a condition, a condition could therefore not be attached and would not be considered necessary or reasonable as set out within the National Planning Policy Framework’s guidance on conditions for the 19/1474 advertisement consent.
The tile joints are 10mm and not 12mm wide, which causes concern with drilling accuracy.	Please see ‘Tile Murals within the context of the current proposals’ section of 19/1474 report
If there is damage to the tiles by the fixings of the existing spirit-flex system then this should be repaired.	This comment is noted, however, it is not relevant to the current applications. The addendum confirms that Quintain ‘fully commit to repair any damage that is caused by the installation of the light boxes should this occur’.
The historical, cultural and educational interest of the murals should be considered. Tile murals were previously used to educate children about Wembley and its history	This comment is noted, and the historic and cultural value is discussed later in this report. Whether or not the murals have educational value in itself is not considered to affect whether the details of materials, hard landscaping or landscape maintenance are acceptable

In addition, one of the individuals objecting to the proposals, an amateur local historian with a particular interest in the Wembley area, submitted an ‘Alternative Heritage / Significance Statement’. This sets out additional information and illustrations relating to the history of this part of Olympic Way and the tile murals, and the significance of different parts of the murals.

POLICY CONSIDERATIONS

National Planning Policy Framework 2019
Brent Local Development Framework Core Strategy 2010
Brent Development Management Policies 2016

Wembley Area Action Plan 2015

DETAILED CONSIDERATIONS

1. Planning conditions 19(a), 20(c) and 20(i) were previously discharged with the reserved matters approval for Olympic Way Zone B (ii) (ref: 17/3840). The approved works for Olympic Way Zone B(ii) includes

works beneath Bobby Moore Bridge comprising of a replacement coffered ceiling lighting and the introduction of light boxes on the walls. This condition seeks to discharge additional details in relation to the lighting elements at Bobby Moore Bridge. Of the previously approved applications there are no documents to be superseded from application 17/3840.

2. As with the details approved under reference 17/3840, this application proposes works to the ceiling and walls of the Bobby Moore bridge subway to provide new lighting strips and advertising panels. New ceiling strip lights are proposed across the structure at spacings of about 3.6m, along with recessed downlighters. These would be supplemented by vertical LED node lights on the walls of the underpass. Lights would be able to alter colour to match any advertising themes that are proposed. The applicants have confirmed that maintenance would be undertaken by specialist lighting contractors on behalf of Wembley Estates, so would not become a burden to Brent Council.
3. This application is to be determined in conjunction with an application for advertisement consent currently under assessment ref no 19/1474. The applications are related in as far as the works proposed would seek to partially uncover 9.4m of the Bobby Moore Bridge Murals which have been covered with vinyl wraps for several years with the remainder of the underpass walls being covered with advertisement light boxes. This application concerns the physical works which have been carefully designed and would be monitored closely following any subsequent consent to ensure that physical damage does not occur to the tiles in situ. The Addendum submitted confirms that the agents 'fully commit to repair any damage that is caused during the installation of the light boxes should this occur'.

Condition 19(a) of Planning Permission Reference 15/5550 reads as follows:

"Prior to the commencement of works to the superstructure on relevant part of the development as hereby permitted, details of the following as they relate to that part of the development shall be submitted to and approved in writing by the Local Planning Authority, either within the Reserved

Matters applications (if specifically referenced within that submission) or under separate cover, with the exception of plot E05 which shall only be subject to the submission and approval of paragraphs a) to j) below.

a) Details of materials for all external surfaces, including samples which shall be made available for viewing on site or in another location as agreed;

The approved details shall be implemented in full prior to first occupation or use of the relevant part of the development.

Reason: To ensure a satisfactory development, in the interest of residential amenity, design quality and visual appearance, highway flow and safety and sustainable development."

Condition 20 (e) and 20 (i) of Planning Permission Reference 15/5550 read as follows:

"Prior to the commencement of works on the superstructure on the relevant part of the development hereby approved, scheme for the landscape works and treatment of that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the earlier of first occupation or first use of the relevant part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

e) areas of hard landscape works and external furniture, and proposed materials;

i) Details of the proposed arrangements for the maintenance of the landscape works.

Reason: To ensure a satisfactory appearance and setting for the proposed development, to ensure that it enhances the visual amenity of the area and to ensure a satisfactory environment for future residents, occupiers and other users."

4. The lightboxes subject of this application have been approved under planning permission 17/3840. The lightboxes comprise 22 panels to the west wall and 15 panels to the east and could support large format digital display or illuminated vinyl wraps. Further drawings have been provided which demonstrate that the installation of the lightboxes would not compromise the existing murals.
5. Three additional forms of lighting to the soffit are proposed, these are linear strip lights, recessed

downlights and emergency downlights, the information submitted in relation to these lights has been reviewed and they are considered acceptable visually.

6. The proposed materials are considered to be acceptable, resulting in a high quality finish to the consented lightboxes.
7. Based on the information provided and the above assessment and separately with regard to the advertisement consent (LPA:19/1474), the Wembley History Society and Brent's Principal Heritage Officer are satisfied that the proposals seek to adequately protect the murals and display the history of Wembley Stadium through the uncovering of the section of the mural showing England footballers playing in the "twin towers" Wembley Stadium and including the plaque commemorating the opening of the Bobby Moore Bridge set into the mural. Moreover, Brent's Environmental Health Team and Brent's Transportation Team have reviewed the information provided within the submission and confirm that there are no objections to the discharge of the condition 19(a), or condition 20(e) and Condition 20 (i).

Equalities

8. 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).
9. It is therefore recommended that conditions 19(a), 20(e) and 20 (i) of Planning Permission Reference 15/5550 can be discharged in relation to Olympic Way Zone B(ii).

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 19/1387

To: Ms Carney
WYG
11th Floor
1 Angel Court
London
EC2R 7HJ

I refer to your application dated **12/04/2019** proposing the following:

Details pursuant to conditions 19a (materials), 20e (hard landscape works) and 20i (maintenance of landscape works) in relation to Olympic Way, Zone B (ii) relating to Hybrid planning application reference 15/5550 dated 23/12/2016 (as amended by 17/0328 dated 26/05/2017), accompanied by an Environmental Impact Assessment, for the redevelopment of the site including; -

Full planning permission for erection of a 10-storey car park to the east of the Stadium comprising 1,816 car parking spaces of which 1,642 are for non-residential purposes, up to 82 coach parking spaces and associated infrastructure, landscaping and vehicular access.

And

Outline application for the demolition of existing buildings on site and the provision of up to 420,000 sqm (gross external area) of new floorspace within a series of buildings comprising:

- Retail/financial and professional services/food and drink (Use Class A1 to A4) up to 21,000 sqm;
- Commercial (Use Class B1) up to 82,000 sqm;
- Hotel (Use Class C1): up to 25,000 sqm;
- Residential (Use Class C3): up to 350,000 sqm (up to 4,000 homes) plus up to 20,000 sqm of floorspace for internal plant, refuse, cycle stores, residential lobbies, circulation and other residential ancillary space;
- Education, healthcare and community facilities (Use Class D1): up to 15,000 sqm;
- Assembly and leisure (Use Class D2): 23,000 sqm;
- Student accommodation (Sui Generis): Up to 90,000 sqm.

And associated open space (including a new public park) and landscaping; car and coach parking (including up to 55,000 sqm of residential parking and 80,000 sqm non-residential parking) and cycle storage; pedestrian, cycle and vehicular accesses; associated highway works; and associated infrastructure including water attenuation tanks, an energy centre and the diversion of any utilities and services to accommodate the development.

Subject to a Deed of Agreement dated 23 December 2016 under Section 106 of the Town and Country Planning Act 1990, as amended'.

and accompanied by plans or documents listed here:

The Light Lab Letter (Dated 22/03/19)
11145-LA-401 Rev 00
20-ZB-301 Rev C
Wembley Bobby Moore Bridge CGI
11145-LA-400 Rev 00
WYG Planning Condition 19 (a), 20 (e), 20 (i) Letter (Dated 12 April 2019)

Background documents
Statement of Significance

Document Imaged

DocRepF
Ref: 19/1387 Page 4 of 13

Addendum to Statement of Significance

at **Olympic Way and land between Fulton Road and South Way including Green Car Park, Wembley Retail Park, 1-11 Rutherford Way, 20-28 Fulton Road, Land south of Fulton Road opposite Stadium Retail Park, land opposite Wembley Hilton, land opposite London Design**

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission.

Date: 08/07/2019

Signature:

A handwritten signature in black ink, appearing to read 'G. Ansell', written over a light grey circular stamp.

Gerry Ansell

Interim Head of Planning, Transport and Licensing

Note

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

Any person wishing to inspect the above papers should contact Nicola Blake, Planning and Regeneration,
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5149

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

16 July, 2019
05
19/1474

SITE INFORMATION

RECEIVED	18 April, 2019
WARD	Tokynghon
PLANNING AREA	
LOCATION	Bobby Moore Bridge and Underpass, Olympic Way, Wembley
PROPOSAL	Installation of 2 internally illuminated LED advertisement displays attached to the northern and southern parapets of Bobby Moore Bridge. Use of the light boxes to east and west wall beneath Bobby Moore Bridge approved under planning consent 17/3840 for advertising purposes.
PLAN NO'S	<p>Site Location Plan – Drawing PA-ZB-003 P16-003-01-ZB-101 Existing Plan and Elevations Bobby Moore Underpass Wall Elevations – Drawing 20-ZB-301 Rev C Bobby Moore Underpass Proposed Elevations - Drawing 20-ZB-300 Rev E Bobby Moore Bridge J1040/202 Section Details - Bridge Sign Visual with static white colour lighting prepared by Spiers & Major</p> <p><i>Background documents</i> Statement of Significance Addendum to Statement of Significance</p>
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_144948</p> <p><u>When viewing this as an Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "19/1474" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT advertisement consent.

That the Head of Planning is delegated authority to grant advertisement consent subject to conditions and informatives to secure the following matters:

Conditions

1. Advertisements - standard condition
2. Illuminance Levels

Informatives

1. Need to secure Approval in Principle clearance from Brent Council's Highways & Infrastructure service
2. Reduction in length of screen on southern parapet to accommodate future highway works
3. Wall fixings to ensure protection of tiles
4. Any other informative(s) considered necessary by the Head of Planning

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 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.

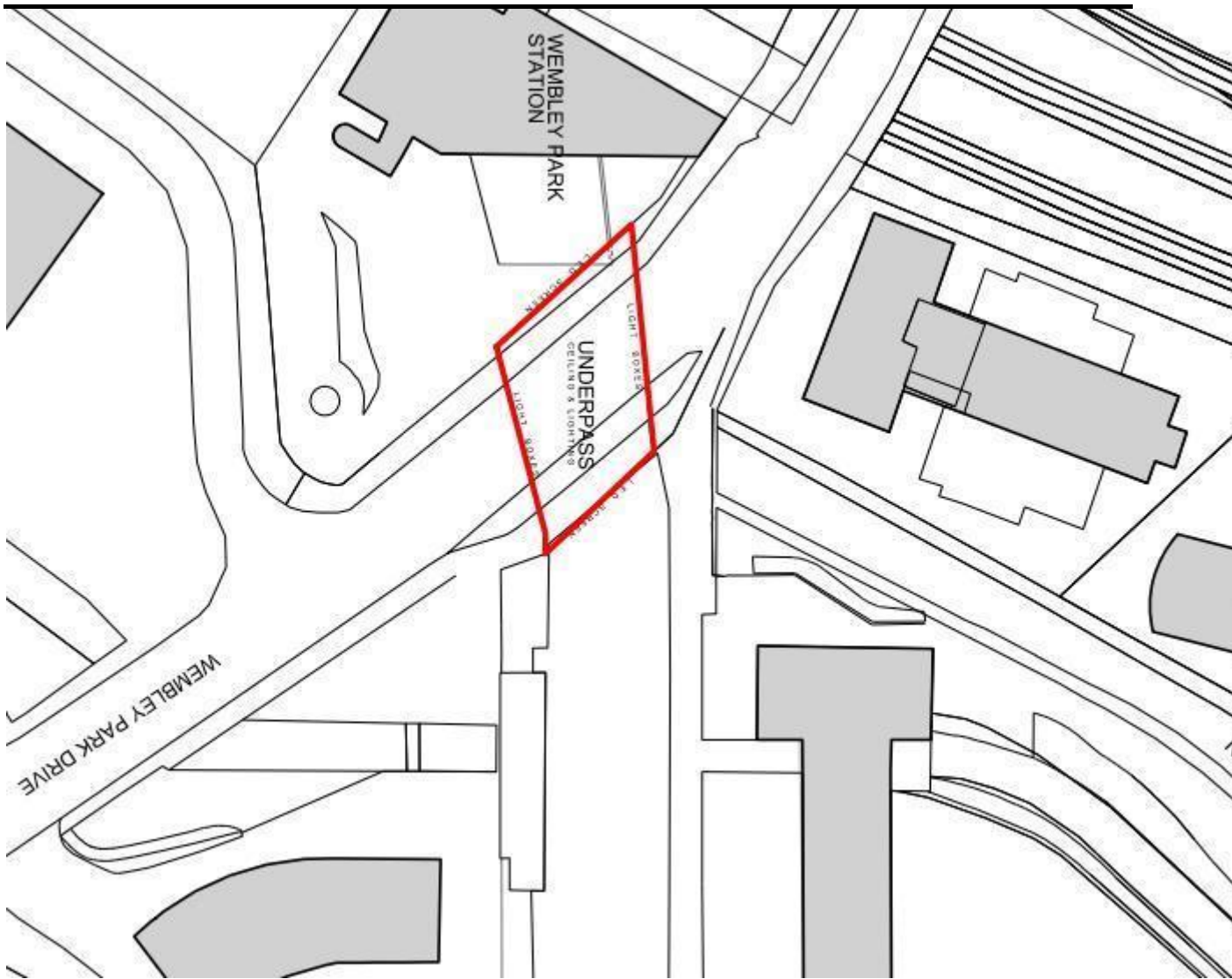
SITE MAP



Planning Committee Map

Site address: Bobby Moore Bridge and Underpass, Olympic Way, Wembley

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This map is indicative only.

PROPOSAL IN DETAIL

This application seeks consent for:

- the installation of 2 internally illuminated LED advertisement displays attached to the northern and southern parapets of Bobby Moore Bridge (indicatively shown and approved under planning consent 17/3840), and
- the use of the light boxes on the east and west walls beneath Bobby Moore Bridge (approved under planning consent 17/3840) for advertising purposes.

EXISTING

The site occupies a prominent location at the opposite end of Olympic Way to Wembley Stadium, adjacent to Wembley Park station, where Bobby Moore bridge spans Olympic Way. The site is not located within a conservation area and there are no listed buildings in the vicinity.

SUMMARY OF KEY ISSUES

This advertisement consent application is presented for determination by the Planning Committee owing to the number of representations received. The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

1. **Principle of development:** The installation of the light boxes on the walls of the underpass and the installation of advertising panels on the northern and southern parapets of Bobby Moore Bridge have been previously consented, in their indicative form, under a separate planning permission (17/3840). Advertisement consent was also granted in 2017 for advertisements on the side walls of the Bobby Moore Bridge underpass and these advertisements have been in place. However, the proposed advertisements will expose a part of the 1993 tile mural on the underpass walls while the adverts already consented cover this entirely. The advertisements already consented can be displayed irrespective of the outcome of this application. The principle of installing the light boxes and parapet advertising panels in their currently proposed positions has therefore already been established. The current application clarifies that the advertisement displays on the parapets of the bridge would feature internally illuminated LED displays and seeks advertisement consent to use these and the light boxes for advertising purposes.
2. **Representations received:** A number of representations have been received objecting to this application for a variety of reasons - objections from 5 individuals, a petition with 283 signatures (at least 65 of which are likely to be from Brent residents) and an ePetition with 44 signatures. Officers consider that the proposals are acceptable and that none of the grounds upon which objectors oppose the proposals are sufficient to warrant refusing the proposals on planning grounds. The Wembley History Society has voiced support for the proposals.
3. **Protection of tile murals under proposed scheme:** Objectors have expressed concerns that the installation of the light boxes could damage the tile murals underneath. Officers are satisfied that adequate measures would be put in place to ensure that the tiles are protected.
4. **Neighbouring amenity:** There would be no significant impact on neighbouring residential occupiers owing to the positioning of the proposed works. The Council's Environmental Health Officer raises no objections to the proposals.
5. **Highways and transportation / public safety:** The Council's Transportation Officer raises no objections to the proposals.

RELEVANT SITE HISTORY

19/1387 - Under consideration - to be determined by Planning Committee

Details pursuant to conditions 19a (materials), 20e (hard landscape works) and 20i (maintenance of landscape works) in relation to Olympic Way, Zone B (ii) relating to Hybrid planning application reference 15/5550 dated 23/12/2016 (as amended by 17/0328 dated 26/05/2017), accompanied by an Environmental Impact Assessment, for the redevelopment of the site including; -

Full planning permission for erection of a 10-storey car park to the east of the Stadium comprising 1,816 car parking spaces of which 1,642 are for non-residential purposes, up to 82 coach parking spaces and associated infrastructure, landscaping and vehicular access.

And

Outline application for the demolition of existing buildings on site and the provision of up to 420,000 sqm (gross external area) of new floorspace within a series of buildings comprising:

- Retail/financial and professional services/food and drink (Use Class A1 to A4) up to 21,000 sqm;
- Commercial (Use Class B1) up to 82,000 sqm;
- Hotel (Use Class C1): up to 25,000 sqm;
- Residential (Use Class C3): up to 350,000 sqm (up to 4,000 homes) plus up to 20,000 sqm of floorspace for internal plant, refuse, cycle stores, residential lobbies, circulation and other residential ancillary space;
- Education, healthcare and community facilities (Use Class D1): up to 15,000 sqm;
- Assembly and leisure (Use Class D2): 23,000 sqm;
- Student accommodation (Sui Generis): Up to 90,000 sqm.

And associated open space (including a new public park) and landscaping; car and coach parking (including up to 55,000 sqm of residential parking and 80,000 sqm non-residential parking) and cycle storage; pedestrian, cycle and vehicular accesses; associated highway works; and associated infrastructure including water attenuation tanks, an energy centre and the diversion of any utilities and services to accommodate the development.

Subject to a Deed of Agreement dated 23 December 2016 under Section 106 of the Town and Country Planning Act 1990, as amended'.

17/3840 – Granted 31/01/2018

Reserved matters application relating to condition 1 (layout, scale, appearance, access and landscaping) pursuant to outline planning permission 15/5550 for the northern section of Olympic Way (between Fulton Road and the foot of the Wembley Park station steps). This area is referred to as Olympic Way, Zone B(ii). The proposal includes: New paving; New lighting columns which can incorporate advertising banners; Minor changes to levels to achieve an improved cross fall; Introduction of carefully selected trees; Flood attenuation measures below ground along with the co-ordination of utilities; New pedestrian seating; Identified locations for future wayfinding signage; Retention of CCTV columns; Water and electric points for markets and events; Replacement of existing coffered ceiling below the Bobby Moore bridge with new lighting; Re-cladding of the southern abutments to the Bobby Moore bridge; Demolition of the former Olympic Way toilet block in due course.

The application seeks to discharge the following conditions for Zone B (ii):

19(a): Materials; 19(c): Highway and footpath layout, sub surface details, surfacing materials and street furniture; 19(h): Wind; 19(l): Access; 20(a): Planting Plan; 20(b): Subsurface treatments and root management systems; 20(c): Details of walls/fences; 20(d): Contours and ground levels; 20(e): Areas of hard landscape works and external furniture and proposed materials; 20(g): Ecology; 20(i): Landscape Maintenance

15/5550 WEMBLEY MASTERPLAN – Granted 23/12/2016

Hybrid planning application, accompanied by an Environmental Impact Assessment, for the redevelopment of the site including;-

Full planning permission for erection of a 10-storey car park to the east of the Stadium comprising 1,816 car parking spaces of which 1,642 are for non-residential purposes, up to 82 coach parking spaces and associated infrastructure, landscaping and vehicular access.

And

Outline application for the demolition of existing buildings on site and the provision of up to 420,000 sqm (gross external area) of new floorspace within a series of buildings comprising:

- Retail/financial and professional services/food and drink (Use Class A1 to A4) up to 21,000 sqm;
- Commercial (Use Class B1) up to 82,000 sqm;
- Hotel (Use Class C1): up to 25,000 sqm;
- Residential (Use Class C3): up to 350,000 sqm (up to 4,000 homes) plus up to 20,000 sqm of floorspace for internal plant, refuse, cycle stores, residential lobbies, circulation and other residential ancillary space;
- Education, healthcare and community facilities (Use Class D1): up to 15,000 sqm;
- Assembly and leisure (Use Class D2): 23,000 sqm;
- Student accommodation (Sui Generis): Up to 90,000 sqm.

And associated open space (including a new public park) and landscaping; car and coach parking (including up to 55,000 sqm of residential parking and 80,000 sqm non-residential parking) and cycle storage; pedestrian, cycle and vehicular accesses; associated highway works; and associated infrastructure including water attenuation tanks, an energy centre and the diversion of any utilities and services to accommodate the development.

Subject to a Deed of Agreement dated 23 December 2016 under Section 106 of the Town and Country Planning Act 1990, as amended

13/2987 Granted 25/08/2017

Advertisement consent for eight "gateway advertisements" comprising 1 no. advert attached to Northern Facade of Bobby Moore Bridge (facing Olympic Square), 1 no. lightbox "parapet sign" on northern facade of Bobby Moore Bridge (above Olympic Way), 1 no. lightbox "parapet sign" on southern facade of Bobby Moore Bridge (above Olympic Way), 4 no. vinyl advertisements attached to the east and west tiled walls of the underpass and adjoining Olympic Way

CONSULTATIONS

Public consultation

Members should be advised that there is no statutory requirement to carry out public consultation for an advertisement consent. However, Brent's Statement of Community Involvement recommends that a site notice is displayed to provide notification of an advertisement consent.

Two site notices were erected on 15.05.2019. Two further site notices were erected on 16.05.2019. These were positioned both at the upper level adjacent to the bridge parapets and at the lower level close to the underpass.

Objectors generally submitted comments in relation to the proposals as a whole rather than differentiating between the advertisement consent application and the conditions discharge application. Therefore, the objections submitted for both applications are presented below:

Wembley History Society – support proposals

The Society state that this is a matter they have discussed at some length and made representations on, to both the Chief Executive of Brent Council and Quintain Limited. As a result, Quintain met them to discuss their objections to the complete lack of visibility of the Tiled Murals. Quintain sent representatives to one of the Society's meetings in 2018. The Society raised a number of concerns which Quintain considered. After further discussions, Quintain modified their original plans and agreed to make the main mural, depicting famous footballers playing, visible for most of the year. The other murals would be exposed occasionally. The lighting of the whole area under the bridge would also be upgraded, considerably improving the experience for the public and fans. The Society state that in light of these changes, they overwhelmingly agreed to accept these proposals.

Petition received with 283 signatures

At least 65 of which are likely to be from Brent residents based on postcodes recorded. The petition is headed by the statement, 'I would like to see all of the Bobby Moore Bridge tile murals put back on permanent public display.'

ePetition received with 44 signatures

The ePetition's accompanying text states that the undersigned petition the council to put the tile murals in the Bobby Moore Bridge subway at Wembley Park back on permanent public display to be enjoyed by residents and visitors to Wembley. It states that the tile murals are a major piece of public art, reflecting the historic and cultural importance of Wembley Park as "the Venue of Legends".

Representations received from 6 individuals objecting to the proposals.

The key objections raised are summarised in the below table:

The murals are public art and of cultural importance and should be on permanent public display. They promote pride in local public art and greet those emerging from Wembley Park station with a sense of arrival	Please see 'Tile Murals within the context of the current proposals' section of report
The advertisements would not be in scale or in keeping with the tile murals as a feature of the locality	Please see 'Tile Murals within the context of the current proposals' section of report
In order to protect 'the Special Character of Olympic Way' (WAAP), all of the Bobby Moore Bridge tile murals need to be put back on permanent public display	Please see 'Tile Murals within the context of the current proposals' section of report
Installing light boxes may damage the tiles underneath	Please see 'Tile Murals within the context of the current proposals' section of report
The adverts on the northern parapet would be distracting to those on the steps of Wembley Park station and therefore a risk to public safety	Please see 'Pedestrian Safety' section of report
The adverts on the southern parapet would obscure views of the stadium for some people in wheelchairs and young children	Please see 'LED Advertisement Displays on Bridge Parapets' section of report
As the low level views down Olympic Way would be obscured by the proposed screen, a young child could climb on the railings in an attempt to view the stadium and fall	Please see 'Pedestrian Safety' section of report
Current application may be invalid because it seeks to renew a previous consent, but this cannot be done more than 6 months before the date on which the previous consent is due to expire	The current application seeks consent for a replacement scheme rather than the renewal of the existing scheme and so the application is not invalidated on this basis
Wembley History Society did not overwhelmingly agree with the current proposals, they just agreed that having one scene on public display was better than having none at all	The Chair of the Wembley History Society has written the Council specifying that "our Society overwhelmingly agree to accept these much improved proposals"
A condition should be attached to requiring cleaning and repair of the mural.	The exposed part of the mural would be carefully cleaned. A condition would not be considered necessary or reasonable, as set out within the National Planning Policy Framework's guidance on conditions.
The tile joints are 10mm and not 12mm wide, which causes concern with drilling accuracy.	Please see 'Tile Murals within the context of the current proposals' section of 19/1474 report
If there is damage to the tiles by the fixings of the existing spirit-flex system then this should be repaired.	This comment is noted, however, it is not relevant to the current applications. The addendum confirms that Quintain 'fully commit to repair any damage that is caused by the installatoion of the light boxes

	should this occur'.
The historical, cultural and educational interest of the murals should be considered. Tile murals were previously used to educate children about Wembley and its history	This comment is noted, and the historic and cultural value is discussed later in this report. Whether or not the murals have educational value in itself is not considered to be a sufficient reason to indicate that the proposal will have a significant impact on public safety or amenity

In addition, one of the individuals objecting to the proposals, an amateur local historian with a particular interest in the Wembley area, submitted an 'Alternative Heritage / Significance Statement'. This sets out additional information and illustrations relating to the history of this part of Olympic Way and the tile murals, and the significance of different parts of the murals.

Internal

Environmental Health - no objections.

POLICY CONSIDERATIONS

National Planning Policy Framework 2019

Wembley Area Action Plan 2015

Brent Development Management Policies 2016

Council's Supplementary Planning Guidance 8 - Advertisements (other than shops)

DETAILED CONSIDERATIONS

1. The application comprises the following elements:

1. the installation of 2 internally illuminated LED advertisement displays attached to the northern and southern parapets of Bobby Moore Bridge (indicatively shown and approved under planning consent 17/3840), and

2. the use of the light boxes on the east and west walls beneath Bobby Moore Bridge (approved under planning consent 17/3840) for advertising purposes.

Considerations of an advertisement consent

- The display of advertisements is controlled through a specific approval process (known as advertisement consent) and separate planning permission is not required in addition to advertisement consent. When considering an advertisement consent consideration should only be given to the interests of amenity and public safety.
- When considering "public safety", this includes consideration of road safety and the need to ensure that proposed advertisement do not cause a hazard to drivers from unnecessary levels of attraction.
- When considering "amenity", this includes aural and visual amenity. This includes the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Planning Background

- The installation of light boxes on the walls of the underpass and the installation of advertising displays on the bridge parapets, was approved under planning permission 17/3840. The current application seeks to use these light boxes, and the parapet displays, for advertising purposes. These light boxes would replace the existing system of wall coverings which was approved under ref: 13/2987. At present, the walls of the underpass and the walls to the immediate south are covered by tile murals on top of which are vinyl advertisement displays.

The light boxes

6. The light boxes would consist of 22 panels to the west wall and 15 panels to the east wall. They would be capable of hosting a large format digital display and/or illuminated vinyl wraps. The light boxes would be fixed on top of the existing tiled murals on the underpass walls in a way that would not damage the tiles underneath. Following discussions with Brent Council and key stakeholders, including the Wembley History Society, a 9.4m long section of the original tiled mural referencing Olympic Way and the game of football located on the east wall would be left uncovered.
7. The light boxes would comprise a surface mounted LED system which would allow the walls to be illuminated and would be capable of displaying both static and dynamic lighting sequences. The applicants state that for daily operations, it is likely that the media content would be abstract lighting patterns. The wall mounted LED system would work in harmony with the bridge parapet mounted LED advertising screens. The applicants state that this would enable Bobby Moore Bridge to offer an immersive advertising role, replacing the existing system of vinyl wraps to present a distinctive and active façade to this key pedestrian route.

Tile Murals within the context of the current proposals

8. The Bobby Moore Bridge subway was constructed between 1991 and 1993, as part of the pedestrianisation of Olympic Way by Brent Council. The tile murals were erected at the same time and depict a range of sporting and entertainment events from the history of Wembley Stadium and Wembley Arena.
9. Covering up the tile murals with light boxes has already been approved under a previous planning application, whilst advertisement consent was previously granted for vinyl advertisements over the tiles. There is a desire by some interested parties, including the Wembley History Society, that the tile murals should be viewable. Planning consent has already been granted for the light boxes and the current application relates to the use of the light boxes for advertising purposes rather than their installation.
10. However, in acknowledgement of this public interest, the applicants engaged with the Wembley History Society to ensure that a specially selected section of the mural would be viewable to the public for most of the year. This scene includes England footballers playing in the “twin towers” Wembley Stadium and includes the plaque commemorating the opening of the Bobby Moore Bridge set into the mural. This section would be displayed and highlighted to become a focal point for those interested in this artistic work and the part of Wembley’s history it depicts. The Chair of the Wembley History Society has expressed his support for the proposal.
11. The Council’s Principal Heritage Officer notes that, given that the tiles are not a designated heritage asset, the proposals are a reasonable compromise. Officers therefore consider it appropriate that the plaque would be visible and the Twin Towers would be permanently exposed in recognition that they are part of Brent’s Heritage.
12. The agents have also confirmed that the triangular sections of tiled mural south of the bridge would also be occasionally revealed between the changeover of the spiritflex background. These sections of tiles depict American football, Rugby League and ice hockey.
13. Objections have been submitted on the basis that the tile murals are an important historic and cultural feature of the locality and displaying adverts in this area would not be ‘in the interests of amenity’ as the advertisements would not be in scale or in keeping with the tile murals as a feature of the locality.
14. Paragraph 4.64 of the Wembley Area Action Plan 2015 is concerned with ‘Protecting the Special Character of Olympic Way’. The paragraph states, *‘The importance of Olympic Way for the successful regeneration of Wembley cannot be underestimated. It is an internationally recognised processional route and perhaps one of the most important streets in Brent. It is an integral part of the visitor experience for Stadium events but it is the continued every day use of this street that is regarded as the highest priority. The creation of an exciting, active and animated Olympic Way at all times of the day and throughout the year, whilst ensuring safe access to and from Stadium events, is regarded as fundamental to the success of the area.’*
15. It is acknowledged that the murals offer an interesting depiction of scenes relating to the history of Wembley Stadium and Wembley Arena and it is considered appropriate for the murals to be protected. For this reason, it is recommended that measures should be in place to protect them from damage and

preserve them for the future. The principle for the covering up of the murals has previously been accepted by previous planning decisions which have established that installing light boxes on the walls of the underpass is an acceptable alternative to displaying the tile murals in their entirety. Advertisement has also been previously granted for vinyl adverts over the tiles (also in a way that does not damage them), and should advertisement consent not be granted for the light boxes, the vinyl advertisements also could still be installed revealing less of the tiles than what would be visible under this proposal.

16. In assessing the current proposals in relation to the aims of the Wembley Area Action Plan 2015 to protect the special character of Olympic Way, it is necessary to assess the proposals in relation to the regeneration of the Wembley Park area. The Wembley Area Action Plan is concerned with creating an exciting, active and animated Olympic Way at all times of the day and throughout the year. The emerging landscape of Olympic Way has a contemporary feel and is characterised by modern buildings, vibrant advertising, animation in the form of moving images within advertising displays and lighting to activate space and create a stimulating atmosphere. The environment has a range of bold and eye-catching features based around lighting effects, including the lighting columns along Olympic Way, the screens on the front of Wembley Stadium, the Stadium Arch, the screens on the façades of Boxpark and the screens on the front of the Arena. It is considered that using the light boxes to display illuminated images and produce dynamic lighting effects is in keeping with this emerging landscape. It is therefore considered that the current proposals would support the aims of the Wembley Area Action Plan.
17. Officers consider that the introduction of the LED systems would not make Bobby Moore Bridge appear unduly incongruous in views from the surrounding area as it would continue to be viewed within the context of a busy, commercial area and with the backdrop of large scale developments, completed or under construction, on adjacent plots. The adverts would add vibrancy and visual interest to the area, and it is considered that they would be in keeping with the emerging landscape within Wembley Park.
18. Concern has been raised that the tile murals could be damaged by the drilling for, and application of the fixings for, the steel plates to support the light boxes. However, the applicant has demonstrated that the techniques proposed to mount the light boxes to the walls of the underpass would protect the tile murals. All fixings would be installed within the grouting between the tiles rather than the tiles themselves to ensure minimal contact with the tiles. Moreover, the Addendum submitted confirms that the agents 'fully commit to repair any damage that is caused during the installation of the light boxes should this occur'.

LED Advertisement Displays on Bridge Parapets

19. The objective of the LED parapet signs is to replace the existing parapet adverts (approved under ref: 13/2987). These consist of backlit structures affixed to a steel 'clamp' set around the north and south parapets of the bridge.
20. Two LED screens are proposed – the screen on the northern parapet would face Wembley Stadium station and the screen on the southern parapet would face Olympic Way. The LED screens are intended to enable changing displays of branding, digital motion / street art, and advertising. These screens would allow illuminated static and moving images to be displayed.
21. The Council's Transportation Officer notes that there are highway proposals to connect North End Road and Bridge Road at a new road junction in the near future. These works would reduce the length of the southern bridge parapet, which would in turn affect the length of the proposed advertising screen. This has been accounted for within the design though, with a removable 2m segment of the screen shown at its eastern end to accommodate the proposed junction works.
22. Objections have been raised on the grounds that the proposed adverts on the southern parapet would obscure views of the stadium for some people in wheelchairs and young children. It is noted that the average eye height for someone using a wheelchair is above the height of the advertisement panel. Nevertheless, the panels would restrict views for some people including young children in pushchairs as they would be immediately next to panel. However, views of Olympic Way from a low head height could still be enjoyed while crossing Bobby Moore bridge at either end of the panel and the stadium arch would be visible to almost everyone crossing the bridge. It should also be noted that attaching illuminated advertisement displays to the parapets of the bridge, at the currently proposed heights, has already been approved in principle under planning application 17/3840.
23. The proposed signs are considered to be proportional in size to the bridge structure to which they would be fixed. It is not considered that they would harm amenity or cause distraction for highway users. The LED screens would not be visible to vehicles crossing Bobby Moore Bridge.

Amenity Considerations

Luminance Levels

24. To avoid the potential adverse impacts of light spill, light pollution and glare, the luminance levels associated with the illuminated images and advertising would be within the industry levels set out in the following lighting guideline documents:

- Institution of Lighting Professionals, GN01:2011 Guidance Notes for the Reduction of Obtrusive Light
- Institution of Lighting Professionals, PLG05:2015 The Brightness of Illuminated Advertisements

25. Each sign would have the ability to dim up and down automatically throughout the day to take into account ambient daylight conditions. The dimming patterns of each screen and respective percentages of emitting light intensity may differ as the location, orientation, structure and capacity of each digital screen may vary however the luminance levels would work to the following parameters: -

- Maximum dusk/night time screen luminance – 300cd/m²
- Maximum daytime screen luminance – 5000cd/m²

Residential amenity considerations

26. The Council's Environmental Health Officer has considered the location of the illuminated panels and the proposed illuminance levels. They commented that due to their location, the light from these panels is unlikely to cause an adverse impact on any nearby residential dwellings. They therefore raised no objections and did not recommend any conditions in relation to Environmental Health concerns.

Safety considerations

Highway safety

27. The Council's Transportation Officer notes that the location of these advertising panels would not have any detrimental impact on highway safety, as they would not be overly visible from trafficked streets. As such, the proposed display of moving images as well as static images would be acceptable.

Pedestrian safety

28. With regard to the LED displays on the northern parapet of Bobby Moore bridge, concern has been raised that pedestrians descending the Wembley Park station steps could become distracted by moving images on the screen in front of them, which could lead to people falling and endangering themselves and others.

29. However, it is clear as you leave Wembley Park station that you are within a busy and stimulating urban environment and moving illuminated images are not uncommon in this type of context. It is not considered that the presence of screens with moving images is likely to cause such distraction that the risk of accidents would be increased to a degree that would warrant the refusal of the application.

30. With regard to the LED displays on the southern parapet of Bobby Moore bridge, concern has been raised that, as the low level views down Olympic Way would be obscured by the proposed screen, a young child could climb on the railings in an attempt to view the stadium and fall. There is always the potential for accidents to happen if children are unsupervised, but it is not considered that this change in circumstances would increase the risk of accidents to a degree that would warrant the refusal of the application.

Equalities

31. 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).

Conclusion

32. The proposed advertisements are considered acceptable in terms of both amenity and public safety and it is therefore recommended that advertisement consent is granted.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
TOWN & COUNTRY PLANNING (CONTROL OF
ADVERTISEMENTS)
REGULATIONS 2007

DECISION NOTICE – ADVERTISEMENT APPROVAL

Application No: 19/1474

To: Miss Carney
WYG
11th Floor
1 Angel Court
London
EC2R 7HJ

I refer to your application dated **18/04/2019** proposing the following:

Installation of 2 internally illuminated LED advertisement displays attached to the northern and southern parapets of Bobby Moore Bridge. Use of the light boxes to east and west wall beneath Bobby Moore Bridge approved under planning consent 17/3840 for advertising purposes.

and accompanied by plans or documents listed here:

Site Location Plan – Drawing PA-ZB-003
P16-003-01-ZB-101 Existing Plan and Elevations
Bobby Moore Underpass Wall Elevations – Drawing 20-ZB-301 Rev C
Bobby Moore Underpass Proposed Elevations - Drawing 20-ZB-300 Rev E
Bobby Moore Bridge J1040/202 Section Details - Bridge Sign
Visual with static white colour lighting prepared by Spiers & Major

Background documents

Statement of Significance
Addendum to Statement of Significance

at **Bobby Moore Bridge and Underpass, Olympic Way, Wembley**

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

Date: 08/07/2019

Signature:

Gerry Ansell

Interim 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.

DnAdvGC

SUMMARY OF REASONS FOR APPROVAL

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

Wembley Area Action Plan 2015
Brent Development Management Policies 2016
Council's Supplementary Planning Guidance 8 - Advertisements (other than shops)

- 1 This permission is granted subject to the requirements of Regulation 14(7)(a) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 which specify that advertisement consents are subject to the following standard conditions stipulated in Schedule 2 to the said Regulations:-

(i) no advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(ii) no advertisement shall be sited or displayed so as to endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military).

(iii) no advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air.

(iv) no advertisement shall be sited or displayed so as to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(v) any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(vi) any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public

(vii) where an advertisement is required under the Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To conform with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2 The level of luminance for the proposed signage shall not exceed the following levels:

Maximum dusk/night time screen luminance – 300cd/m²

Maximum daytime screen luminance – 5000cd/m²

Reason: To ensure that the proposed display does not prejudice the amenities of the locality or the conditions of general safety along the neighbouring highway.

INFORMATIVES

- 1 The applicant is reminded any works affecting the bridge structure must also be granted Approval in Principle clearance from Brent Council's Highways & Infrastructure service.
- 2 The applicant is reminded that the screen on the southern parapet will need to be reduced in length as necessary to accommodate future highway works to connect North End Road and Bridge Road.

- 3 As detailed in the Statement of Significance, the lightbox panels should be fixed to the walls using screws placed between the tile joints, allowing the tiled mural to remain in situ and unharmed and therefore avoiding any loss or damage to the original mural.

Any person wishing to inspect the above papers should contact Hilary Seaton, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1427

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

16 July, 2019
06
17/0322

SITE INFORMATION

RECEIVED	20 January, 2017
WARD	Willesden Green
PLANNING AREA	Brent Connects Willesden
LOCATION	1-12 INC, Queens Parade, Willesden Lane, Willesden, London, NW2 5HT
PROPOSAL	Demolition of existing retail units and erection of part-five, part-seven, part-eight storey building, comprising 106 student residential accommodation units (Use class Sui Generis) on the upper floors, ground floor retail floorspace of providing 5 commercial units (Use class A1) and entrance lobby for the student accommodation; At basement level ancillary student accommodation along with cycle parking, bin stores, laundry and plant room ancillary to the student accommodation, with associated enhancements to the public realm at street level.(amended plans)
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_132271</p> <p><u>When viewing this as an Hard Copy .</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "17/0322" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

INTRODUCTION

The application was previously for: Demolition of existing retail units and erection of part-six, part-seven, part-eight storey building, comprising 117 student residential accommodation units (Use class Sui Generis) on the upper floors, ground floor retail floorspace of 298sqm providing 5 commercial units (Use class A1) and entrance lobby for the student accommodation, and use of basement level to provide retail warehouse floorspace of 243sqm (ancillary to A1) along with cycle parking, bin stores, laundry and plant room ancillary to the student accommodation, with associated enhancements to the public realm at street level

The application was most recently reported to Planning Committee on 11th April 2018 and was originally reported on 14th March. The committee determined on 11th April that the application be: Deferred to a subsequent planning committee meeting to enable the submission of revised drawings and supporting documents, the assessment of the revised proposals and supporting information by officers and to re-consult neighbouring residents.

Committee held concerns with the original application due to:

- The developments impact upon the living conditions of the adjoining occupiers due to the height, bulk and proximity of the proposed development to Electric House. Concern was raised over the proposal's impact in terms of loss of daylight and potential overbearing impact to the windows of three flats within the Electric House building;
- The quality of student accommodation, due to the insufficient provision of on-site facilities which was not considered to be off-set by the size of the rooms;
- The servicing arrangements, in particular, the student drop off and departure arrangements (at term start and end) and the associated impact on traffic flow and safety in the locality.

Subsequently amended plans have been received which have sought to address concerns raised previously by the committee. The revised plans include:

- Overall the scheme has reduced the number of student units to 106 from 120 and increased the student ancillary areas to 297 sq.m from 65 sq.m. The proposal now proposes 287 sq.m retail (retaining the majority of retail space at street level and with no ancillary basement space). Previously the scheme offered 295 sq.m with 243 ancillary basement accommodation.
- Relocation of the entrance to a more central location towards Walm Lane away from Willesden Lane, and retail unit in place of where the entrance was originally proposed on Walm Lane
- Reduced massing of rear block (faces onto Walm Lane) with loss of 14 units, 1 storey removed from frontage of Walm Lane and 2 storeys to rear facing Electric House to the south.
- Four units in rear block utilise oriel windows and obscure glazing to mitigate against overlooking towards Electric House. The top floor of the rear block facing south are now proposed with angled roof windows which afford skyward views away from private habitable room windows and amenity areas of occupants of Electric House to the south.
- The basement accommodation is now predominantly utilised as amenity space for occupiers of the student accommodation and no longer ancillary to the retail uses. A seating and smoking area have been proposed in front of the entrance area.

Where an application is deferred from a previous planning committee meeting, the changes are normally discussed solely within the "Header" to the report with the remainder of the report remaining the same. However, in this instance it was considered to be more appropriate to change the main report. The changes that were made were significant and a public reconsultation period was undertaken as a result. Furthermore, many of the committee members have changed since the application was previously presented to committee.

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 Viability Review - In the event a Higher Education Institution or Student Accommodation Provider acting for and on behalf of a Higher Education Institution does not take up the operation and management of the development then the owner shall prior to occupation submit to the Local Planning Authority a Viability Review in order to secure the maximum quantum of affordable student accommodation possible within the development.

4 That the development is "parking permit restricted" - future occupants will not be eligible for on-street parking permits.

5 S278 Agreement to undertake highway works within the footway along the site frontage to resurface the footway

6 To pay to the Council upon commencement of development the sum of Fifty-one Thousand Pounds (£51,000), indexed, to be utilised by the Council towards public realm improvements for trees and street furniture in the vicinity of the development

7 Training and Employment - Prior to a material start (excluding demolition and piling) 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 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

8 Considerate Constructors Scheme

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. Travel Plan
4. Occupation by students
5. Provision of servicing access
6. Approval of materials
7. Noise assessment
8. Restriction on satellite dishes
9. Water usage
10. Construction Environmental Management Plan (CEMP)
11. Air Quality
12. Delivery and Servicing Plan
13. Site Investigation and Remediation
14. Sustainable Urban Drainage
15. Details of cycle storage
16. Emissions of Non-Road Mobile Machinery

Informatives


1. Party Wall Act
2. CIL liability
3. Ground water risk management
4. Thames water pressure
5. Asbestos
6. Notify highways of commencement of works and provide photographic survey of footway
7. Advertisement consent requirements
8. Best practice for control of pollution
9. Noise and vibration
10. Structural integrity
11. Licences

12. Highways Act
13. Vibration
14. Air Quality
15. Maximum standards for fire safety
16. Brent supports the payment of the London Living Wage

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 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>Planning Committee Map</p> <p>Site address: 1-12 INC, Queens Parade, Willesden Lane, Willesden, London, NW2 5HT</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 retail units and erection of part-five, part-seven, part-eight storey building, comprising 106 student residential accommodation units (Use class Sui Generis) on the upper floors, ground floor retail floorspace of providing 5 commercial units (Use class A1) and entrance lobby for the student accommodation; At basement level ancillary student accommodation along with cycle parking, bin stores, laundry and plant room ancillary to the student accommodation, with associated enhancements to the public realm at street level.

EXISTING

The application site is located on the corner of Walm Lane and Willesden Lane and currently consists of a single storey parade of shops known as Queens Parade with a gross internal area of around 580 sqm. The parade consists of twelve individual units that are mainly used for 'meantime' uses such as small businesses that are starting out. The site is located within primary shopping frontage of Willesden Town Centre and the Willesden Conservation Area but does not contain any listed buildings.

Electric House, which is a part 4/6/7 storey mixed use residential/commercial building, is located directly adjacent to the site. Rutland Park Mansions, an older four storey residential building, is located to the east of the site. There is a variety of building types and sizes found on the opposite side of Walm Lane and Willesden Lane leading to Willesden High Road. Willesden Green underground station is located approximately 240 metres to the north-east of the site and the site has a PTAL of 5. The site forms part of site allocation 28, which includes this site and Electric House. The site is also within an Air Quality Management Area.

SUMMARY OF KEY ISSUES

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- The basement accommodation is now predominantly utilised as amenity space for occupiers of the student accommodation and no longer ancillary to the retail uses. A seating and smoking area have been proposed in front of the entrance area

RELEVANT SITE HISTORY

A planning application was submitted in 2013 for the redevelopment of the site, but was subsequently withdrawn.

13/1122 – Withdrawn

Full planning permission withdrawn for the demolition of the existing buildings at 1-12 Queens Parade and erection of a part 4-/part 6-/part 7-/part 8-storey mixed use building containing 345sqm of commercial floor space on ground floor and 34 residential units (9 x 1-bed, 23 x 2-bed, 2 x 3-bed) with balconies and communal roof terrace

13/1123 – Withdrawn

Conservation Area Consent sought for the demolition of all existing buildings

Planning permission was granted in 1995 for the demolition of the shops and construction of a three-storey building. This was not implemented and the permission lapsed.

95/1656 – Granted

Demolition of existing buildings and redevelopment to provide 5 No. shop units comprising A1 and A2 uses and a cafe/restaurant (A3) and 14 No. flats on first and second floors (as revised by plans received 23/09/96 and 05/11/96).

95/1657 – Granted

Conservation Area Consent for demolition of all buildings on Queens Parade

Planning history for adjoining site - Electric House

Permission was granted in January 2014 for the redevelopment of the adjoining property, Electric House, in January 2014. This 4 to 7-storey building containing 25 flats was completed in late 2015.

13/1428 – Granted

Demolition of existing office building and erection of a seven storey building comprising 25 residential apartments (11 x 1-bed, 13 x 2-bed and 1 x 3-bed) and 383sqm of retail floorspace on the ground floor with associated cycle parking, first floor rear communal roof terrace and associated landscaping and subject to a Deed of Agreement dated 02 December 2013 under Section 106 of the Town and Country Planning Act 1990, as amended

CONSULTATIONS

Amended plans have gone through a public consultation, with site notice placed near the site, advert in the press and local residents and consultees consulted by post and given in 21 days or more to respond prior to the committee meeting:

At the time of writing 21 local residents objected to the revised scheme and 1 local Councillor (Tom Miller). Summary of comments received:

Comment	response
Emerging site allocation BSESA21 indicates capacity of 20 units, this development would undermine the emerging local plan before it is even adopted.	Addressed in Policy Update section.
Vision for South East (5.6.11 of Brent Local Plan 2018) seeks to establish creative quarter where creative industries can flourish	Emerging policy has limited weight at this time and the site has not been allocated for this purpose. Will be opportunity for new retail premises to be used by businesses.
Student use not identified as appropriate in Willesden Green. Public not appropriately consulted.	All town centre locations with good access to transport and facilities can be considered appropriate given the direction of the London Plan. The application has been consulted upon in accordance with statutory requirements.
Emerging plan suggests Willesden Green deficient in green space, no outside space for students.	Additional indoor amenity space has been provided, the emerging plan will seek to address any future deficiencies if identified in public green space and is not a reason to refuse individual applications.
Unacceptable Impact upon residential amenity (loss of light/sunlight to dwellings and outdoor space, infringement upon 45 degree principle)	Addressed in Daylight/sunlight section and previous reports.
Loss of retail space	The loss of retail is ancillary space at basement level, shopping frontage is retained at street level. The loss of ancillary basement space is not considered to undermine local plan objectives or the vitality of town centre.
Student accommodation should include 35% affordable housing	This only applies if not tied to a specific educational institution. The proposal would be tied by legal agreement to a specific education institution. As set out paragraph 3.53(B) of the London Plan and detailed in the Housing SPG.
Unacceptable amenity for future occupiers	Addressed in communal facilities section and previous reports.
Impacts from students living nearby	No evidence to suggest an over concentration of student accommodation in the area.
Inappropriate to conservation area	Addressed in heritage section and previous reports.
Area too congested	Highway capacity is addressed in Highways section.
Queensbury Pub is asset of community value	The proposals would not harm the pub.
Proposed exterior is positive and fits in with the area	Design discussed in character and appearance section.

POLICY CONSIDERATIONS

Development Plan:

Document Imaged

DocRepF
Ref: 17/0322 Page 3 of 24

Other Relevant Policy Considerations

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
Technical housing standards – nationally described space standards (2015)
draft London Plan (2017)
Mayor of London - A City for all Londoners
LB Brent S106 Planning Obligations SPD (2013)
LB Brent Design Guide for New Development (SPD1)
LB Brent Residential Extensions & Alterations (SPD2)
LB Brent Shopfronts SPD (SPD3)
LB Brent Basement SPD (Jun 2017)
LB Brent Willesden Green Conservation Area Character Appraisal (2006)
LB Brent Waste Planning Guide SPG
Community Infrastructure Levy Regulations 2010
London Cycling Design Standards

DETAILED CONSIDERATIONS

Policy updates

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material consideration indicate otherwise'.
2. Since the application was last considered in April 2018 the draft London Plan with Minor suggested changes has been published in August 2018 and had a further consultation, and been through an examination in public, which increases the weight that should be given to this document in decision making.
3. The draft London Plan adds weight for student accommodation in town centre locations policy SD6 Town Centres and High Streets:

C – The potential for new housing within and on the edges of town centres should be realised through mixed use or residential development that makes best use of land, capitalising on the availability of services within walking and cycling distance, and their current and future accessibility by public transport

D – The particular suitability of town centres to accommodate a diverse range of housing should be considered and encouraged including smaller households, Build to Rent, older people's housing and student accommodation."

4. Brent has published its preferred options for its new local plan (Brent Local Plan 2018) but is still at an early stage in the process and can only be given very limited weight in decision making at the present time. This emerging document identifies the site (BSESA 21: Queens Parade) for housing with ground level retained for commercial uses, with indicative capacity of 20 residential units.

5. Indicative capacity is to be taken as indication, however where appropriate design can mitigate potential impacts indicative capacity should not be a limitation to the potential site and only when designs are worked up in detail will it become apparent the potential of the site. In addition the indicative capacity relates 20 residential units which come in various shapes and sizes, whereas typically the student flat size is approx. 14-15 sq.m in this proposal a residential flat would vary between a minimum of 50 sq.m for a 1 bed unit up to 95 sq.m for a 3 bedroom unit (which the council would be expect in forthcoming residential flatted developments). It is clear regular housing accommodation could accommodate multiples of student units and therefore 106 student units does not represent a gross overdevelopment of the site from the indicative

capacity study.

6. Notwithstanding this emerging policy, principle weight should still be given to current development plan which is the same as previously considered by the report and committee discussions in March and April 2018, namely:

London Plan consolidated with alterations since 2011 (March 2016)

Development Management Policies, London Borough of Brent (2016)
London Borough of Brent LDF Core Strategy 2010

7. Other document updates which are material considerations include:

Brent Design Guide SPD1 has since been formally adopted as of November 2018. It is now formally adopted with the old SPG17 now superseded.

8. A revised National Planning Policy Framework (NPPF) has been since been published in July 2018 (updated February 2019).

9. The above policy updates and material considerations are not considered to introduce new policy or material which would necessitate a change of recommendation with respect to the principle of development and the proposals are still deemed consistent with the aims of the development plan. Although there is loss of primarily basement level ancillary retail space there remains very similar provision at ground level and in the street frontage.

Character and appearance

10. The revised scheme is considered to be an improvement with respect to the character and appearance of the original scheme presented on March and April 2018.

11. The reduction of the rear block by 2.78m in the Walm Lane frontage will respect the building height established in the Walm Lane street scene and subservient to the main taller block which acts as a focal point on the junction.

12. The relocation of the main entrance in a more central location on junction of Walm and Willesden Lane, provides a more logical location access point and retains the active frontage of the streetscene with appropriate glazing, a reception and seating area.

13. Overall the alterations to the previously scheme are considered to be of acceptable character and appearance appropriate to the town centre location.

14. A landscaping condition can be put in place to secure acceptable landscaping and public realm improvements.

Heritage

15. The proposed development would preserve the character of the conservation area. Decisions must have due regard to potential impacts upon heritage assets the reduced scale of the revised scheme is not considered to unduly harm heritage assets and are likely to improve upon the situation which was not previously considered harmful in 2018.

Daylight/Sunlight

16. To assess potential impact upon living conditions daylight and sunlight calculations have been undertaken in accordance with the Building Research Establishment (BRE) Report 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' 2nd Edition, 2011 (the "BRE guide") and also British Standard 8206 – 2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting', to which the BRE guide refers.

17. BRE guidance is generally intended for use in low density suburban areas and encourages more flexible approach in more built up environments

18. All sensitive properties assessed comply with BRE Guidance for Annual Probable Sunlight Hours and overshadowing. This has been improved by the reduction in height of the rear block that is proposed.

19. The adjoining development, Electric House, was designed to include three flats with windows that directly face the application site, situated at first, second and third floor level. These were set back from the boundary of the adjoining site, Queens Parade, to ensure that they did not prejudice the redevelopment of that site. The levels of daylight that will be received by these flats has been tested by the applicant with those results shown in the submitted daylight and sunlight assessment.

20. The Daylight/Sunlight report has identified that there would be some loss of light to some of the residential units on the north-western side of Electric House. The units on this side of the building consist of a 1B2P flat on the first floor and two 2B4P flats located on the second and third floor respectively. These units consist of a dual aspect living room with the primary outlook to the north-east and secondary outlook to the north-west. The units on the second and third floor each have a balcony that is north-west facing. There is also a bedroom on each floor with outlook to the north-west. The report acknowledges that there would be some loss of light to each unit.

21. The windows of principle concern are the bedroom windows labelled W8 on floors 1, 2 and 3. The below table demonstrates the improvement to the vertical sky component (VSC) in each room since the previous consideration of the scheme:

Floor ref	Window ref	Existing VSC	Proposed VSC (Previously proposed)	Times Former Value (Previously proposed)
First	W8 (bed)	19.26	8.63 (7.35)	0.45 (0.38)
Second	W8 (bed)	20.84	11.73 (10.23)	0.56 (0.49)
Third	W8 (bed)	22.99	15.93 (14.12)	0.69 (0.61)

22. The reduction in height by one storey to the front and two storeys to the rear of the rear block of accommodation improves the light received to these properties, there has been a reasonable increase in the VSC. Consideration should also be given to the fact the rooms are bedrooms which generally have lower expectations of light compared to living rooms. Daylight distribution results show that due to the fact the units are dual aspect they would still meet BRE targets. The bedrooms are set within re-entrant corners that are shaded by the projecting walls and balconies and already experience some loss of light. The orientation of the building and the flats on the northern side also limit access to sunlight already.

23. Consideration has been given to the findings of the report and also to the layout of the units that would be affected. The changes to the scheme have improved the potential impact on all of the neighbouring windows than the previous concerns have been sufficiently addressed. Although it is acknowledged that there would be some loss of light, consideration has been given to the fact that the primary living areas of each unit are dual aspect and the primary outlook is to the north-east and away from where the proposed development would be located. Taking this into account it is considered that the amended proposal would not materially harm the amenity of residents and is considered to retain adequate living conditions overall.

24. It is acknowledged the site would not comply with SPD1 guidance with respect to the 45 degree principle from the edge of the external communal amenity area of electric house, although the guidance references private amenity space, the communal area does serve a collective garden area exclusive to residents of Electric house. The revised proposals improves this aspect of the development although does still modestly intrude upon the principle, given the separation distance, the large communal area and small scale incursion, when balanced with the benefits of the overall development, the harm is considered modest and acceptable on balance.

Overlooking/outlook

25. Since consideration of the previous scheme SPD1 has been adopted and replaces SPG17. The distance

the generally accepted distance between windows to prevent harm to neighbouring amenity is 18m, which is reduced from the previous standard SPG17 of 20m.

26. As previously discussed there are habitable room windows that overlook the site from Electric House where a number of residents have submitted objections concerning overlooking. The rear of the application building would have windows that overlook the balconies and habitable rooms of Electric House at a distance of 10 metres. However the applicant has proposed the use of a mixture of obscure glazed and angled windows to ensure that overlooking does not take place towards Electric House. This is considered to be an acceptable approach and addresses concerns that neighbouring residents have raised.

Communal facilities

27. Members noted the absence of communal recreational facilities within the proposed development. Brent Policy DMP20 relates to the provision of student accommodation (and other accommodation with shared facilities) and part (b) of this policy sets out that such development will be supported where the development is of "an acceptable quality meeting appropriate standards for the needs of its occupants, including external amenity space, appropriate communal facilities, levels of support/care and mobility". A significant amendment to the application is the provision of student ancillary areas with seating areas and a basement level which provides gym, laundry, kitchen/dining/social area and a study, providing approximately 290 sq.m of communal space, for the reduced number units of 106.

28. Most of the purpose built student accommodation buildings that have been granted planning consent in Brent recently have included an element of communal space, typically as recreational rooms or as study rooms (or both). However, as clarified in the main committee report, there are no adopted standards for the quality of student accommodation and therefore, no specific requirement written into policy or guidance for a specific type of communal room or amount of floorspace. It therefore falls to decision makers to make a balanced judgement.

Highways/Servicing

29. As before, no off-street parking is proposed, but 54 bicycle parking spaces are shown in the basement. A service corridor from the adjoining Electric House development is retained at the rear of the building.

30. Retail units are permitted up to one space per 50-100m², depending on whether they are food or non-food outlets. With the reduction in retail floorspace, the retail parking allowance falls to 2-5 spaces. Car-free development is again sought for the student housing.

31. With no off-street car parking proposed, standards are again complied with. Car-borne visitors to the retail units would again be able to make use of pay and display bays along Walm Lane if they so wish, although the good access to public transport means the site is readily accessible to staff and customers anyway without requiring a car. A CPZ operates in the surrounding area to prevent overspill parking by staff in residential streets.

32. For the student housing, students are not eligible for parking permits for the local CPZ anyway. However, to ensure they are properly notified of this, a 'car-free' agreement should again be secured that places an obligation on the owner to make this clear to students before they move into the accommodation. This has been acknowledged by the applicant.

33. The London Plan requires a secure bicycle parking space to be provided for every two students and the revised provision of 54 spaces (16 on a double-height stacker) in a secure storeroom in the basement again meets this requirement. Lifts, including a large goods lift, will be provided to allow bikes to be taken down to the basement in comfort.

34. For short-term storage, three spaces are required for the student accommodation. It is proposed that five stands (ten spaces) be provided within the public footway on the Willesden Lane frontage to meet this requirement. These need to be new spaces though, rather than simply a relocation of the five existing stands that currently front the building. This can be secured by condition.

35. The reduction in the sizes of the retail units means that they now fall below the threshold at which bicycle parking is required.

36. In terms of servicing, bin storage is again proposed in the basement, with a goods lift provided to allow

the management company to take bins up to the rear service alleyway on collection days. This is considered acceptable and there is space for a refuse vehicle to stand on Willesden Lane between the bus stop clearway and the guardrailing at the signalised junction with Walm Lane when collecting bins.

37. For deliveries to the shop units, the S106 Agreement attached to the development of the adjoining site at Electric House, 296 Willesden Lane (ref: 13/1428) included a requirement to allow shared use of its service yard by any the future development on Queens Parade. A passage was therefore provided between the service yard and the rear of this site and a gate has been shown from that passage to a rear service alley for these shops. As such, off-street servicing provision for the units fronting Walm Lane has been secured and there is no longer any reason for this development to rely on on-street servicing along Walm Lane (unlike the existing shops along the parade).

38. A Delivery & Servicing Plan can be secured which sets out management arrangements for the shared use of the Electric House service yard, including pre-booking of deliveries to avoid peak hours and to limit the number of vehicles in the yard at any time, consolidation of loads where possible and restrictions on the sizes of vehicles, in order that the service yard can be used efficiently to serve both developments and minimise on-street loading requirements.

39. The Delivery and Servicing Plan also sets out arrangements for the student accommodation. As only about one vehicular delivery per day is expected to the student flats during term time, this focuses on arrangements for the moving in of students' belongings at the start of the year.

40. Welcome packs are proposed to give logistical information on the moving in process, with a booking system to allocate specific 30-minute timeslots for arrival (generally at weekends). Additional staff will then be on hand to assist with moving students in and a ground floor temporary storage area will be provided to allow belongings to be unloaded from the vehicle more quickly.

41. It is proposed that cars will be directed to use both the service yard to the rear of Electric House and the length of street on Willesden Lane between the end of the guardrailings and the bus stop. These two areas would thus provide two unloading areas and if 30-minute slots are offered between 8am and 6pm on a Saturday and Sunday, 80 slots could be offered over a single weekend, thus catering for almost the entire building. In reality, not all students would arrive at their new accommodation by car and arrivals would also be likely to occur over a number of weeks. As such, the space around the building offers plenty of flexibility. The moving out of students at the end of term tends to occur naturally over a longer period of time, so is less of a concern.

42. A Travel Plan was previously submitted with the application and this has not been amended. As before, a full Travel Plan is not considered entirely necessary for this 'car-free' development, so a simple commitment to employ the measures as set out can be secured through a planning condition, without any need to undertake future monitoring.

43. The previously submitted Transport Assessment has already concluded that the development is not likely to have any noticeable impact on local transport networks.

44. Finally, the application again proposes the resurfacing of the footway fronting the site in high quality materials, plus the re-siting of five existing bicycle stands and the provision of new seating, soft landscaping beds around the street trees and improved lighting. The proposals to enhance the appearance of this area of highway are welcomed in principle and should also consider removal of much of the extensive guardrailing along the site frontage. A S278 Agreement to work within the public highway will be required for these works and final design and construction details will need to be agreed through that process.

SUDS

45. The alterations have no additional impact upon Flood risk.

Energy Sustainability

46. The original scheme previously complied with the non-domestic target of 35% improvement over Part L 2013 and Breeam excellent rating in order to comply with policy 5.2 of the London Plan.

47. An updated Energy and Sustainability Statement has been provided in support of the revisions, if approved this would form part of an approved plans condition and secure a revised energy sustainability statement to ensure the development meets with policy 5.2 of the London Plan.

Environment

48. Noise, Air quality, Contaminated land and potential construction nuisance have previously been considered, the revisions raise no additional issues and are appropriate to deal with by condition to ensure acceptable impacts.

Conclusion

49. The site is part of a Site Specific Allocation that originally envisaged the Queens Parade and Electric House sites coming forward together as a mixed use development consisting of retail/residential units. This however did not happen and the neighbouring Electric House development has been built and includes 25 self-contained flats. Consideration has therefore been given to the fact that the Electric House development has surpassed the original SSA target and also to the difficulty in providing residential units in the Queens Parade site due to its orientation.

50. The proposal would provide good quality student accommodation within an area that is well served by public transport and that is within a town centre that would offer students good local facilities. The accommodation would have management facilities in place that would be secured by condition. It has been demonstrated that there is London wide need for student accommodation and that there is an aspiration in the London Plan to move student accommodation away from Central London to other accessible locations.

51. The proposal would also provide five retail units within Primary Shopping Frontage of the Willesden Town Centre and contribute towards the town centres vitality and viability. Although there would be a reduction in the overall amount of retail floorspace this would be due to the need to provide a core for the student accommodation and also to provide off-street servicing, and they would be high quality and modern units.

52. The building as designed would preserve and enhance the Willesden Conservation Area whilst improvements are also proposed to public space in front of the site which was originally a key aspiration of the SSA. Whilst some harm is identified to daylight in some bedrooms of Electric house on balance it is not considered to substantiate a reason for refusal when the application is taken as a whole.

53. Taking these factors into consideration the application is recommended for approval subject to conditions and a s106 legal agreement.

CIL DETAILS

This application is liable to pay **£996,290.84** * 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): 583 sq. m.

Total amount of floorspace on completion (G): 3558 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Shops	287		239.97	£40.00	£0.00	£14,055.58	£0.00
(Brent) Sui generis	3271		2735.03	£200.00	£0.00	£800,972.11	£0.00
(Mayoral) Shops	287		239.97	£0.00	£60.00	£0.00	£14,621.28

(Mayoral) Sui generis	3271		2735.03	£0.00	£60.00	£0.00	£166,641.87
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BCIS figure for year in which the charging schedule took effect (Ic)	224	323
BCIS figure for year in which the planning permission was granted (Ip)	328	
TOTAL CHARGEABLE AMOUNT	£815,027.69	£181,263.15

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

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

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

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 17/0322

To: Mr Dodd
HTA Design LLP
106 - 110 Kentish Town Road
London
NW1 9PX

I refer to your application dated **20/01/2017** proposing the following:

Demolition of existing retail units and erection of part-five, part-seven, part-eight storey building, comprising 106 student residential accommodation units (Use class Sui Generis) on the upper floors, ground floor retail floorspace of providing 5 commercial units (Use class A1) and entrance lobby for the student accommodation; At basement level ancillary student accommodation along with cycle parking, bin stores, laundry and plant room ancillary to the student accommodation, with associated enhancements to the public realm at street level.(amended plans)

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

at **1-12 INC, Queens Parade, Willesden Lane, Willesden, London, NW2 5HT**

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: 08/07/2019

Signature:

Gerry Ansell
Interim 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.

SUMMARY OF REASONS FOR APPROVAL

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

NPPF
London Plan (2016)
Brent Core Strategy (2010)
Brent Development Management Policies (2016)
Brent Site Specific Allocations (2011)

- 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):

QPW 100 received 15th April 2019
QPW 101 received 15th April 2019
QPW 102 received 15th April 2019
QPW 103 received 15th April 2019
QPW 104 received 15th April 2019
QPW 200 E received 15th April 2019
QPW 201 D received 15th April 2019
QPW 202 B received 15th April 2019
QPW 203 G received 15th April 2019
QPW 204 F received 15th April 2019
QPW 205 B received 15th April 2019
QPW 206 A received 15th April 2019
QPW 207 A received 15th April 2019
QPW 208 A received 15th April 2019
QPW 209 B received 15th April 2019
QPW 210 received 15th April 2019
QPW 211 C received 15th April 2019
QPW 212 C received 15th April 2019
QPW 213 G received 15th April 2019
QPW 214 A received 15th April 2019
QPW 220 A received 15th April 2019
QPW 221 A received 15th April 2019
QPW 222 A received 15th April 2019
QPW 223 A received 15th April 2019
QPW 900 received 15th April 2019
Energy and Sustainability Statement received 01/07/2019

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

- 3 The Travel Plan hereby approved (prepared by Vectos dated March 2017), shall be implemented in full from first occupation of the development.

Reason: To minimise the impacts of the development on the highway.

- 4 The student accommodation hereby approved shall be occupied by Students for a period of not less than 39 weeks in any year unless otherwise agreed in writing by the Local Planning

Authority. For the purpose of this condition, Students are defined as any person enrolled on a full time UK accredited and based further education course at a recognised higher education institution for not less than 80% of the course time unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the accommodation meets an identified need and contributes towards a balanced community.

- 5 The 'Service Access Route to Retail' as shown on approved drawing QPW 200 E shall be constructed and made available for use prior to the first occupation of the residential units and maintained clear of obstacles thereafter.

Reason: To ensure that the impact on the public highway is acceptable.

- 6 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: To protect local amenity and air quality in accordance with Brent Policy EP3 and London Plan policies 5.3 and 7.14

- 7 Details of materials for all external work, including samples which shall be made available for viewing on site or in another location as agreed, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality and preserves the character and appearance of the heritage asset.

- 8 A Noise Report to include a scheme of sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works (excluding demolition, site clearance and below ground works). The scheme shall demonstrate that the student rooms and units will be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following internal and external noise levels:

Time	Area	Max noise level
Daytime Noise 07:00 – 23:00	Living rooms and Bedrooms	35 dB LAeq (16hr)
Night time noise 23:00 – 07:00	Bedrooms	30 dB LAeq (8 hr) 45 dB L _{max}

The development shall be completed in accordance with the approved details.

Reason: To obtain required sound insulation and prevent noise nuisance

- 9 Details of a communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority prior to the installation of any satellite dish. The television / satellite dish systems shall not be installed other than in accordance with the approved details.

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

- 10 Prior to first occupation of the development confirmation from the Building Regulations body 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 (as amended) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect and conserve water supplies and resources in order to secure London's needs in a sustainable manner.

- 11 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted start and completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to commence development until such consent has been obtained
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any Considerate Constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound
- (vii) A plan showing construction traffic routes
- (viii) An audit of all waste generated during construction works.

The construction shall be carried out in accordance with the approved CEMP.

Reason: To ensure the protection of living conditions, highway safety and managing waste throughout development works due to the particular risk of harm arising from these works in respect of air quality and highway safety.

- 12 Prior to the commencement of development (excluding demolition, site clearance and the laying of foundations) further details of the impact of the development on air quality and the impact of air quality on the development shall be submitted to and approved by the Local Planning Authority and shall include any mitigation measures proposed and an air quality neutral assessment. The approved details shall be implemented in full prior to first occupation and retained for the lifetime of the development.

Reason: To ensure the safe development and secure occupancy of the site for residential use and having regard to the fact the site lies in an Air Quality Management Area and has the risk to increase poor air quality.

- 13 No development shall take place until details of a Delivery, Servicing and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Delivery and Servicing Management Plan shall include the following:

- i) Management and co-ordination of deliveries to the site;
- ii) The process for assisting students in moving into/out of the premises at the start/end of the academic year;
- iii) The pre-booking of arrival times and staff resourcing to assist this;

iv) Management measures to address noise and disturbance associated with the student use addressing potential late night/early morning noise and nuisance.

The approved details shall be implemented in full for the lifetime of the development.

Reason: To minimise the impacts of the development on the highway and neighbouring residents

- 14 (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

- 15 Prior to the commencement of relevant drainage works 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, 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.

- 16 Prior to the occupation of development hereby approved, further details of provision for additional cycle storage provision for a minimum of ten cycles in the form of five "Sheffield" stands for short term use for the student accommodation and retail units shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to any occupation of the development.

Reason: In the interest of promoting sustainable transport

INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 2 The applicant is advised that 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.
- 3 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. We would expect the developer to demonstrate what measures he 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 wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."
- 4 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.
- 5 Applicants are reminded of hazards caused by asbestos materials especially during demolition and removal works and attention is drawn to the Asbestos Licensing Regulations 1983. Licensed Contractors only are permitted to remove asbestos which must be transferred to a licensed site. For further advice the Council's Chief Environmental Health Officer should be contacted.
- 6 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall contact Mark O'Brien (Public Realm Monitoring Manager) at Mark.O'Brien@brent.gov.uk, and include photographs showing the condition of highway along the site boundaries.
- 7 Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any
 - (a) illuminated fascia signs
 - (b) projecting box signs
 - (c) advertising signs
 - (d) hoardings
- 8 The applicant is advised to ensure that demolition and construction works follow Best Practicable Means (BPM) of Section 72 of the Control of Pollution Act 1974 to minimise noise and vibration effects.
- 9 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.

10 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.

11 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.

12 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

13 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.

14 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.

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

16 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.

Any person wishing to inspect the above papers should contact Patrick Doyle, Planning and Regeneration,
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5169

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

16 July, 2019
07
18/4746

SITE INFORMATION

RECEIVED	13 December, 2018
WARD	Willesden Green
PLANNING AREA	
LOCATION	Willesden Green Baptist Church, High Road, London, NW10 2PR
PROPOSAL	Demolition of existing single storey adjoining structure to rear of church and erection of a part two and part three storey rear extension, internal alterations to create new mezzanine and upper floors to facilitate the creation of 9 x self-contained flats (3 x 1 bed, 5 x 2 bed and 1 x 3 bed) including 7 x side and rear dormer windows; new front entrance and residents lobby area, retention of the Huddelstone Street facade; alterations to front boundary wall, new access gates to allow vehicle and pedestrian access from Huddelstone Road; with associated residential cycle storage and refuse facilities to serve both the residential and church buildings
PLAN NO'S	100-00; 01 101-01-A; 02-B; 03-B; 04-A; 05; 07; 08; 09 102-01; 02; 03; 04 103-01; 02; 03; 04; 05; 06; 07-A; 08-A; 09 700-01-A; 02-A; 03-B; 04-B; 05; 06
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_143101</p> <p><u>When viewing this as an Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "18/4746" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

Resolve to grant planning permission subject to conditions.

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

Conditions:

1. Time limit for commencement
2. Approved drawings/documents
3. That the homes are "parking permit restricted"
4. Details of external materials
5. Further details of proposed rooflights
6. Submission of details to Historic England
7. Details of cycle provision
8. Further details of extraction equipment
9. Removal of permitted development rights allowing HMO change of use
10. Construction Methods Statement
11. Further details of electric vehicle access gate

Informatives:

1. CIL liability informative
2. Party Wall Act
3. Building Near Boundary
4. Construction hours
5. Structural integrity
6. Licensing
7. Highways
8. Vibration
9. Air quality
10. Notify highways
11. Fire safety
12. London Living Wage

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.

SITE MAP



Planning Committee Map

Site address: Willesden Green Baptist Church, High Road, London, NW10 2PR

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This map is indicative only.

PROPOSAL IN DETAIL

The current application seeks permission for the demolition of existing single storey adjoining structure to rear of church and erection of a part two and part three storey rear extension, internal alterations to create new mezzanine and upper floors to facilitate the creation of 9 x self-contained flats (3 x 1 bed, 5 x 2 bed and 1 x 3 bed) including 7 x side and rear dormer windows; new front entrance and residents lobby area, retention of the Huddelstone Street facade; alterations to front boundary wall, new access gates to allow vehicle and pedestrian access from Huddelstone Road; with associated residential cycle storage and refuse facilities to serve both the residential and church buildings

EXISTING

The application site concerns the Willesden Green Baptist Church that is located on the corner of Willesden High Road and Huddelstone Road. The site does not contain any listed buildings but is located within the Willesden Conservation Area. Access.

The Church is a large red brick Edwardian building that shares a rear access with Faith Court which is located directly to the east of the site. To the rear of the site there is a carpark that is used by the residents of Faith Court. The northern part of the building is a later addition from the 1980s. The Church is located directly on Willesden High Road whilst the streets to the north, east and west of the site are residential in character, occupied by two storey terraced properties and Faith Court which is a three storey building consisting of self-contained flats.

The ground floor of the Church is currently occupied by a reception area, hall, meeting rooms and a kitchen. The first floor is currently used as the worship space within the building. The Church provides a place of worship and community services for people such as a weekly hot meal for homeless people and a used clothes sorting and dispensing service.

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: Despite a reduction in church floorspace in comparison to previous approvals, the development still provides 525sqm of floor space, including two large halls and a number of smaller ancillary rooms, providing sufficient space for the church to continue and support its ongoing community work. The proposal would also provide nine residential units to the boroughs housing stock. There is no objection in principle to the proposal.

Representations received: Four objections and a petition with 85 signatures have been received. The material issues raised relate to the loss of Church floorspace and the potential for noise complaints from occupiers of the proposed units.

Character and Appearance: The proposal is considered to have a high quality design that has regard to the character of its surroundings and would preserve the building and Willesden Conservation Area.

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, overlooking and disturbance on all neighbouring properties. It has been found that the relationship between the proposed development and all surrounding properties is considered to be acceptable.

Parking & Access: It is considered the use of a 'permit free' agreement secured by condition would mitigate

against on street parking concerns in the area for the proposed residential units. It is considered that the presence of a CPZ and good transport links would mitigate against any potential increase in numbers to the Church.

RELEVANT SITE HISTORY

18/1798: Demolition of existing single storey adjoining structure to rear of church and erection of a part two and part three storey rear extension including basement, internal alterations to create new mezzanine and upper floors to facilitate the creation of 8 self contained flats (2 x 1 bed, 4 x 2 bed and 2 x 3 bed) including 7No. side and rear dormer windows; new front entrance and residents lobby area, retention of the Huddelstone Street facade; alterations to front boundary wall, new access gates to allow vehicle and pedestrian access from Huddelstone Road; with associated residential cycle storage and refuse facilities to serve both the residential and church buildings. **Approved.**

17/3673: Demolition of the existing adjoining structures to the rear; erection of a part two and part three storey rear extension including basement level; internal alterations to create new mezzanine and upper floor levels to facilitate the creation of 7 residential units (1 x 1bed, 4 x 2bed & 2 x 3bed); 7No. dormer windows to the east and west roof slopes; new access gates to facilitate vehicle and pedestrian access from Huddelstone Road; alterations to fenestration including new front access door to residential units; removal of part of front boundary wall; and provision of secure storage for 14 cycles for the residential units and refuse facilities to serve both residential and church buildings. **Approved**

16/5367: Application 16/5367 for the internal remodelling of the Willesden Green Baptist Church to re-establish the worship space and gallery on the ground floor, with modernised reception, lift, stairs, entrance and meeting rooms with 5 new apartments replacing the first floor worship space. The demolition of the rear structure to Faith Court retaining the historic Huddelstone Street facade. The rear part rebuilt to include a basement, and providing a new accessible linked community hall and kitchens, with community facilities to the basement below, with 3 further apartments above. **Refused**

CONSULTATIONS

Individual notification letters were sent to the occupiers of 85 neighbouring properties. Four objections and a petition with 85 signatures have been received. The issues raised can be summarised as follows:

1) Previous application was approved on the basis that the basement would be built in order to continue to fulfil current church services and community activities. This will now not happen.

- See Officer Report. The church would still be of an appropriate size and maintain sufficient facilities to continue charity and community work.

2) Creation of residents units above Church will result in neighbour complaints about noise and activities of church.

- This could be overcome by proper sound insulation. Besides which, anyone purchasing a property above a church would expect some noise.

3) Lack of fire exits

- This is not a material planning matter and would be covered under the Building Control Act

4) Location of automatic gates allows for opportunities for public urination and other anti-social behavior.

- This is not a material planning matter. Besides, the location of the gate will help deter anti-social behaviour along the entrance/alley/

5) Scheme should include additional external lighting and remove redundant wiring.

- The scheme is acceptable without these amendments

POLICY CONSIDERATIONS

Core Strategy (2010)

CP2: Population and Housing Stock
CP17: Protecting and Enhancing the Suburban Character
CP21: A Balanced Housing Stock
CP23: Protection and Provision of Community and Cultural Facilities

Local Plan (2016)

DMP1: Development Management General Policy
DMP7: Heritage Assets
DMP12: Parking
DMP18 Dwelling Size and Residential Outbuildings
DMP19 Residential Amenity Space

Other

Technical Housing Standards (2015)
SPD 1: Brent Design Guide (2018)

DETAILED CONSIDERATIONS

1.0 Background & Principle

Loss of Community Space

- 1.1 Core Strategy policy CP23 seeks to protect existing community and cultural facilities, or their loss mitigated where necessary.
- 1.2 The Church offers a place of worship within the area and also engages in community activities and provides services for local people. The existing building provides approximately 700sqm of community floorspace across the ground and first floor.
- 1.3 An initial application to rearrange the internal layout of the church and create 8 x new units at upper floor level, along with a number of extensions including a basement (16/5367) was refused in April 2017. The refusal was due to poor design and substandard accommodation. The application proposed approximately 675sqm of community floorspace across the first floor, mezzanine, ground floor and new basement.
- 1.4 Two additional planning applications have been submitted since then. Application 17/3673 proposed the creation of 7 x new units in connection with a number of extensions and basement. The proposal included approximately 675sqm of church floorspace across first floor, mezzanine, ground floor and basement level and was approved in January 2018. Within their report, Officers specifically mention that weight was given to the fact that the proposal would improve the Church's existing facilities and the role it would play in the local community.
- 1.5 The second approved application (18/1798) was almost identical to the previous one except it proposed 8 x units, rather than 7. To facilitate this, the scheme resulted in the loss of 49sqm of space that was previously proposed to be used as meeting rooms in the first floor of the building. However, despite the loss it still provided 625sqm of community floorspace and it was still deemed that the proposal provided good facilities which remained spread across the mezzanine, ground floor and basement. The case was approved in July 2018.
- 1.6 With the current application, the basement is to be completely removed, although the use of mezzanine and ground floor will be maintained. The loss of the basement will result in approximately 100sqm of community floorspace being eliminated from the proposal, with 525sqm now being provided.
- 1.7 Officers note that a petition with 85 signatures has been received against the loss of the

basement and the impact this will have on the church's ability to perform charity work. Although the amount of community floorspace is less than has previously been approved, Officers must assess each case on its own merits and whether it complies with Council Policy.

1.8 In this case the ground floor area would provide a large space for both a worship hall and community hall, and although some ancillary facilities would be cut or reduced in scale in comparison to prior applications, the proposal still includes a clothes bank, two showers, toilets, a music rehearsal room, two kitchens, two meeting rooms (and crèche), and an office. Moreover, the renovated and modernised church facilities would be an improvement to the current layout and use of the building. Core Strategy Policy specifically states "existing community and cultural facilities... will be protected" and Officers are of the opinion that the provision of 525qsm of floorspace sufficiently protects the use of the building as a church. The proposed area would be sufficient to accommodate a viable church to prevent the loss of this community facility as well as providing additional ancillary facilities to allow for the continuation of community and charity work. Accordingly, the proposal is deemed to comply with Local Plan Policy CP23.

New Residential Development

1.9 London Plan Table 3.1 sets an annual target of 1,525 net additional dwellings for Brent. This is supported by Core Strategy Policy CP2 and Local Plan Policy DMP16 which state that the Council will resist development resulting in a net loss of residential units apart from in exceptional circumstances.

1.10 The application seeks to provide a total of nine net additional residential unit, including two family sized unit, contributing towards local and national housing targets.

2.0 Quality of Accommodation

2.1 Local Plan Policy DMP1 states that new development must provide high levels of internal and external amenity.

Size and Aspect

2.2 Local Plan Policy DMP18 states the size of dwellings should be consistent with London Plan Policy 3.5, Table 3.3 'Minimum Space Standards for New Dwellings' and 'Technical Housing Standards'.

2.3 Nine units are proposed with the current application (3 x 1-bed, 5 x 2-bed and 1 x 3-bed). All of the proposed flats are considered to provide a good standard of accommodation for potential residential occupiers and be in accordance with the policies outlined above.

2.4 All residential units would meet minimum space guidelines. The proposed flats would be acceptable in terms of layout, room size, and storage.

2.5 Moreover, the flats would be either dual aspect or south facing and the internal living spaces would receive good levels natural light, outlook and ventilation. Limited outlook is only expected from Bedroom 2 of Apartment 1, which is served by a low level window. A BRE Report has been submitted which demonstrates that all of the units would receive an acceptable amount of daylight and sunlight.

2.6 The proposal complies with the Local Plan Policy DMP1 and DMP18 and SPD1.

Outdoor Amenity

2.7 Local Plan Policy DMP19 and SPD1 require that family sized units provide 50sqm of private outdoor amenity space and all other units provide 20sqm.

2.8 Although the proposal would not provide any outdoor amenity space a more flexible approach can be taken due to design of the existing building. Moreover, the lack of garden or terraces has already been found acceptable in 18/1798. The addition of one extra unit is not regarded as significant enough for the Council to change its position in this regards. Therefore, on balance it is considered that the lack of outdoor amenity space, is in this instance, acceptable.

3.0 Design

3.1 Core Strategy Policy CP17 states that the distinctive suburban character of Brent will be protected from inappropriate development. Local Plan Policy DMP1 states that development will be acceptable provided it is of a location, use, scale, materials, detailing and design, and complements the local area. Local Plan Policy DMP7 states that new development should sustain and enhance the significance of the heritage asset, its curtilage and setting.

3.2 The development would not result in material harm to the building, Conservation Area or streetscene. The extensions and alterations proposed are the same as the recently approved application 18/1798 with the exception of removal of the residential access from the front elevation, and the repositioning of the electronic gate slightly nearer to Huddlestone Road. The amendments are regarded as being modest in scale and sympathetically designed. Furthermore they are deemed as being compatible with the setting and preserving the character and appearance of the Conservation Area. They are therefore considered to be visually acceptable and in accordance with Core Strategy Policy CP17, Local Plan Policy DMP1, DMP7 and SPD1.

3.3 Due to the sensitive nature of the building and its setting within the Conservation Area, a number of conditions are recommended in order to further secure the preservation of its appearance. These include the submission of details of proposed materials including windows; further details of the entrance doors and forecourt layout; the rooflights to be conservation area style; and that a comprehensive record of the building shall be taken. Subject to these conditions it is considered that this scheme has been carefully considered and will preserve the character of the building and the appearance of the conservation area.

4.0 Neighbour Amenity

4.1 Local Plan Policy DMP1 seeks to ensure new development, amongst other things, does not unacceptably increase exposure to noise, light and general disturbance. This is supported by SPD1.

4.2 The development would not result in material harm to the living conditions of adjoining and nearby residents. The proposed alterations and extensions to the building are generally the same as both 17/3673 and 18/1798, with the only difference relating to access at ground floor level. However, this is more design related and would not result in any significant addition to the building that would harm neighbouring amenity.

5.0 Highways

5.1 Local Plan Policy DMP1 states that new development must be satisfactory in terms of means of access for all, parking, manoeuvring, servicing and does not have an adverse impact on the movement network.

Car Parking

5.2 Local Plan Policy DMP12 states that development should provide parking consistent with parking standards in Appendix 1 and that additional parking provision should not have negative impacts on existing parking, highways, other forms of movement or the environment.

5.3 Car parking for the existing church is only permitted when justified by a Transport Assessment. The absence of any existing or proposed off-street parking for the church therefore complies with standards, with disabled staff and visitors able to use the on-street parking spaces along Huddlestone Road adjoining the building.

5.4 The lower residential car parking allowances again apply to the new accommodation. This gives a revised allowance of up to 9.45 spaces for the increased number of flats, but with no off-street parking proposed, the maximum standard is again complied with.

5.5 As before, a car-free development is proposed and this is again welcomed to ensure that parking associated with the flats does not have a negative impact on parking conditions in the area. A planning condition that withdraws the right of future residents to on-street parking permits has been recommended.

Cycle and Refuse Provision

5.6 Appendix 1 of the Local Plan requires at least one secure bicycle parking space per 1-bed flat and two per 2-/3-bed flat.

5.7 The proposal therefore requires space for 15 spaces for the nine flats. The ground floor plan for the storage at the rear shows 14 spaces, presumably on a double-height rack. There may be sufficient space for up to 15 bikes in this location if a two-tier rack is used, but further details to include shelter and security are sought as a condition of any approval

5.8 Refuse storage is also indicated at the rear for three Eurobins, in line with standards. They are located 20-25m from Huddlestons Road though, which significantly exceeds the maximum wheeling distance for large bins. To satisfy Brent's maximum wheeling distance for refuse staff, they should be relocated to within 10m of Huddlestons Road. However, it is noted that the Eurobins for the adjoining Faith Court block of 19 flats are also currently stored in this area, so refuse staff do already collect bins from this location.

Access

5.9 Pedestrian access is via a stairwell from the private access drive to the Faith Court car park, as well as directly from Huddlestons Road via a lift. This provides good access from two frontages, with a kerbed 1.2m wide footway available alongside the rear of the building to provide a suitably safe means of pedestrian access.

CIL DETAILS

This application is liable to pay **£213,307.29** * under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

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

Total amount of floorspace on completion (G): 633 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Dwelling houses	633	0	633	£200.00	£35.15	£181,422.32	£31,884.97

BCIS figure for year in which the charging schedule took effect (Ic)	224	
BCIS figure for year in which the planning permission was granted (Ip)	321	
TOTAL CHARGEABLE AMOUNT	£181,422.32	

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

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

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

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 18/4746

To: Mr Ibbotson
Ibbotson Architects
105c
Southgate Road
Islington
LONDON
N1 3JS

I refer to your application dated **13/12/2018** proposing the following:

Demolition of existing single storey adjoining structure to rear of church and erection of a part two and part three storey rear extension, internal alterations to create new mezzanine and upper floors to facilitate the creation of 9 x self-contained flats (3 x 1 bed, 5 x 2 bed and 1 x 3 bed) including 7 x side and rear dormer windows; new front entrance and residents lobby area, retention of the Huddelstone Street facade; alterations to front boundary wall, new access gates to allow vehicle and pedestrian access from Huddelstone Road; with associated residential cycle storage and refuse facilities to serve both the residential and church buildings

and accompanied by plans or documents listed here:

100-00; 01
101-01-A; 02-B; 03-B; 04-A; 05; 07; 08; 09
102-01; 02; 03; 04
103-01; 02; 03; 04; 05; 06; 07-A; 08-A; 09
700-01-A; 02-A; 03-B; 04-B; 05; 06

at **Willesden Green Baptist Church, High Road, London, NW10 2PR**

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: 08/07/2019

Signature:

Gerry Ansell
Interim 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:-

Core Strategy (2010)
Local Plan (2016)
Technical Housing Standards (2015)
SPD 1: Brent Design Guide (2018)

Relevant policies in the Adopted Development Management Plans are those in the following chapters:-

CP2: Population and Housing Stock
CP17: Protecting and Enhancing the Suburban Character
CP21: A Balanced Housing Stock
CP23: Protection and Provision of Community and Cultural Facilities
DMP1: Development Management General Policy
DMP7: Heritage Assets
DMP12: Parking
DMP18 Dwelling Size and Residential Outbuildings
DMP19 Residential Amenity Space

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawings:

100-00; 01
101-01-A; 02-B; 03-B; 04-A; 05; 07; 08; 09
102-01; 02; 03; 04
103-01; 02; 03; 04; 05; 06; 07-A; 08-A; 09
700-01-A; 02-A; 03-B; 04-B; 05; 06

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

- 3 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within any existing or future Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

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

- 4 The rooflights hereby approved shall be detailed to be a 'conservation flush-type' set flush with the roofplane, and shall be so maintained.

Reason: To protect the character of the building and the appearance of the conservation area.

- 5 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.

- 6 No works shall be undertaken until full details of the materials (to include a specification and photograph illustrating the material sample and samples made available at the site) shall be submitted to and approved in writing by the local authority.

In addition to this details of the following at a scale of 1:10 and in sectioned drawings shall be submitted to and approved in writing by the local authority:

- The new residential door and framing to the front elevation.
- A front forecourt layout indicating materials and the new front wall and trees.
- The new rear gate.

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

Reason: To ensure a high quality design and to protect the character of the building and the visual amenity of the area.

- 7 Precise details of the adapted stained/leaded glass windows including framing shall be submitted to and approved in writing by the local authority before the commencement of works. The approved details shall be implemented in full prior to first occupation and maintained as such for the lifetime of the development.

Reason: To protect the character of the building and the appearance of the conservation area.

- 8 A comprehensive record (to Historic England Level 2) shall be taken of the building to include the interior shall be submitted to and approved in writing by the local authority, with a copy to be provided to the Willesden Library before the commencement of works.

Reason: To safeguard the architectural character and appearance of the building and to provide an updated Historic Environment Record.

- 9 Prior to the occupation of the development hereby approved, further details of cycle storage detailing a minimum of 15 cycles for use by occupiers of the development shall be submitted to an approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first occupation of the development and thereafter retained and not used other than for purposes ancillary.

Reason: In the interest of promoting sustainable transport and proper refuse storage

- 10 Details of the extract ventilation system and odour control equipment for the kitchen, including all details of external ducting, shall be submitted to and approved by the Local Planning Authority. The approved equipment shall be installed prior to the commencement of the kitchen use and shall thereafter be operated at all times during the operating hours of the kitchen use

and maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of nearby residents.

- 11 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include: (i) The phases of the Proposed Development including the forecasted start and completion date(s) (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to commence development until such consent has been obtained (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any Considerate Constructor or similar scheme) (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site (v) Details of hours of construction including all associated vehicular movements (vi) Details of the construction compound (vii) A plan showing construction traffic routes (viii) An audit of all waste generated during construction works. The construction shall be carried out in accordance with the approved CEMP.

Reason: To ensure the protection of living conditions, highway safety and managing waste throughout development works due to the particular risk of harm arising from these works in respect of air quality and highway safety.

- 12 The proposed vehicular gate to the rear of the church shall not be constructed until, further details have been submitted to and approved in writing by the Local Planning Authority, demonstrating how the gate will be maintained and managed during periods of fault/maintenance and/or a revised location of the gate demonstrating that vehicles can stop outside of the adopted highway when users are opening the gate. The approved details shall then be implemented and so maintained.

Reason: In order to ensure that the development does not affect the safety and free flow of the surrounding highway network.

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 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.

- 5 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.

- 6 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.

- 7 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

- 8 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.

- 9 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.
- 10 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.
- 11 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 12 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.

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

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

16 July, 2019
08
18/4777

SITE INFORMATION

RECEIVED	17 December, 2018
WARD	Dollis Hill
PLANNING AREA	
LOCATION	All Units at 4-9 INC, and Garages rear of 4-9 Gladstone Parade, Edgware Road, Cricklewood, London
PROPOSAL	Demolition of the existing mixed used building and garages and construction of a part three to six storey building providing 225 sqm of flexible retail floorspace for shops/financial professional services (Use Class A1/A2) and hot food takeaway (Use class A5) and 155 sqm for public house (Use Class A4) at ground floor level, and 54 residential units (Use Class C3) comprising 19 x 1 bed, 21 x 2 bed and 14 x 3 bed units with associated car and cycle parking spaces, bin stores and landscaping
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_143141</p> <p><u>When viewing this as an Hard Copy .</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "18/4777" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

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. Affordable housing to provide at least 16 affordable dwellings comprising (4 x 2 bed and 3 x 1 bed capped at no more than 80% market rents inclusive of service charge and capped at LHA rates, 4 x 3 bed at no more than 60% market rents inclusive of service charge and capped at LHA rates) and 5 intermediate/shared ownership.
4. Affordable housing review mechanism - post implementation s106 financial review mechanism
5. Training and employment
6. Sustainability and energy
7. 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. Details of materials
4. Hours of operation A5 unit
5. Hours of operation A4 unit
6. Hours of operation outdoor seating area
7. Wheelchair accessibility
8. Parking spaces, cycle storage and public/private footway
9. Vegetation clearance
10. A4 use class restriction and PD rights
11. Mechanical Plant - noise testing
12. Hard and soft landscaping
13. Water usage
14. Construction CEMP
15. Air quality
16. Delivery and servicing plan
17. Remediation statement
18. Privacy screens
19. Obscure glazed windows
20. No change of use from C3 to C4
21. Vehicle charging points
22. Emission standards NRMM

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, informative, 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 committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

That if by the 16th October 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 planing of trees as required by Section 197 of the Town and Country Planning Act 1990.

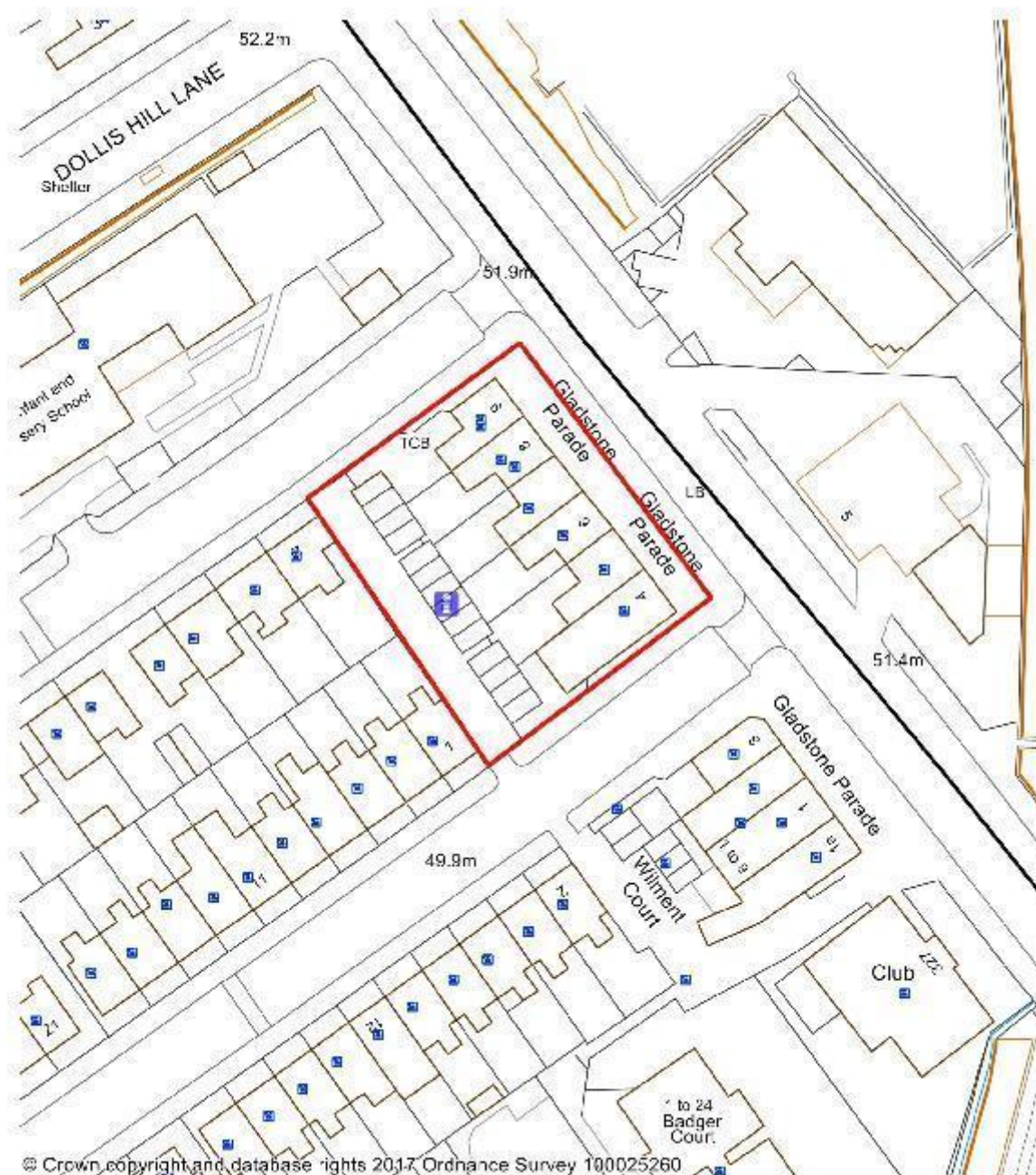
SITE MAP



Planning Committee Map

Site address: All Units at 4-9 INC, and Garages rear of 4-9 Gladstone Parade, Edgware Road, Cricklewood, London

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This map is indicative only.

PROPOSAL IN DETAIL

The application proposes, the demolition of the existing parade of shops, residential units and garages to the rear of the site and the construction of a part three to six storey building.

The proposed building would consist of a public house (use class A4) and three commercial units (use class A1/2 and A5) at ground floor level accessed from the Edgware Road of the site.

The rear ground floor level would consist of a car park with 21 spaces and loading areas to serve the residential units and provide servicing for the commercial units.

The residential units would be access via either side of the building and would consist of 14 x 3 bed units, 19 x 1 bed and 21 x 2 bed units with 16 of these units being affordable

Private terraces would be provided to all residential units and there would also be communal amenity areas at first floor, third, fourth and fifth floors.

EXISTING

The application site concerns a three storey building consisting of commercial units at ground floor level and residential units in the upper floors that is located on Edgware Road. Although the site is now vacant, there were previously seven commercial units on site A1, A4 and A5 uses. The parade of shops is not a designated shopping parade but is classed as a local centre.

The site is of no heritage value. It is not located within a conservation area and does not contain any listed buildings.

The area to the west of the site is residential in character with two storey dwellinghouses. A school is located to the north of the site along Edgware Road and there are further commercial buildings located to the south also on Edgware Road. The opposite side of the road is Barnet where a large residential development has recently been completed and there is also a petrol station.

SUMMARY OF KEY ISSUES

Principle

There is no objection in principle to the demolition of the shopping parade subject to the re-provision of a good quality and quantity of residential and non residential units are re-provided as well as the public house. The proposal would also include 26% family sized units of which there is a recognised need within the borough and 30% affordable housing which is the maximum reasonable amount of affordable housing the scheme can currently deliver. The principle of development is therefore considered to be acceptable.

Character and appearance

The proposal is considered to have an acceptable design that would be appropriate in this setting and would not inappropriately challenge or dominate surrounding development

Standard of accommodation

The development would provide an acceptable standard of internal and external amenity for the occupants of neighbouring properties.

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 the relationship between the proposed development and all surrounding properties is considered to be acceptable.

Parking and Servicing

It is considered that the combination of the 21 parking spaces proposed and the use of a 'permit free' agreement secured by condition would mitigate against parking concerns in the area. It is considered that due to the revisions made to the proposed servicing arrangements that they would be suitable for the site and not materially harm the surrounding area.

RELEVANT SITE HISTORY

17/0298 - Granted

Demolition of all mixed use buildings and garages and construction of part three, part four and part five storey building providing 219sqm of flexible retail floorspace for shop/financial and professional services (Use Class A1/a2), hot food takeaway (Use Class A5) and 153sqm for public house (Use Class A4) at ground floor level, and 38 residential units (Use Class C3) on the upper floors comprising 16 x 1 bed, 12 x 2 bed and 9 x 3 bed and 1 x 4 bed units with associated car and cycle parking spaces, bin stores and landscaping

CONSULTATIONS

Neighbour consultation letters were issued to 124 properties on the 02/01/2017. Site notices were displayed on 24/01/2019. Press notice advertised on 24/01/2019

To date 21 objections have been received that have raised the following concerns:

Objection	Response
Impact on parking	The proposal would provide 21 parking spaces and a 'permit free' agreement would also be secured to ensure that new residents do not park in adjoining streets in the event a CPZ is introduced in the future.
No consultation on planning application	Publicity was carried out exceeding the Council's statutory duty. Neighbour consultation letters were issued to properties within 200 metres of the site, site notices were erected and an advertisement was placed in the local paper.
Impact of construction works and unacceptable working hours	Due to the need to demolish the property officers recommend an informative is added reminding the applicant to ensure demolition and construction works follow Best Practicable Means (BPM) of Section 72 of the Control of Pollution Act 1974 to minimise noise and vibration effects.
Loss of valuable local amenities	The pub will be re-provided as well as two units that could potentially house a shop due to their use class and a unit will be provided that could provide a replacement fish and chip shop.
Over development of the site	The scale of development is considered acceptable in this location.
Impact on character	The existing building is not listed and not in a conservation area and the proposed design is considered to be acceptable in light of the varied nature of Edgware Road
Loss of light	The applicant has submitted a Daylight/Sunlight report that shows that there would be no material loss of light to neighbouring properties.
Impact on amenity and health through poor air quality	The proposal has been assessed in terms of neighbouring amenity and health and found to be acceptable. . An Air quality assessment has been submitted with the application and conditions have been recommended to ensure that the future residential units are mechanically ventilated

	where appropriate.
Amount of affordable housing proposed is too low	This has been subject to a stringent viability assessment with the amount proposed being the maximum viable amount possible.
Insufficient services to support new residents	The subject site is located in close proximity to town centres with access to local services. The development would also be liable for CIL payments.
Overlooking and loss of privacy	Separation distances as outlined in the SPD 1 would be achieved
The density is too high and the flats are too small	The density of units is justified due to the location of the site and the quality of the development. The size of the units complies with minimum space standards.

Internal consultation

Transport & Highways – no objections subject to revised drawings and conditions
Environmental Health – no objections subject to revised information and conditions

POLICY CONSIDERATIONS

Development Plan:
London Plan consolidated with alterations since 2011 (March 2016)
Development Management Policies, London Borough of Brent (2016)
London Borough of Brent LDF Core Strategy 2010

Other material planning considerations:
NPPF (2018)
SPD1 - Brent Design Guide
Mayor's Housing SPG

DETAILED CONSIDERATIONS

Consent for a smaller scheme was granted under planning permission 17/0298. The main change in terms of the design relates to the increase in the number of storeys from five to six storeys. There has also been an uplift in the number of residential units from 38 to 54, with an -increase in the number of affordable units from 10 to 16. The other changes will be discussed in detail in the main body of this report.

Officers hold the key considerations to be the following:

1. Principle
2. Character and appearance
3. Standard of accommodation
4. Affordable housing
5. Density
6. Impact on Neighbouring Amenity
7. Transport
8. Energy and sustainability
- 9..Environment

1. Principle

1.1 The principle of a mixed use development was considered acceptable in the previous permission which is implementable..

1.2 The existing building, although now vacant, is considered to be a local centre and therefore the

most relevant policy is DMP 4. DMP 4 states that development resulting in the loss of local retail and service provision will not be permitted unless there is alternative equivalent provision within 400 metres. The proposal would result in the net loss of two commercial units, when considered in relation to the existing parade, and there would be a slight reduction in commercial floorspace over the previously approved scheme. Nevertheless the provision would remain the same with the units consisting of a public house (use class A4), two flexible use class A1/A2 units (although indicated as A1 on the drawings) and one hot food takeaway (use class A5) unit. Although a slight reduction in floorspace of that previously proposed, the units would still remain of a good, useable size, with the public house retained in accordance with DMP21. When taking into accounts the wider merits of the scheme, the proposed commercial provision is considered acceptable.

1.3 With regards to the residential aspect of the proposal, the application would result in a net increase of 48 new homes of which 14 (26%) would be family sized with a proportion being affordable.

1.4 On the basis of the above the principle of the re-development is again considered acceptable.

2. Character and appearance

2.1 The consented scheme proposed a five storey building, reducing in height from five storeys at the front to three storeys to the rear. The proposed scheme increases to six storeys, maintaining three storeys to the rear and being at its greatest height fronting Edgware Road. The submitted drawings illustrate the height of the approved building relative to the proposed. Rather than significantly increasing the height of the building to accommodate the additional storey, this has largely been achieved by lowering internal floor to ceiling height. The maximum height increase is stated to be 710mm over the consented scheme, although it should be noted that the increase would be greater than this at some points due to the varying height of the development. Nevertheless, it is considered that the increase of height in itself would not necessarily be overtly apparent from ground level when considered in relation to the scheme already granted permission.

2.2 However, whilst the increase in height would be limited, the alteration would have implications in terms of the design, particularly as it would clearly be read as a six storey building. During the course of the application, minor amendments were made in order to enhance the design. Amendments include the addition of a brick wall at roof level set behind the facade to give the impression of a more varied roof line, increasing the width of the brick openings at the corners to create greater openness, setting in of balcony railings in order to avoid cluttering to the flank elevations and revising the balconies to the front of building to add more interest. Overall the design approach is considered to be similar to the previously approved scheme, with a staggered development incorporating various set backs to create interest. The detailing, including the brickwork, balconies and fenestration would also be the same as the approved scheme and are therefore considered acceptable.

2.3 When considering the relationship of the proposed building with surrounding development it is considered acceptable. The resulting building would continue to respect the small scale residential buildings to the rear by maintaining the height as already approved. The scale of the building would be experienced most evidently fronting Edgware Road, however there is little consistency to scale or design of buildings here, given the mixed use of buildings on Edgware Road. Whilst it is noted that the building would be sited between one, three storey building and the single storey school building, when considered in its wider context, the overall scale and design of the building would not be unacceptable. When considering the surrounding public vantage points, the proposed building would have a well articulated appearance and the full extent of the development would not be viewed from many surrounding areas.

2.4 The development is therefore considered to have an acceptable impact on the character and appearance of the street scene and locality.

3. Standard of accommodation

3.1 In terms of quality of accommodation, a good standard would be achieved for future residents of the site.

3.2 All of the units would comply with Technical Space Standards in terms of internal floor space, with the majority of the units exceeding the minimum areas specified. The applicant has submitted a daylight and sunlight assessment to show that all of the units would achieve good levels of daylight and sunlight. In terms of outlook, all units would benefit from unobstructed views and therefore the quality of accommodation would also be positive in this regard.

3.3 It is noted that a number of the units would be single aspect, with a greater ratio being single aspect than the consented scheme. Whilst the Mayors Design Guide states that single aspect dwellings should be minimised, officers acknowledge that they can not be avoided altogether. In this case, the development has been designed to ensure that all single aspect dwellings are one or bedroom units, with the units arranged so to ensure that they are not north facing. Of the 54 units proposed, 22 of the units would be single aspect which is a large proportion at 40% nevertheless of these 22 just four of these would contain more than one bedroom, and therefore it is considered that the most appropriate units are designated single aspect.

3.4 In terms of privacy, it is noted that some private terraces would adjoin others, however, any overlooking issues could be addressed through the provision of adequate privacy screens, which will be requested by condition.

3.5 Concerns were raised during the course of the application, with regards to privacy to two of the units as access to a communal terrace area and an adjacent window would mean passing habitable room windows which would likely reduce the quality of accommodation for the residents of these units. Nevertheless, as these windows would be secondary windows serving habitable rooms, it is considered that the use of obscure glazing and ensuring they are fixed shut below 1.7m would ensure their privacy. The rooms that these windows serve would benefit from these windows being retained.

3.6 In terms of amenity space, following amendments to the submitted scheme, all units would benefit from a private terrace which would be positive. The area allocated to each individual unit would vary considerably, however, all of the one bedroom units would have access to a minimum of 5sqm with the larger units benefiting from larger terraces meeting the standards outlined in the Mayors Design Guide. Whilst it is acknowledged that DMP 19 requires a significantly higher proportion of external amenity space, the private space would be uplifted through a number of communal areas including a large central courtyard at first floor (242.58sqm), a communal terrace at third floor (61sqm) another at fourth floor (56.54sqm) and two at fifth floor (78.71sqm). The communal areas would therefore allocate each unit an additional 8.2sqm of external space. Although the total would fall below DMP 19 standards when considered against the number and size of the units, it should be noted that the majority of units are oversized and therefore the shortfall can be offset by the provision of larger internal areas. Whilst a number of private terraces would be accessed through a bedroom rather than a main living area, which is a preference, it is not considered that this arrangement would be so significant to determine that the quality of accommodation would be poor. There are also public parks and amenity space within relatively close proximity to the site, which adds to the range of outdoor space which would be convenient for the future occupiers.

3.7 In accordance with DMP 1, DMP 18 and DMP 19 the development would ensure a good standard of internal and external amenity for future occupants of the site.

4. Affordable housing

4.1 An independent review of the applicants Financial Viability Appraisal (FVA), prepared by James R Brown (JRB), was undertaken by BNP Paribas on behalf of the Council to advise the maximum level of affordable housing the scheme could viably deliver. This assessment was carried out on the basis of the proposed 54 unit scheme. 16 residential units are proposed for affordable housing, representing 34.4% affordable housing measured on a per habitable room basis. The tenure split is broadly policy compliant with 68.7% of the affordable units being designated as affordable rent. This provision falls below the borough strategic target which states that 50% of new homes should be affordable. The applicant's FVA submission contends that the scheme with the current proposal is not financially viable and the 34.4% affordable housing provision proposed represents more than the maximum reasonable amount of affordable housing the scheme can viably deliver. This position has been rigorously tested by BNP Paribas.

4.2 JRB provided a Benchmark Land Value (BLV) based on the Site's existing use value plus a premium. JRB concluded the existing use value was £3.91m and applied a 15% premium to arrive at a BLV of £4.5m. JRB's appraisal of the proposed scheme arrived at a Residual Land Value (RLV) of £3.16m which put the scheme in a financial deficit of -£1.34m compared to the BLV and therefore demonstrating the scheme is not viable.

4.2 BNP Paribas agreed with the existing use value approach that JRB adopted to calculate the BLV but claimed that JRB had overstated the value of the site. BNP Paribas referred back to an Allsop report which informed the BLV during the previous application. The Allsop report, dated October 2016, concluded the existing use value of the site was £3.6m. BNP Paribas agreed with the report during negotiations for the

previous application and stated that the retail market is weaker now than it was in October 2016. On this basis BNP Paribas adopted the Allsop value of £3.6m and applied the 15% premium to arrive at a reduced BLV of £4.14m. BNP Paribas made changes to certain assumptions used in JRB's appraisal for the proposed scheme. These changes included (but were not limited to) increase in private sales values, reduction in professional fees and changes to the assumed level of developer's profit. BNP Paribas' amended appraisal for the proposed scheme arrived at a RLV of £4.49m which showed a small surplus of £0.35m compared to their revised BLV.

4.4 JRB provided two subsequent responses to the BNP report which contested several issues and BNP maintained their position on all points initially. The second response also provided additional cost evidence claiming that both JRB and BNP previously understated the likely build costs. Actual tenders provided by 2 contractors were provided to BNP's external quantity surveyor (CDM Project Services) to review. Based on the tender submitted by the contractor the applicant had selected CDM and BNP Paribas both concluded that the revised expected build costs removed the £0.35m surplus originally identified in BNP's report. On this basis BNP Paribas concluded that the current 34.4% affordable housing offer represented the maximum reasonable amount that the scheme can viably offer.

4.5 The following represents the agreed minimum affordable housing position to be secured by a planning obligation within a S106 legal agreement, should Members resolve to grant planning permission:-

11 x Affordable Rent	5 x Intermediate
Unit R1 (3 bed)	Unit R4 (3 bed)
Unit R2 (3 bed)	Unit R12 (3 bed)
Unit R5 (1 bed)	Unit R13 (2 bed)
Unit R6 (2 bed)	Unit R16 (3 bed)
Unit R7 (1 bed)	Unit R24 (3 bed)
Unit R8 (2 bed)	
Unit R9 (2 bed)	
Unit R10 (1 bed)	
Unit R11 (2 bed)	
Unit R14 (3 bed)	
Unit R15 (3 bed)	

4.6 The scheme delivers 34.4% affordable housing. In line with DMP15 Officers recommend a proportionate post-implementation s106 review mechanism be secured, whereby scheme viability is re-appraised 6 months prior to practical completion (or on sale of 50% of market units), and half of any surplus over the benchmark land value and agreed profit level taken as deferred affordable housing planning obligations in the form of a commuted sum ring-fenced for offsite affordable housing delivery, any such sum capped at a level commensurate with the delivery of 50% affordable housing onsite.

5. Density

5.1 The proposal makes highly efficient use of this land to provide a significant contribution to Brent's annual housing target currently standing at 1525 per year. The draft London Plan proposes a significant increase in this number to 2915 home per year, and therefore there is increased pressure to use land as efficiently as possible in order to meet this proposed future demand.. 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 200 – 450 hr/ha, or 45 to 120 u/ha. 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".

5.2 The proposed scheme would result in a level of density above the matrix range, as development is proposed to be 284 units/ha. 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.

5.3 The location of the site and the varied existing wider context and character of different buildings and uses locally, together with the regular bus services connecting the area with Willesden Underground Station and Cricklewood Station, the quality of the proposed design and the quantum and quality of on site amenity space and how these contribute to a sense of place are important determining factors when considering residential density. This 'urban' site is within 500m walking distance of Cricklewood Town Centre and has a PTAL rating of 3 which would be increased to 4 subject to the proposed Thameslink. For these reasons the proposed level of density can be supported.

6. Impact on neighbouring amenity

6.1 The development would not result in material harm to the living conditions of adjoining and nearby residents, despite the increase in height.

6.2 Residential units are located directly to the west of the site in the form of two rows of two storey terraced properties, starting with No.1 Gladstone Park Gardens on the south-west side and No.2 Dollis Hill Avenue on the other. Due to the fact that the outlook of these properties is at a right angle to the proposed development it is unlikely that views from the rear windows would be materially harmed. There would however be an increase in mass closer to the boundary of these properties and their rear gardens. Currently the single storey row of garages is located just over 6 metres from the boundaries of the nearest properties. The proposal would see development located 3.4 metres from the boundary at a height of just over 10 metres which is a significant increase. However the height is mostly contained adjacent to the side elevations of each property where there are no habitable room windows. The rear of the development would then drop down to approximately 7 metres to take into account the presence of the rear gardens of the neighbouring properties. Whilst the overall height of the building is proposed to increase, the height would be maintained as approved in this in this key location and therefore the proposal would continue to comply with the Council's 45 degree line guidance set out in SPD 1. The building would therefore not appear overbearing or create an unacceptable sense of enclosure.

6.3 The applicant has also submitted a Daylight/Sunlight report in support of the application. This report has assessed the potential impact that the proposal could have on the two residential properties located immediately to the west, No.1 Gladstone Park Gardens and No.2 Dollis Hill Avenue and two properties to the south No.2 Gladstone Park Gardens and No.3 Gladstone Parade. There are no residential properties to the north. The report has found that the only property that would have a slight loss of light would be No.2 Gladstone Park. This concerns a room that is also served by additional windows and therefore would mitigate against any potential loss.

6.4 The proposal would see the inclusion of a number of communal and private terraces/balconies to the rear. However the use of planting and privacy screens would ensure that overlooking to the neighbouring properties would be reduced. With regard to outlook the units to the rear of the site have similar direction views to the neighbouring residential units in a north/south direction which would ensure that no overlooking would take place. The units at the front of the building would look westwards towards the rear gardens of No.1 Gladstone Park Gardens and No.2 Dollis Hill Avenue. However the terraces and windows would maintain a minimum separation of 20 metres which is considered acceptable. Officers are therefore confident that the reduction in height of the proposed building towards the rear of the site and the orientation of the existing and proposed buildings would ensure that the proposal would not materially harm the amenity of neighbouring residents

6.5 The application proposes the inclusion of a public house and a takeaway unit. Officers have given consideration to the fact that both of these uses could have potential impacts on the amenity of existing and prospective residents. As such conditions are recommended concerning the hours of use of both premises and any extraction equipment for the takeaway unit.

6.6 The development would therefore continue to have an acceptable impact on the occupants of neighbouring residential properties.

7. Transport

7.1.1 Edgware Road a London Distributor road and Gladstone Park Gardens and Dollis Hill Avenue are both local access roads. The site does not lie within a CPZ but is subject to waiting restrictions at all times along the site frontage on Edgware Road, as it is a major A-road (A5). There are also waiting restrictions at both junctions of Gladstone Park Gardens and Dollis Hill Avenue, with the Edgware Road. The rest of Gladstone Park Gardens and Dollis Hill Avenue do not have parking restrictions along them, but both streets

are defined as heavily parked. Dollis Hill Avenue is a 20mph zone due the vicinity of the school in close proximity to the site. Gladstone Park Gardens has a banned right turn onto Edgware Road.

7.1.2 The site has moderate accessibility with a PTAL rating of level 3. No tube or rail stations are within walking distance of the site, but seven bus routes are locally available.

7.2 *Parking*

7.2.1 Parking Standards are contained within appendix 1 of the Development Management Policies. The existing 6 flats are permitted 1 spaces for each unit 1-2 bed unit and therefore a total of 6 spaces are permitted for the site and a further 6 spaces permitted for the existing ground floor retail units. There are approximately 13 garages at the rear of the site that satisfy existing parking standards. The proposed residential dwellings are permitted 1 space per 1-2 bed unit and 1.5 spaces per 3-bedroom unit. This totals 61 parking spaces for the proposed 54 residential units, which is a significant increase in parking standards. The site also proposes 4 commercial units, with the parking allowance for retail units being 1 space per 100m² and therefore a further 4 parking spaces are permitted. 21 off-street parking spaces are proposed to the rear of the site.

7.2.3 However, DMP 12 requires the impact of overspill parking to be considered and requires that overspill parking can be safely accommodated on-street. On-street parking is able to be counted towards meeting requirements along lightly parked local access roads which have sufficient width to safely accommodate on-street parking. However, Edgware Road is a London Distributor Road and Dollis Hill Avenue and Gladstone Park Gardens are both confirmed as heavily parked streets. Brent's last overnight parking survey carried out in 2013 showed 95% occupancy on Dollis Hill Avenue and 116% occupancy on Gladstone Park Gardens.

7.2.4 With parking meeting less than 40% of the maximum standard, there is potential concern regarding overspill parking. However the situation was the same with the approved scheme whereby concerns were raised over the lack of on-street parking spaces and the resultant impact on the surrounding heavily parked streets. It was however noted that the Brent Cross Redevelopment would bring a new Thameslink station to the area by 2022 on the current programme, which would lift the PTAL value to 4 (good access to public transport) and therefore reduce the parking standard. It was also noted that funding is reserved from the Brent Cross development for a CPZ consultation in the area. On this basis development could therefore potentially be backed by a 'permit free' agreement that could be enforced should a CPZ come into effect. Weight was also given to census data which calculated that car ownership for flats in the area is 0.4 cars per flat. As such, whilst there were concerns over the parking levels proposed, there were mitigating factors that were due to come into effect over the next few years that would help to address these concerns.

7.2.5 The current proposal would increase the number of units from 38 to 54 and car parking spaces would be retained as previously approved (21 spaces). This would add to the previous concerns regarding overspill parking, with the ratio of parking spaces per unit falling from 0.55 to 0.38. It should also be noted that the proposed expansion of the Brent Cross shopping centre has been put on hold for the time being. However, this should not delay the construction of the new Thameslink station or provision of CPZ funding for the area, so the previous judgement of the presence of a new station and potential new CPZ would still be applicable.

7.2.6 As such, the proposed number of car parking spaces are again considered to be acceptable, subject to a 'car-free' agreement to mitigate potential overspill parking concerns.

7.3 *Access*

7.3.1 The vehicular access at the rear of the site will be a one way system. The site is proposed to be accessed via a 3m wide private road, which will run parallel to Edgware Road and will be accessed via Gladstone Park Gardens and egressed via Dollis Hill Avenue which is acceptable.

7.4 *Servicing & Refuse Collection*

7.4.1 Two loading bays are proposed to the rear of the site with the access from the rear of the units being provided in order to avoid any loading from Edgware Road.. Tracking diagrams have been provided that demonstrate vehicles will be able to leave the one-way access road in forward gear.

7.4.2 The two bin storage areas have been located at either side of the development allowing satisfactory access from both cores and also allowing direct access onto the Public Highway for collection. There are existing double yellow lines on Dollis Hill Avenue and Gladstone Park Gardens. Refuse vehicles

could stop in this area, located 7 metres from the junction with the Edgware Road. The area should be clear of other vehicles due to the presence of the yellow lines and allow refuse vehicles to temporarily wait to collect rubbish.

7.5 *Cycle Parking*

7.5.1 The development proposes 90 cycle parking spaces for the residents, 4 cycle parking spaces for the commercial units and 10 cycle spaces for visitors. These spaces are compliant with the London Plan and are welcomed. The 94 resident and commercial cycle spaces will be provided in a cycle store at the rear of the building, which will protect them from theft and weather. The 10 visitor cycle spaces will be provided within the private forecourt at the front of the building. Although these spaces will be at the front building, on Edgware Road, they will be on private footway and therefore would be maintained privately. The private footway and public footway should be demarcated with a row of setts, to avoid any confusion.

8.0 *Energy and Sustainability*

8.1 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, 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)

8.2 The application is supported by an energy assessment. The scheme has been designed to a Certified Passivhaus level. The Core focus of Passivhaus is to dramatically reduce the requirement for space heating and cooling by adopting a fabric first approach to the design by specifying high levels of insulation, air tightness and mechanical ventilation. Due to the adopted approach, the site proposes to achieve all of the 35% reductions against Class L through fabric and energy efficiency improvements.

8.3 The applicant has not submitted a BREEAM pre-assessment. Core Strategy Policy CP19 requires all major non-residential development to achieve a rating of BREEAM excellent. However, because the floor area proposed the retail element would not be considered major, this requirement is not considered to be necessary.

9.0 *Environment*

9.1 *Trees and Landscape*

9.1.1 A Tree Survey, Tree Protection Plan and Arboricultural Impact Assessment all support the application. These consider the impacts on trees on and adjacent to the site during the construction stage and the life of the development. It is proposed to remove a number of trees within the site which is acceptable subject to replacement planting. Subject to further details of new planting (including new trees), to be agreed as part of a landscaping condition, and implementation of the tree protection plan measures set out there would be no objection. This was the same as the previously approved scheme.

9.2 *Air Quality*

9.2.1 The site is within a designated Air Quality Management Area (AQMA); therefore an Air Quality Assessment report prepared by XCO2 has been submitted considering the potential air quality impacts associated with the re-development of the site, concluding that it would not cause a significant impact on local air quality. The report shows that construction works would give rise to a low to medium risk to air quality through dust impacts, however these could be mitigated through a Dust Management Plan... It also found that additional traffic from the development would not significantly affect local air quality. However, detailed modelling of traffic on Edgware Road indicates that there will be an exceedance of both the short term and long term air quality objective for NO₂, which would exceeded up to second floor level Mechanical ventilation is therefore recommended to minimise exposure of the future occupants to poor air quality.

9.2.2 Whilst the transport related emissions associated with the proposed development exceed the benchmarked emissions, there will be no building related emissions from the site and therefore overall the

development is considered to be air quality neutral.

9.2.3 The redevelopment of the site would therefore have an acceptable impact on air quality.

9.3 Noise

9.3.1 London Plan policy 7.15 requires development proposals to be designed to minimise the impacts of noise. An Environmental Noise Assessment has been undertaken and supports the application. This quantifies the existing noise climate in the local area, in order to determine building envelope performance requirements (in view of the proposed uses) and plant noise emission levels. The noise assessment has been assessed by the Councils Environmental Health Team, who considers the methodology to be accurate and that the surveyed range of recorded sound pressure levels provided are considered representative of the local noise climate.

9.4 Flood risk and drainage

9.4.1 London plan policy 5.12 requires developments to comply with flood risk assessment and management requirements set out in the NPPF. The site is situated within Flood Zone 1 and therefore has the lowest level of flood risk. A Flood Risk Assessment does support the application. This confirms the site is at low risk of tidal or fluvial flooding, and that flood risk from all other sources is deemed to be low

9.4.2 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. The proposed development includes permeable paving, blue roof and storage tanks to manage this. Due to the measures proposed, the development is not considered to result in any increase in flood risk. The measures adopted would actually result in the reduction of final discharge allowing for additional capacity in the existing drainage system.

9.5 Contaminated Land

13.1 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 (garages) and as such there is potential for contamination to be present. However, the previous permission 17/0298 was subject to a pre-commencement condition for a site investigation and remediation strategy, which was formally discharged under planning application 18/4822. The same information has been submitted to support this application and as such the requirements to deal with land contamination have been satisfied.

10.0 Conclusion

10.1 Officers consider that the scheme meets planning policy objectives and is in general conformity with local, regional and national policy. The proposal makes efficient use of previously developed land in a sustainable location and would make a positive contribution to the locality. This efficient use of the land will result in a substantial number of new homes, helping to meet housing targets, and secures the maximum viable proportion of affordable housing. It is considered that the form of development will have an acceptable impact on and relationship with the existing surrounding development and will not unduly harm surrounding amenity. A well considered landscape strategy is proposed, which combined with the proposed standard of design and layout of buildings will ensure a high standard of development and a good quality residential environment for future occupiers. Officers recommend the application for approval subject to the conditions and s106 obligations set out in this report.

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 **£1,209,530.71** * 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): 1529 sq. m.

Total amount of floorspace on completion (G): 5114.33 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Hot food take away (2004)	60.16		42.17	£40.00	£0.00	£2,485.27	£0.00
(Brent) Shops	189.97		133.18	£40.00	£0.00	£7,847.86	£0.00
(Brent) Drinking establishments (2004)	153.17		107.38	£40.00	£0.00	£6,327.61	£0.00
(Brent) Dwelling houses	4711.03		3302.6	£200.00	£0.00	£973,088.13	£0.00
(Mayoral) Hot food take away (2004)	60.16		42.17	£0.00	£60.00	£0.00	£2,585.30
(Mayoral) Shops	189.97		133.18	£0.00	£60.00	£0.00	£8,163.72
(Mayoral) Drinking establishments (2004)	153.17		107.38	£0.00	£60.00	£0.00	£6,582.29
(Mayoral) Dwelling houses	4711.03		3302.6	£0.00	£60.00	£0.00	£202,450.53

BCIS figure for year in which the charging schedule took effect (Ic)	224	323
BCIS figure for year in which the planning permission was granted (Ip)	330	
TOTAL CHARGEABLE AMOUNT	£989,748.87	£219,781.84

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

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

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

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 18/4777

To: Mr Williams
Lichfields
14 Regents Wharf
All Saints Street
London
N1 9RL

I refer to your application dated **17/12/2018** proposing the following:

Demolition of the existing mixed used building and garages and construction of a part three to six storey building providing 225 sqm of flexible retail floorspace for shops/financial professional services (Use Class A1/A2) and hot food takeaway (Use class A5) and 155 sqm for public house (Use Class A4) at ground floor level, and 54 residential units (Use Class C3) comprising 19 x 1 bed, 21 x 2 bed and 14 x 3 bed units with associated car and cycle parking spaces, bin stores and landscaping

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

at **All Units at 4-9 INC, and Garages rear of 4-9 Gladstone Parade, Edgware Road, Cricklewood, London**

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: 08/07/2019

Signature:

Gerry Ansell
Interim 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.

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposal complies with the Development Plan, having regard to relevant material considerations.

1 **STANDARD TIME FOR COMMENCEMENT**

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 **APPROVED DRAWINGS AND DOCUMENTS**

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

DR-17.554-A-200-P6
DR-17.554-A-201-P6
DR-17.554-A-202-P6
DR-17.554-A-203-P6
DR-17.554-A-204-P5
DR-17.554-A-205-P7
DR-17.554-A-206-P8
DR-17.554-A-301-P7
DR-17.554-A-302-P6
DR-17.554-A-303-P3
DR-17.554-A-304-P5
DR-17.554-A-305-P8
DR-17.554-A-306-P6
DR-17.554-A-307-P4

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

3 **NO PARKING PERMITS**

Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within any existing or future Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

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

4 **HOURS OF OPERATION - A5 UNIT**

The A5 premises shall not be used except between the hours of:

Monday - Thursday: 08:00hrs - 23:30hrs

Friday - Saturday: 08:00hrs - midnight

Sunday and Public Holidays: 09:00hrs - 23:30hrs

Reason: to protect the amenity of neighbouring and nearby residential occupiers.

5 HOURS OF OPERATION - A4 UNIT

The public house shall not be used except between the hours of:-

1. 08:00 hours and 23:00 hours Mondays to Fridays
2. 10:00 hours and 00:00 hours Saturdays
3. 10:00 hours and 23:00 hours Sunday and Public Holidays and at no other time.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

6 HOURS OF OPERATION - OUTDOOR SEATING

The outdoor seating area shall not be used except between the hours of :

1. 10:00 hours and 22:00 hours Mondays to Saturdays
2. 10:00 hours and 21:00 hours Sundays and Public Holidays

and at no other time whatsoever.

Reason: To protect acceptable local noise levels and neighbouring amenity

7 The development hereby approved should be built so that all of the C3 residential dwellings achieve Building Regulations requirement M4(2) – ‘accessible and adaptable dwellings’ and that all 40 of the C3b residential units achieve Building Regulations requirement M4(3) – ‘wheelchair user dwellings’.

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

8 LAY OUT PARKING AND CYCLE PARKING

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
- cycle parking numbers as approved
- The private footway and public footway should be demarcated with a row of setts

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.

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

9 TIMING FOR VEGETATION CLEARANCE

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).

10 A4 USE CLASS RESTRICTION AND REMOVAL OF PERMITTED DEVELOPMENT RIGHTS TO CHANGE USE

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), the public house identified as C1 on approved drawing dr-17.554-A-201 P6 shall be used as a drinking establishment (Use Class A4) only and for no other purpose whatsoever without express planning permission first being obtained from the Local Planning Authority.

Reason: In light of the weight given to the merit of re-providing the public house in accordance with policy DMP 21

11 The windows to units R38 and R26 as indicated on the approved drawings and facing the inner courtyard shall be obscure glazed below a height of 1.7m and shall be retained as such unless otherwise approved in writing by the local planning authority.

Reasons: In order to ensure an adequate degree of privacy for the occupants of this site. In the interests of amenity.

12 The proposed development shall be carried out only in accordance with the submitted Remediation Method Statement (Risk Management dated October 2018). Prior to first residential occupation a verification report shall then 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 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.

13 The mitigation measures outlined in the submitted Air Quality Assessment (XC02 dated November 2018) shall be carried out in full prior to first occupation of the residential units, these measures shall then be maintained for the lifetime of the development.

Reason: To ensure the safe development and secure occupancy of the site for residential use and having regard to the fact the site lies in an Air Quality Management Area and has the risk to increase poor air quality.

14 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

15 Prior to first occupation of the development hereby approved, electric vehicle charging points shall be provided and made available for use within at least 20% of the approved car parking

spaces within the site. The provision of electric vehicle charging points shall be in accordance with London Plan standards, providing both active and passive charging points.

Reason: To encourage the uptake of electric vehicles as part of the aims of London Plan policy 6.13.

- 16 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: To protect local amenity and air quality in accordance with Brent Policy EP3 and London Plan policies 5.3 and 7.14

17 MATERIALS - SUPPLY DETAILS

Prior to the commencement of above ground works details of materials for all external work, including manufacturer's literature and physical samples of bricks to be provided on site for inspection, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

18 MECHANICAL PLANT - NOISE TESTING

Prior to the installation of any mechanical plant together with any associated ancillary equipment ('the plant') further details of the plant shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include: (i) manufacturer's specifications and literature of the plant; (ii) an assessment of the expected noise levels of the plant carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'; and (iii) any mitigation measures necessary for the plant to achieve noise levels of not louder than 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises.

The plant shall be installed and maintained in accordance with the approved details for the lifetime of the development.

Reason: To protect acceptable local noise levels, in accordance with DMP1 of the Development Management Policies

19 HARD AND SOFT LANDSCAPING INCLUDING TREES

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). Such a scheme shall include, but is not limited to:-

(a) the means of protection (in accordance with BS5837:2012) of all existing trees on site or in close proximity to the site boundaries and not directly affected by the building works and which are to be retained, including detailed proposed protection measures during any demolition or construction works to include locations of all protective fencing, ground protection, site facilities and storage areas. Where, for construction purposes, it is necessary to position tree protection fencing within the RPA of retained trees, suitable ground protection will be installed to prevent undue soil/root compaction from pedestrian and/or vehicular traffic. Such works are to be carried out fully in accordance with Treeline Services Ltd report (ref: 28869) unless otherwise

approved in writing.

- (b) Details of proposed walls, fencing and other means of enclosure indicating materials and heights;
- (c) Details for all new tree planting across the site, with all new trees planted at a minimum girth of 12-14cm,
- (d) Details of adequate physical separation, such as protective walls and fencing between landscaped and paved areas;
- (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 parking area and loading bays;
- (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 and bat boxes
- (j) Details of demarcation of the private and public footway

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.

20 WATER USAGE

Prior to first occupation of the Residential Development ('the Development') confirmation from the Building Control body 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 (as amended) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect and conserve water supplies and resources in order to secure London's needs in a sustainable manner.

21 CONSTRUCTION - CEMP

The development shall be carried out in accordance with the submitted Construction Environmental Management Plan prepared by Goddard and Sons dated May 2019 (Rev 04)

Reason: To ensure the protection of living conditions, highway safety and managing waste throughout development works due to the particular risk of harm arising from these works in respect of air quality and highway safety.

22 DELIVERY AND SERVICING PLAN

Prior to first occupation of any building(s) details of a Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full for the lifetime of the development.

Reason: To minimise the impacts of the development on the highway.

23 Prior to the occupation of the residential units hereby approved, a drawing indicating the location of privacy screens where private terraces and/or communal terraces adjoin, at a height no less than 1.7m, shall be submitted to and approved in writing by the local planning authority.

Reason: In order to ensure an adequate standard of privacy for future occupants of the site. In the interests of amenity.

INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 2 The applicant is advised that 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.
- 3 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. We would expect the development to demonstrate what measures he 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 wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality
- 4 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 Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 5 Applicants are reminded of hazards caused by asbestos materials especially during demolition and removal works and attention is drawn to the Asbestos Licensing Regulations 1983. Licensed Contractors only are permitted to remove asbestos which must be transferred to a licensed site. For further advice the Council's Chief Environmental Health Officer should be contacted.

Any person wishing to inspect the above papers should contact Paige Ireland, Planning and Regeneration,
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 3395

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