



Planning Committee

Wednesday 16 October 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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democracy.brent.gov.uk

The press and public are welcome to attend this meeting

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

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

Notes for Members - Declarations of Interest:

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

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

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

***Disclosable Pecuniary Interests:**

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

****Personal Interests:**

The business relates to or affects:

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

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

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

or

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

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

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.		
2. Minutes of the previous meeting - 11 September 2019		1 - 4
APPLICATIONS FOR DECISION		
3. 381A-D INC, 381-397 INC and 13-20 Park Parade Mansion, Edgware Road, Kingsbury, London, NW9 (Ref. 17/2284)	Fryent	9 - 40
4. Argenta House, Argenta Way, London, NW10 0AZ (Ref. 18/4847)	Tokyington	41 - 86
5. Empire House, Empire Way, Wembley, HA9 0EW (Ref. 19/1973)	Tokyington	87 - 106
6. 39A-B, 41, 43-47 Dudden Hill Lane & car park Villiers Road R/O 43-47, London, NW10 (Ref. 19/1095)	Willesden Green	107 - 136
7. Queens Park Community School, Aylestone Avenue, London, NW6 7BQ (Ref. 19/1477)	Brondesbury Park	137 - 166
8. 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 13 November 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 11 September 2019 at 6.00 pm

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

Apologies for absence were received from Councillor Hylton.

1. **Declarations of interests**

None.

Approaches.

Councillor Denselow informed the meeting that he had been approached by a number of residents and a ward member.

2. **Minutes of the previous meeting - 21 August 2019**

Prior to considering the minutes of the last meeting, the Councillor Denselow (Chair) informed the Committee that Mr Rushe (Chair of South Kenton and Preston Park Residents Association), one of the objectors to the Preston Library application had complained about the accuracy of the minutes relating to that application. Copies of the documents from Mr Rushe were circulated to members for information. The Chair stated that the intention of the minutes was to capture the essentials to reflect the meeting and record decisions but not to reproduce a verbatim account of it. With that caveat, he requested Members whether they wished to approve the minutes as circulated and direct the complainant to the Corporate Complaints procedure. All Members were in agreement with the Chair's request except for Councillor Maurice who stated that Councillor Kansagra, his substitute for that meeting, having seen the draft minutes relating to the Preston Library application did not consider them to be an accurate record.

RESOLVED:

that the minutes of the previous meeting held on 21st August 2019 be approved as an accurate record of the meeting.

3. **758-760 Harrow Road (ref. 19/0670)**

PROPOSAL: Erection of roof level extension to create 2 x self-contained flats with external balconies to 758 and 760 Harrow Road and provision of new refuse and bicycle storage.

RECOMMENDATION: To grant planning permission subject to conditions.

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

Ms Victoria McDonagh (Development Management Team Leader) introduced the report and answered members' questions, reiterating that the proposal was for the erection of roof level extension to create 2 x self-contained flats with external balconies and provision of additional refuse and bicycle storage. She corrected the setback from the front elevation to 1.2m and not 2.6m as stated in paragraph 3.4 of the report and added that the proposed works were regarded as being modest in scale and sympathetically designed. Furthermore, the proposal was considered subservient to the original building, compatible with its neighbours and setting and thus compliant with relevant policies as set out within the Committee report. Members noted that there were 18 individual and 2 residents' association objections raised to the scheme all of which had been addressed within the Committee report.

In the ensuing question time, members raised issues relating to parking, waste management and control, cladding and fire safety considerations, wheel chair accessibility, daylight and sunlight assessment and the ongoing enforcement legal action between the leaseholders and the applicant.

Ms Victoria McDonagh responded as follows; with 12 car parking spaces for existing and proposed occupiers, high PTAL rating with excellent access to public transport and a condition for a permit free development, the parking provision was considered acceptable. The new bin stores proposed were also considered acceptable in highways terms. Members were advised that matters relating to cladding fell under the jurisdiction of Building Control Regulations and not within the remit of this Committee. It was clarified that as a private development with lift access, the proposal could be easily adaptable for wheel chair use. The daylight and sunlight assessment had been addressed within the report. Members were also advised that the application could be determined without impacting on further consideration of enforcing against any breach of planning control.

In welcoming the recommendation, Members added an informative that officers should continue to address the matters raised within the enforcement case, so as to give confidence to the residents.

DECISION: Granted planning permission as recommended with an additional informative that officers continue to address the matters raised within the enforcement legal action.

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

4. Any Other Urgent Business

None.

The meeting closed at 6.25 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 October, 2019
03
17/2284

SITE INFORMATION

RECEIVED	22 May, 2017
WARD	Fryent
PLANNING AREA	Brent Connects Kingsbury & Kenton
LOCATION	381A-D INC, 381-397 INC and 13-20 Park Parade Mansion, Edgware Road, Kingsbury, London, NW9
PROPOSAL	Demolition of existing buildings and redevelopment of the site to provide a replacement part 4 part 5 and part 18 storey building comprising 563m2 of retail uses (Class A1, A2 A3), and 110 residential units (56 x 1bed, 30 x 2bed and 24 x 3bed) with associated car parking, cycle storage, plant and shared external amenity space at first and fifth floor level with other ancillary works.
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_134418</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 "17/2284" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

1. That the Committee resolve to GRANT planning permission subject to:
 - A. Any direction by the London Mayor pursuant to the Mayor of London Order
 - B. Any direction by the Secretary of State pursuant to the Consultation Direction
 - C. The prior completion of a legal agreement to secure the following planning obligations:
 - a) Payment of legal and professional costs
 - b) Notification of commencement
 - c) Provision of affordable housing
 - 8 units for Shared Ownership,(as defined under section 70(6) of the Housing & Regeneration Act 2008, subject to London Plan policy affordability stipulations that total housing costs should not exceed 40% of net annual household income, and subject to an appropriate Shared Ownership nominations agreement with the Council, that secures reasonable local priority to the units).
 - d) Early stage viability review to be submitted if construction of new building does not commence within 2 years of the grant of consent
 - e) Late stage viability review to be submitted and approved securing affordable housing contributions to ensure the delivery of maximum reasonable proportion of Affordable Housing should scheme viability improve
 - f) A detailed 'Sustainability Implementation Strategy' shall be submitted to the Local Planning Authority and approved in writing prior to material start of the development hereby approved. This shall demonstrate:
 - How the scheme will achieve a minimum CO2 reduction of 35 % from 2013 TER (regulated) including a minimum of reduction of 20 % through on-site renewables (after "be lean" and "be clean" measures have been applied) or other such revised measures as approved by the Council which achieve the same levels of CO2 reduction;
 - The applicant shall implement the approved Sustainability Implementation Strategy and shall thereafter retain those measures.
 - g) Carbon offset contribution to be paid – or an opportunity to resubmit an improved energy statement and reduce the offset payment
 - h) Contribution of £55,000 towards the expansion of controlled parking zones in the local area
 - i) Contribution towards bus improvements – amount to be agreed with TfL
 - j) Training and employment of Brent residents
 - k) Removal of future residents to apply for parking permits
 - l) Travel plan to be implemented and monitored including funding of subsidised membership of the Car Club for three years for all new residents
 - m) Adoption of specified parts of the footway surrounding the development following completion of works
 - n) Requirement to enter into a s38/278 agreement for the following highway works:
 - Adoption of wider footway along Edgware Road
 - Planting of 3 street trees along Edgware Road, details of species, size and tree pit design to be agreed by Local Planning Authority
 - o) Any other planning obligation(s) considered necessary by the Head of Planning
2. That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.
3. That the Head of Planning is delegated authority to issue the planning permission and impose

conditions and informatives to secure the following matters:

Conditions

1. Time Limit for commencement (3 years)
2. Approved drawings/documents
3. Removal of C4 permitted development rights for the flats
4. Parking spaces, cycle store facilities and refuse to be laid out prior to occupation
5. Ground floor car park to not be used other than for blue badge holders resident at or visiting the approved development
6. Flood risk and drainage plan to be secured
7. Wheelchair Accessible Units to be secured
8. EVCP to be secured
9. Water consumption to be limited in line with regulations
10. A communal satellite/aerial to be provided so as to prevent multiple satellite dishes
11. Ecology report to be secured
12. Microclimate report to be secured
13. Air Quality report to be secured
14. **ADD WINDOWS RESTRICTION**
15. Considerate Constructors' Scheme membership to be joined
16. Construction method statement to be submitted
17. Construction logistics plan to be submitted
18. **ADD**
19. Piling method statement to be submitted
20. Connection to future District heating Network to be submitted
21. Land contamination and remediation report to be secured
22. BREEAM pre and post assessment for the commercial floor space to be submitted
23. Material samples to be submitted
24. Street tree survey to be submitted
25. Details of landscaping (including green roof) to be submitted
26. BREEAM post assessment for the commercial floor space to be submitted
27. Specific non-habitable windows to be obscure glazed for privacy
28. Specific balcony elevations to be screened for privacy
29. Delivery and Servicing Management plan for residential use to be submitted
30. Revised details of cycle facilities to be submitted
31. Sound insulation and noise reduction measures to be secured
32. Delivery and Servicing Management plan for commercial use to be submitted
33. Plant noise levels to be limited
34. Details of odour extraction to be submitted and implemented prior to any A3 use commencing
35. Highway works and parking spaces, cycle and bin storage to be laid out prior to occupation, including revised details of two-tier stands

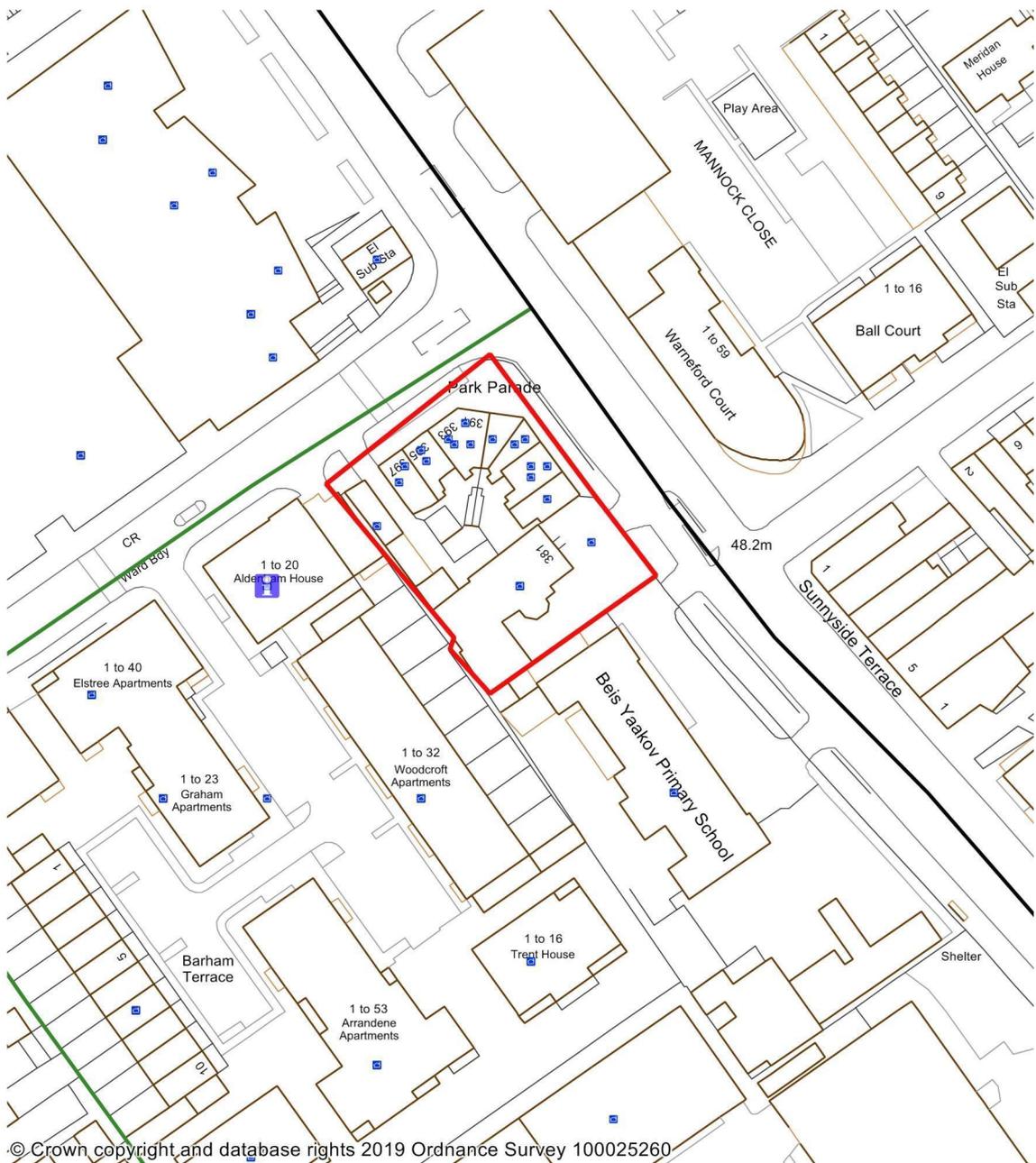
Informatives

1. CIL liability

2. Party wall information
 3. Building near boundary information
 4. Contact information for carrying out highway works
 5. Notify highways service of intent to commence works
 6. Guidance notes from Thames Water
 7. Fire safety advisory note
 8. Any other informative(s) considered necessary by the Head of Planning
-
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 application "expiry date" 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

	<p>Planning Committee Map</p> <p>Site address: 381A-D INC, 381-397 INC and 13-20 Park Parade Mansion, Edgware Road, Kingsbury, London, NW9</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is indicative only.

PROPOSAL IN DETAIL

This application seeks planning permission to demolish all existing buildings and erect a part four, part five and part-18 storey building providing 110 residential units (56 x 1bed, 30 x 2bed, 24 x 3bed flats), 563 sqm of commercial floorspace at ground floor level (with a flexible A1, A2 and/or A3 use), together with proposed vehicular access from Edgware Road, provision for 11 ground floor car parking spaces, 176 residential cycle spaces, and associated landscaping and amenity space.

EXISTING

The site is located at 381 and 383–397 Edgware Road, Colindale. It is bounded by Edgware Road/The Hyde (A5) to the north-east, the Beis Yaakov Primary School to the south-east, the former Serena House to the south-west which is currently being redeveloped for residential development, and Grove Park (road) to the north-west.

383-397 Edgware Road forms a three storey interwar building with commercial uses on the ground floor and residential on the upper two floors. The majority of the ground floor building facades fronting Grove Park and Edgware Road are glass fronted, whilst the upper floor facades comprise brick and PVC windows. There are a number of poorly constructed single storey extensions to the rear facing the yard which service the commercial units on the ground floor.

381 Edgware Road forms a detached two storey Victorian villa building constructed out of brick and is set back from the road with a concrete hardstanding forecourt to the front. A single storey extension (with a carport attached to another single storey building) is attached to the north-west of this building. This building contains four residential units and has lawful use for trade counter operation, despite the access arrangement onto Edgware Road.

AMENDMENTS SINCE SUBMISSION

The proposals were amended during the course of the application to omit the basement parking level, which had the effect of reducing the amount of car parking from 49 residents spaces (including 13 disabled spaces), to a total of 11 spaces, all of which would be designated as disabled spaces. These alterations also result in the introduction of an off-street servicing bay from Edgware Road, and the re-location of all cycle parking spaces (totalling 172 spaces) at ground floor level.

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.

1. **Objections from adjoining neighbours and resident amenity groups:** 426 properties were consulted on the proposal. In response 12 objections were received and an objection from Roe Green Village Residents Association. The objections come from households on Goldsmith Lane, Silverworks Close, Roe Green, AirCo Close, Shorts Croft, Bush Grove, Rose Glen, Mannock Close, Roe End and Grove Park. Concerns are summarised as parking, traffic congestion and servicing, scale and height of the proposed building, heritage impacts, lack of open space and impacts on flooding.
2. **Principle of mixed-use redevelopment of the site:** The re-development of the site accords with its designation within the Colindale/Burnt Oak Opportunity Area, which the London Plan identifies as having capacity for residential-led mixed use development, with a minimum of 12,500 new homes. Although no affordable workspace is provided, the re-provision of commercial floorspace at ground floor level provides active frontage to both Edgware Road and Grove Park.
3. **Affordable Housing:** The scheme would provide 8 intermediate (shared ownership) units, which although below both Brent and London Plan policy targets, has been demonstrated by a financial viability appraisal to be the maximum amount of affordable housing which can viably be provided on site.
4. **Design, layout and height:** The proposed building would be a maximum of 18 storeys high, which is considered to be in keeping with the heights of buildings in the surrounding area, while reducing in height and scale nearest to the Beis Yaakov School to the south-east,

which is locally listed. The building utilises good architecture with quality detailing and materials in order to maximise the site's potential whilst regulating its height to respect surrounding development.

5. **Quality of the resulting residential accommodation:** The residential accommodation proposed is of sufficiently high quality, meeting the particular needs and requirements of future occupiers. The flats would have good outlook and light. The amount of external private/communal space is below standards, but would include a high quality external communal terraces which would significantly improve the enjoyment of the site for future occupiers. This is considered acceptable for a high density scheme.
6. **Mix of units:** The proposal includes 22% of three bedroom units which is below the target of 25% as set out in CP21. However, this is considered acceptable for a high density scheme.
7. **Neighbouring amenity:** Although there would be some impacts to neighbouring residential properties in terms of loss of light and outlook, a BRE daylight and sunlight study confirms these would be minor breaches of the Council's SPD1 guidelines for protecting light and outlook to neighbours. The overall impact of the development is considered acceptable, particularly in view of the wider benefits of the scheme in terms of the Council's strategic objectives.
8. **Highways and transportation:** The scheme is to provide suitable provision of car and cycle parking and will encourage sustainable travel patterns, with a section 106 agreement to secure a parking permit restricted scheme for future occupiers.
9. **Environmental impact, sustainability and energy:** The measures outlined by the applicant achieve the required improvement on carbon savings within London Plan polic, and subject to appropriate conditions, the scheme would not have any detrimental impacts in terms of air quality, land contamination, noise and dust from construction, and noise disturbance to future residential occupiers from Edgware Road and commerical premises at ground floor level.

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)
Businesses and offices	157		157	0	0
Dwelling houses	1384		1384	8395	8395
Shops	0		0	563	563

Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING (Flats û Market)	3	1	8							12
EXISTING (Flats û Intermediate)										
PROPOSED (Flats û Market)	54	26	22							102
PROPOSED (Flats û Intermediate)	2	4	2							10

RELEVANT SITE HISTORY

No relevant history relating to the overall re-development of the site.

CONSULTATIONS

The owner/occupier of 80 nearby and adjoining properties in Edgware Road, Evelyn Avenue and Grove Park were initially notified of the development on 13th June 2017

A Site Notice was displayed 21/09/2017.

A Press Notice was published 28/09/2017.

No responses were received as a result of this consultation exercise.

A further set of letters were sent to the same neighbouring properties on 14/09/2018, and a site and press notice displayed/published on 12/09/2018, following the receipt of revised drawings. Again, no responses were received as a result of this exercise.

Re-consultation - September 2019

A further 21-day consultation exercise was undertaken in September 2019, with a total of 426 neighbouring addresses notified of the proposals, accounting for the newly constructed adjoining residential developments on Grove Park and Silverworks Close, which are at least partly occupied. A total of 12 responses were received as a result of this exercise, with a summary of the issues raised set out in the table below:

Objection	Response
Proposed 18 storeys is too high/ inappropriate in this location, has a detrimental impact on townscape	See paragraphs 8-12
Loss of locally listed building, Elm Lea, which is the site of 'AirCo' building, and detrimental impact on other adjoining locally listed buildings	See paragraphs 13-16
Lack of affordable housing provision for local people	See paragraphs 17-21
Loss of privacy to adjoining Beis Yaakov Primary School	See paragraphs 50-52
Impact of additional flats on parking within local streets, and additional traffic congestion, as a result of this development and cumulative impact of other recent developments	See paragraph 54-61
Harm to road safety, insufficient info on local cycle and pedestrian routes	See paragraphs 62-70
Increased flood risk	See paragraphs 87-89
Lack of open space and play space within the development	See paragraphs 26-30
Increased noise and disturbance, particularly from construction vehicles and equipment	An element of noise and disturbance is to be expected during the construction process, but this would be for a temporary period. A condition is attached requiring the submission of a Construction Logistics Plan, which will mitigate any un-neighbourly impacts as much as possible.
Over-development of site with 61 flats	The proposed development is considered to have an appropriate relationship with its context, provides a good standard of accommodation and does not unduly affect surrounding residents.
Increased pressures on local public transport network and other services including schools and GP surgeries	The proposed development is considered to meet density standards given its urban location, and reflects the site's location within the Colindale/Burnt Oak Opportunity Area.
Lack of adequate consultation during application, inability to comment unless having online access	The consultation process has been carried out in accordance with statutory guidelines and the Council's Statement of Community Involvement.

An objection was also received on behalf of the Roe Green Village Residents Association, with a summary of the issues raised outlined below:

- Council needs to recognise the disappearance of major historical buildings including the 'AirCo' HQ on which this site is located (**Officer note:** This is clarified within paras.13-16 of the main report)
- Fire safety concerns regarding the size of blocks (**Officer note:** While Fire Safety is an important concern, this will be formally considered at Building Regulations stage)
- Proposed tower blocks are linked to higher levels of isolation and anxiety (**Officer note:** it is considered that there is no clear evidence to demonstrate that future occupiers living at higher levels of the proposed building would feel more isolated and/or anxious. The good quality of accommodation throughout the development, including access to good quality external amenity space, is considered to play a key role in mitigating any concerns in this regard).
- The proposals need to be seen in context with other major developments in the area, including the other side of Edgware Road (within LB Barnet); (**Officer note:** The proposals have been seen in context with wider development proposals, with consideration given to London-wide planning policies, as well as

- Brent's own policies).
- Lack of green space and open space proposed. (**Officer note:** See paragraphs 26-30).

Statutory/ External Consultees

Transport for London

No objections subject to the following:

- Car parking quantum should be reduced, and in line with advice from Brent Council, removed altogether;
- Blue badge spaces should be relocated to be closer to building entrances and be revised to meet London Plan space requirements;
- Electric Vehicle Charging Point provision must be clarified;
- The concerns raised regarding the Road Safety Audit undertaken must be addressed;
- The recommendations for improvements to the pedestrian environment should be secured by Brent Council;
- TfL query the results of the cycling audit as proposing no improvements where it also identified no formal cycling provision;
- All cycle parking infrastructure should be LCDS and London Plan compliant;
- A revised trip generation exercise should be submitted, along with information on the public transport impact of the development;
- Further clarification on the refuse arrangements for the proposed development are sought via a Delivery and Servicing Plan;
- A Construction Logistics Plan should be submitted;
- A revised Travel Plan should be secured by s106 agreement.

Officer comments: It is considered that issues raised by TFL above have either been addressed through revised drawings/ further information, or can be satisfactorily addressed by condition/.s106 agreement.

Thames Water

No objections subject to condition requiring drainage strategy to be submitted to demonstrate necessary on and/or off-site drainage works are approved before works commence, and standard informatives.

Greater London Authority

The GLA has commented on a number of strategic issues raised by the scheme, which are summarised as follows:

Principle of development: The redevelopment of the site to provide a residential-led mixed scheme within the Opportunity Area is strongly supported.

Affordable housing: 0% affordable housing is proposed, which is wholly unacceptable. GLA officers have concluded that the FVA does not adequately reflect the maximum reasonable level of affordable housing that can viably be provided on this development. A revised assessment is therefore required, which will be robustly interrogated to ensure that the maximum possible level of affordable housing is achieved. An early stage review will be required and, if after further interrogation the maximum level of affordable provision is still below 35%, a late stage review will also be required in accordance with the Mayor's Affordable Housing and Viability SPG.

NB: GLA officers were verbally consulted on the provision of 8 intermediate units which has now been put forward by the applicant, following ongoing viability discussions. It is understood that objections on this ground remain as above.

Climate change: The carbon dioxide savings do not meet the zero-carbon target for domestic buildings or the 35% target for non-domestic buildings. The applicant should therefore consider the scope for additional measures aimed at achieving carbon reductions. Any remaining regulated CO₂ emissions must be met through a contribution to the borough's offset fund.

Transport: Car parking should be reduced, and Blue Badge and EVCP provision revised and secured; cycle parking should also be revised to meet the LCDS and secured; further information on the impact on buses and London Underground services including Colindale Station is required; and, the identified improvements to the pedestrian environment, delivery and servicing plan, construction logistics plan and travel plan should

be secured by condition/s106 agreement

Officer comments: The views of the GLA are considered and discussed in more detail within the relevant sections of the main body of the report.

National Grid

No detailed comments to make.

Internal consultees

Local Lead Flood Authority

No objections. The site falls within Flood zone 1 and the risk of flooding is low. The proposed development will restrict the surface water discharge to 5 l/s and this will reduce the flood risk in the area.

Environmental Health

No objections subject to appropriate conditions regarding issues of noise, vibration, construction management, dust, lighting, and contaminated land.

Statement of Community Involvement

- As part of proposals for the redevelopment of 381 – 397 Edgware Road, Cignia Developments Ltd appointed Snapdragon Consulting Ltd to undertake an engagement process to discuss the emerging proposals with the community and seek their feedback.
- A programme of pre-application community engagement was carried out by the applicant which included a public exhibition and meetings with local stakeholders.
- The focus of this process was a public exhibition held on the 20th and 22nd of October 2016, which was advertised through direct mailing to over 1,500 addresses in the local area and the placing of a press advert in the Brent & Kilburn Times.
- Bespoke invitations were sent to local stakeholders, all councillors in Brent, as well as to the three neighboring Barnet councillors in Colindale ward.
- 13 members of the public attended the exhibition over two days.
- Questions were raised both in the written feedback and orally at the event, regarding the height of the proposal and the parking ratio. A current commercial tenant of the site attended the exhibition and queried the timescales of the development. In addition, one member of the public queried the proposed price of the residential units and where they would be marketed.
- Running in conjunction with the formal consultation events, the project team engaged in meetings with local stakeholders.
- On the 21st of October, members of the project team met with a representative of the Rose Glen Residents Association.
- At this meeting, the team outlined the location of the site, the architectural vision for the proposals, the delivery of new employment space, and the transport and parking arrangements for the new residents.
- Key issues were identified as car parking provision and the height of the development.
- In spite of the significant level of community outreach, both through invitations to the public exhibition, and invitations for one on one meetings, the level of local interest has been relatively low.

POLICY CONSIDERATIONS

National Planning Policy Framework 2019

The London Plan 2016

Key policies include:

- 3.3 - Increasing Housing Supply
- 3.4 - Optimising Housing Potential
- 3.5 - Quality and design of housing developments
- 3.6 - Children and young people's play and informal recreation facilities
- 3.12 - Negotiating affordable housing on individual private residential and mixed use schemes
- 5.2 - Minimising carbon dioxide emissions
- 5.9 - Overheating and cooling
- 5.13 - Sustainable drainage
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling

- 6.10 - Walking
- 7.2 - An inclusive environment
- 7.6 - Architecture
- 7.7 - Location and design of tall and large buildings
- 7.8 - Heritage assets and archaeology
- 8.3 - Community infrastructure levy

Brent Development Management Policies 2016

- DMP 1 – General Development Management Policy
- DMP 7 - Brent's Heritage Assets
- DMP 9a - Managing Flood Risk
- DMP 9b – On Site Water Management and Surface Water Attenuation
- DMP 12 – Parking
- DMP 13 – Movement of Goods and Materials
- DMP 15 – Affordable Housing
- DMP 18 – Dwelling Size and Residential Outbuildings
- DMP 19 – Residential Amenity Space

Brent Local Development Framework Core Strategy 2010

- CP 1 - Spatial Development Strategy
- CP 2 - Population and Housing Growth
- CP 5 - Placemaking
- CP 6 - Design and Density in Place Shaping
- CP 11 - Burnt Oak/Colindale Growth Area
- CP 19 - Brent Strategic Climate Change Mitigation and Adaptation Measures
- CP 21 - A Balanced Housing Stock

Supplementary Planning Guidance Documents

- SPD1 Design Guide for New Development
- The Burnt Oak, Colindale and the Hyde Placemaking Plan (2014)
- Mayor's Housing SPG (2016)
- Mayor's Affordable Housing and Viability SPG

DETAILED CONSIDERATIONS

Introduction

1. The proposed development would involve the demolition of the existing buildings and the redevelopment of the site to provide a residential led mixed use building, part-four, part-five, part-18 storeys high, providing 110 residential units (56 x 1-bed, 30 x 2-bed and 24 x 3-bed) and 563 sqm of commercial/retail floorspace (Class A1, A2 and A3). Associated car parking would be provided at ground floor level, with cycle storage, plant and refuse also provided, and the provision of external amenity space at first and fifth floor level. It is considered that the main planning consideration in relation to the determination of the application are: -

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

2. The planning application is referable to the GLA by the Mayor of London Order (2008). This requires that the GLA is consulted during the application (Stage 1), and following the Council's resolution (Stage 2). Stage 1 has been undertaken, but stage 2 can only come after the committee has resolved to either approve or refuse planning permission.

Principle of development

Residential led development

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

4. The site also forms part of a Site Specific Allocation (B/C.2) which includes Sarena House, Colindale Retail Park, Beis Yaakov School and Nos. 381 to 397 Edgware Road. This SSA is allocated for a residential led mixed use development. The overall SSA is identified with an indicative development capacity of 745 residential units up to 2020. Sarena House is currently being redeveloped for mixed use development including 227 residential units (LPA Ref: 14/2930), however there remains sufficient capacity for the proposed 181 units in this location.

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

Provision of replacement commercial floorspace

6. The existing three-storey building contains a limited amount of commercial floorspace at ground floor level (approx. 370 sqm), and its replacement with 563 sqm of retail floorspace at ground floor level is therefore acceptable. This would take the form of 5 retail units, fronting both Edgware Road and Grove Park.

7. It is noted that no workspace, in particular managed affordable workspace, has been proposed as part of the development. However, the developer has agreed to provide 8 intermediate (shared ownership) units within the scheme, which has impacted the viability of the scheme and therefore the ability to provide affordable workspace in this location. Given the overall benefits of the scheme the Council considers this to be an acceptable outcome. Therefore, the principle of the development is considered to be acceptable.

Layout, design, scale and massing

8. The scheme has a simple L-shape footprint, with the main 18-storey block fronting the north-eastern corner on Edgware Road and Grove Park, and dropping down to 4-5 storeys nearest to Beis Yaakov Primary School, to the south-east, which is locally listed. The principle of an 18-storey building in this location is supported given the site's location within the Colindale Opportunity Area and Burnt Oak/Colindale Growth Area, as well as being located along an arterial route.

9. The applicant has submitted a townscape analysis as part of the proposals, showing the site in context with neighbouring tall buildings, which include Oriental City, Capitol Way, Zenith House, Utility Warehouse and Green Point. The positioning of the 18-storey element on this north-eastern corner of the site landmarks the junction and, as demonstrated by this analysis, shows a clear response to the scale of an emerging sequence of tall buildings further along Edgware Road. This approach has been supported by the GLA, who also welcome the stepping down of the building where it sits adjacent to the locally listed school.

10. The layout of the site is well thought out, with a strong and legible building line created to both Edgware Road and Grove Park. Importantly, retail units at ground floor level front onto both streets, ensuring an active frontage which is further animated by the entrances to the residential cores. The applicants have responded to concerns raised by officers and the GLA at pre-application stage by shifting the floorplate slightly to the west, widening the pavement on Edgware Road for improved pedestrian accessibility, while street tree planting is also proposed on Edgware Road.

11. In design terms, the scale of the development is considered acceptable. The scale reflects the level changes across the site and the character of surrounding developments with the scale reducing at the edges of the site. While the principal 18-storey element provides a landmark when seen in longer views along Edgware Road, this is broken up by the 4-5 storey element on Grove Park, and the five-storey element to the north-western corner on Edgware Road. Further consideration of the relationship with neighbouring properties and between the blocks in terms of amenity and daylight/sunlight is discussed in further detail below. The GLA have advised that the overall height and massing of the scheme presents no strategic concern.

12. A simple palette of materials is proposed. The main material is yellow stock brickwork, with ribbed bond brickwork used to provide articulation and break up the massing of the blocks; the use of

brickwork is appropriate to the local character. The use of copper coloured rainscreen cladding and brass coloured balconies and window/door frames is also proposed to provide variety and interest, and ensures a high quality finish. It is recommended that further details of the depth of window reveals, proportion of window openings and other detailing are conditioned to any forthcoming consent to allow the massing to remain simple and elegant, as well as ensuring that samples of all external materials are made available for officers' approval.

Heritage and impact on locally listed building

13. Objections have been received from the Roe Green Village Residents Association and other adjoining occupiers regarding the loss of the existing buildings on site, which it has been suggested are of historical and heritage significance and therefore should be maintained.

14. A heritage statement has been submitted with the proposals, and the council's heritage officer has been consulted and commented on the proposals. It is important to note that the buildings being demolished are not listed. The statement outlines that the adjoining locally listed building, which is now occupied as Beis Yaakov Primary School, was originally built as offices for 'AirCo', an aircraft manufacturing company. The mid-Victorian building on the current site, 'Elm Lea', did not form part of these offices, and has been heavily altered and extended since its construction.

15. The demolition of these buildings is therefore considered justified, since it would neither result in the loss of a designated listed - or locally listed - building. Nevertheless, the heritage officer has requested that the historic value of the mid-Victorian villa should be recorded, and a condition is attached to this effect.

16. As alluded to above, the design of the proposed scheme has carefully considered its impact on the locally listed primary school to the south. The heritage statement outlines that the lowered front façade (stepping down to four storeys where it abuts the school), along with its sympathetic design to the Grove Park elevation, ensures there would be no harmful impact to the locally listed building. The heritage officer agrees with this conclusion, subject to details of all external materials and the detailed design of windows etc being secured by condition.

Affordable housing

17. Policy CP2 of Brent's Core Strategy requires 50% of new homes within the Borough to be affordable. This is in line with the London Plan. Policy 3.12 of the London Plan requires the maximum reasonable amount of affordable housing to be sought on private schemes. The application was originally accompanied by a Financial Viability Assessment (FVA), which concluded that it was not viable to provide any affordable units within the scheme as part of the development.

18. Officers instructed an independent assessor to undertake an appraisal of the FVA. The appraisal also concluded that the scheme was unable to provide affordable housing, in their initial report produced in September 2017. However, subsequent discussions between officers and the applicant identified that the basement level, which largely accommodated the parking spaces for the development, could be removed (with 13 disabled parking spaces, now located at ground floor level, considered acceptable in highways terms). Omitting the basement level from the scheme significantly reduced build costs, and a revised FVA identified a £1.95m increase in the residual land value.

19. Despite this uplift, a second appraisal confirmed that the scheme could still not viably provide any affordable units. Despite this, and given concerns raised regarding the lack of affordable housing raised by both Council officers and the GLA, 8 intermediate (shared ownership) units have been offered by the applicant. This would comprise 2 x 1bed, 4 x 2bed and 2 x 3bed units located on the first and second floor of the lower block.

20. In addition, the review recommends that in accordance with guidance contained within the Greater London Authority's (GLA) Affordable Housing and Viability SPG 2017 early and late stage review mechanisms are included within the s.106 planning agreement which oblige the developer to review the viability of the scheme at certain stages of the development. Officers recommend that this would be secured in addition to the 8 intermediate units set out above.

21. On balance, officers consider that subject to the above being secured as part of legal agreement, the scheme would provide the maximum reasonable amount of affordable housing without impacting on the viability of the scheme. The proposals would therefore comply with policy CP2 of the Core Strategy, and policy DMP15 of the Development Management Policies.

Quality of proposed accommodation

Unit mix

22. The application proposes a total of 110 residential units across the site. A breakdown of the unit mix is set out below:

	Affordable	Intermediate	Market	Total
1 bed		2	54	56 (51%)
2 bed		4	26	30 (27%)
3 bed		2	22	24 (22%)
Total	0	8	102	110

23. Policy CP21 of Brent's Core Strategy seeks an appropriate mix of unit sizes within a scheme, with the aim of providing 25% of units as three bedrooms or more. In this case, a total of 22% of units are proposed as family sized units (three bedrooms or more). Whilst the scheme falls short of the target of 25%, officers consider this slight shortfall can be supported in this case.
 Floorspace Standards

24. DMP18 outlines that the size of dwellings should be consistent with London Plan Policy 3.5 Table 3.3 Minimum Space Standards for New Dwellings. The proposed residential units meet the London Plan floorspace requirements in terms of their overall size, for both 1, 2 and 3-bed units respectively. All units also have sufficient levels of internal storage space.

25. The London Plan sought a provision for 'accessible and adaptable homes' standards and 10% to meet M4(3) 'wheelchair accessible homes' standards. It is also noted that numerous units provided would exceed the London Plan floorspace requirements and therefore there is scope for disabled units to be included within the development. The planning statement and Design and Access Statement states that 11 units are easily adapted to M4(3) wheelchair user dwellings in accordance, and a condition is attached to ensure this is achieved.

Amenity and play space

26. DMP19 requires that all new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 20sqm per flat and 50sqm for family housing (including ground floor flats). Any shortfall in private space should be made up through the provision of communal space.

27. The planning statement submitted with the application outlines that each unit would be provided with the minimum standard of external amenity space as set out in the London Plan 5.6.3 or in many cases in excess of these standards. This means that each 1 bedroom unit would be provided with a minimum of 5m², each 2 bedroom unit would be provided with 6m² and each 3 bedroom unit would be provided with 6m² of external amenity space which will be accessed from the main living room of each flat.

28. The ground floor units to the rear of the proposed units will have access to their own private amenity space. The units at first floor level facing the rear first floor roof terrace would also be provided with private amenity space. Furthermore, the units 37 and 45 on the fourth floor and unit 47 on the fifth floor will also have access to private amenity space.

29. The proposed communal amenity space is 735sqm in total, which equates to approximately 6.69sqm of communal amenity space per unit. This therefore split into 464m² external amenity for the first floor roof terrace and 271m² for the fifth floor roof terrace. The proposed balconies will contain a depth of approximately 1.5m and it is considered that this space will provide efficient depth for usability. As highlighted above a condition will be added to ensure that details of appropriate screening/boundary treatment is provided between each of these amenity spaces and balconies. The extend of external amenity space available for units will be below DMP19 standards but is considered acceptable for a high density scheme.

30. The London Plan requires children play area for major schemes. The applicant's design and access statement sets out that an area of 114.4 sqm of on-site doorstep playspace should be provided for the 11 children expected to be occupiers of the development, based on the Housing SPG Playspace calculator. 114 sqm of designated play space has now been shown within the first floor communal amenity

space, and this is therefore acceptable.

Daylight

31. An Average Daylight Factor (ADF) test has been carried out for the new dwellings which identifies a measurement of the diffuse daylight within a room. This calculation takes into account the size and location of the window, the glazing transmittance, the total area of the room, reflectance of the walls, ceiling and floor (the internal average reflectance) and uses a CIE overcast sky. The ADF assessment demonstrates that 66% of the 298 habitable rooms will be fully compliant with the BRE Guidelines.

32. The report further states that of the 102 rooms that fall short of the recommended criteria, 100 rooms are living kitchen diners. Of these rooms, 43 rooms will retain an ADF value of over 1.5%, which is the recommended criteria for a living room. The remaining 2 rooms (R19 on the first floor and R20 on the second floor) are bedrooms. The BRE Guidelines suggest daylight is less important to bedrooms, as it can disrupt the primary function of the room which is to sleep, therefore lower levels of daylight can be considered acceptable.

33. An Annual Probably Sunlight Hours (APSH) test has been carried out for the new dwellings, which identifies that the 126 of the 140 windows relevant for assessment will be fully compliant with the BRE Guideline recommendation. Of the remaining 52 windows, 36 windows will experience a reduction of between 1-5% below the 25% criteria for annual sunlight. The remaining 16 windows will retain an APSH value of between 11-17%.

34. The sun on ground results demonstrate that all proposed amenity spaces will achieve over 95% of the suggested 2 hours of sunlight and will be fully compliant with the BRE Guidelines. The diagrams within the report confirm that the majority of amenity spaces will achieve acceptable levels of light, particularly in the highly urban surrounds.

Overheating

35. An overheating report has been submitted which includes the results of internal heat level modelling. The Mayor's London Plan seeks to avoid overheating and excessive heat generation within Policy 5.9.

36. The Sustainability and Energy Report outlines that the Proposed Development has been designed in accordance with the cooling hierarchy to minimise cooling demand and limit the likelihood of high internal temperatures in summer months. Mitigation measures such as an appropriate glazing ratio and g-value, high levels of insulation and minimisation of internal heat gains are targeted. Through these measures, the relevant areas of the Proposed Development will achieve compliance with Criterion Three of the Building Regulations Part L (2013).

37. The domestic uses have also been assessed to determine overheating risk using CIBSE TM52 criteria, the Design Summer Year 2005 (DSY05) weather. The report states that the proposed design and servicing strategy of the Proposed Development shows a significant improvement over the 'notional baseline' model. This reflects the attention given by the design team to mitigate overheating risk for building occupants, in-line with policy expectations. Officers recommend a condition is attached ensuring that the mitigation measures set out in this report are implemented before occupation of any units.

Layout and Outlook

38. From the first floor to the third floor two cores will be incorporated, one towards the northern portion occupying 8 units and an additional core towards the southern portion of the site facilitating 4 units. The fourth floor will contain one core for 9 units, which is slightly higher than the recommended London Plan standard for a maximum of 8 units per core per floor. Nonetheless, it is noted that this standard is achieved across all of core A and in across nearly a third of core B and that the breach of this guidance is otherwise minor. From floors 5-17, one core would facilitate 5 units. The number of units per core are considered acceptable.

39. It is noted that numerous units would be single aspect however given the given the orientation of the building, all of the single aspect flats have either east or west facing outlook which is considered to be ideal as there are often problems associated with the provision of units that are solely north facing (lack of direct sunlight) or solely south facing (problems with overheating).

40. The overall scheme will deliver 61 units which will have true dual aspect outlook representing about 55% of the total. Given the constraints of the site and its deep length, this is considered to be a reasonable provision and could not be notably increased without losing a significant amount of accommodation. Furthermore, only 11% of units would be north facing single aspect. The development has secure entrances in locations which are overlooked so as to maintain security, and in turn would overlook public areas in a more positive way than the existing buildings do.

41. The rear elevation of the south eastern portion of the proposed development would be positioned approximately 23m from the rear elevation of the previously approved scheme to the west of the site. This is therefore considered acceptable and will achieve good outlook in line with SPD1. Overall, the general arrangement and layout of the proposed units are considered to provide acceptable separation distances and relationships.

Accessibility

42. An entrance will be provided along the northern and eastern elevation of the proposed new build. The development has been designed so as to be step-free with level access from the external environment or residents and visitors through clearly visible and identifiable entrances from the public realm. Both cores are also accessible via the car park, refuse and cycle parking area. Each of the units proposed will have access to the lifts located next to both cores.
Impact on neighbouring amenity

43. The Council's Supplementary Planning Document (SPD1) sets out a number of parameters for the consideration of potential impacts on the amenities enjoyed by neighbouring occupiers.

Daylight, sunlight and outlook

44. With regard to outlook, SPD1 specifies that developments should normally be situated below a 30-degree line taken at a 2m height above floor level within the habitable rooms of the associated dwellings. In addition, new developments should sit within a line drawn at 45 degrees from neighbouring private amenity space (measured at 2m above ground level).

45. The proposals demonstrate that the 30-degree and 45-degree lines would be breached in certain places, particularly where the 18-storey element of the building would be in close proximity to the opposite blocks within Oriental City. However, importantly the blocks are reduced in height nearest to Beis Yaakov Primary School to the south, and the proposals would comply with the 30-degree rule here. The proposed drawings also indicate compliance with both 30-degree and 45-degree rules in connection with the Silver Works development to the immediate west.

46. The applicant has submitted a Daylight and Sunlight Report in order to analyse the extent of impact from the breaches outlined above. The analysis indicated that there will not be a significant impact on surrounding properties as a result of the development. The first test carried out assessed the Vertical Sky Component (VSC) from each affected window. The VSC analysis, in broad terms, identifies how much of the sky is visible at present and how much of the sky would be visible with the new development being present. This is expressed in percentage terms. The tests are taken from the centre of windows tested. The BRE guidance considers windows whose VSC value remains above 27% to retain good levels of daylight.

47. All windows in 1 Sunnyside Terrace and Silver Works (Block H) were shown to be fully compliant with BRE guidelines. On Warnerford Court 91% of the windows assessed would be fully compliant with the VSC criteria with such transgressions being considered minor to moderate. A "mirror image" assessment results show that 90% of the rooms assessed would be fully compliant with the no sky line criteria following construction of the proposed development. In terms of sunlight for Warnerford Court, all windows assessed will be fully compliant with the BRE Guidelines.

48. In relation to Silver works (Blocks A and B) and Oriental City, the Average Daylight Factor results show good levels of daylight with most rooms being fully compliant with the BRE Guidelines following construction of the proposed development. Any reductions are considered minimal and unlikely to be noticeable. In regards to overshadowing, all amenity areas for Silverworks (Block B) would be fully compliant with the BRE Guidelines.

49. Although some impact is acknowledged, it should be noted that these are guidelines only and should not be applied mechanically. Given the larger scale of development and the implied density required to achieve the objectives of the site allocation, it is considered that the impact would be acceptable on

balance.

Privacy and overlooking

50. The impact on neighbours is a significant consideration, and policy DMP1 seeks to ensure that this is acceptable. The context of the site is along a busy main road and located close to three-storey structures with commercial units at ground floor and residential units nearby, including a 4-8 storey residential unit on the opposite side of Edgware Road and the Oriental City development (under construction) on the northern side of Grove Park.

51. Section 5.1 (Privacy and amenity) of SPD1 states that directly facing habitable room windows will require a minimum separation distance of 18m, while a distance of 9m should be kept between gardens and habitable rooms or balconies. However, it also acknowledges that in more intense urban areas, some flexibility can be applied. The proposed development would be more than 9m away from the Sarena House development to the immediate south-west.

52. It is noted that this relationship would be similar to that of other developments within the area such as Oriental City and on the opposite side of Edgware Road. It is also noted that the other residential developments further down Grove Park do not feature habitable windows facing the proposal. It is therefore considered that the relationship between buildings in this area is of a denser and urban nature than previously existed. A more flexible approach can be taken in this instance and it is considered that the relationship between the proposal and nearby residential developments is not unduly harmful in terms of loss of privacy.

53. However, an objection has been raised on grounds that south facing windows of the proposed development would result in harmful overlooking to the Primary School to the immediate south-east. It is acknowledged that there would be facing windows within 4 metres of the main Primary School building at first, second and third floor levels of the proposed south-easterly block. Officers therefore consider it appropriate to attach a condition which ensures these windows are obscurely glazed, in order to ensure there would be no undue overlooking to the school buildings and playground. This would not unduly compromise the quality of these flats, since they would be triple aspect.

Highways and Transportation

54. Objections have been received from adjoining occupiers on the grounds that the proposals would result in increased demand for parking, and detrimental impacts on both highway safety and additional pressures on public transport networks.

Car parking

55. Edgware Road is London Distributor Road. Grove Park is a residential street and is not defined as heavily parked in our 2013 parking survey. On-street parking is prohibited at all times due the double yellow lines along the site boundary. The site also fronts a signal controlled junction Edgware Road / Grove Park and pedestrian crossing.

56. The site has good public transport accessibility with a PTAL rating of level 4. There are 7 bus routes available locally and Colindale Underground station (Northern line) within walking distance.

57. Car parking allowances for dwelling units are given in appendix 1 of the Development Management Policies and a reduced allowance is applied due to the high public transport accessibility level (1 -2 bed unit = 0.75 spaces and 3 bed unit = 1.2 spaces). Therefore, a maximum of 93 residential spaces are permitted for these flats. The car parking and servicing allowances for A1/B1 uses are given in appendix 1 and 2 of the Development Management Policies.

58. The A1 retail standards permit 1 space per 50m² and therefore the proposed 970m² is permitted 19 spaces, taking the total parking allowance to 112 spaces. The 970m² A1-B1 uses will be split into 6 units and therefore the servicing standards for the proposed A1 use is a 'transit' servicing bay. There are no parking standards for the proposed B1 office use however, a servicing bay for an 8m rigid service vehicle is required.

59. The revised proposals show the provision of 11 disabled spaces, which is reduced from the 49 spaces originally proposed (including 13 disabled spaces) when a basement level was proposed.

60. The number of proposed spaces falls well below the maximum standard and therefore

consideration needs to be given to the impact of any overspill parking on traffic flow and highway safety. The site is not in a controlled parking zone in which residents can be prevented from obtaining parking permits. However, there are double yellow line parking restrictions along both Edgware Road throughout its length in the immediate vicinity and Grove Park for a distance of over 150m away from the site which would restrict residents' ability to park within the vicinity of the site even more than a controlled parking zone would.

61. However, in order to protect existing residents' parking beyond this, it is considered reasonable to secure a financial contribution for the introduction of a CPZ in the wider area is secured, alongside a restriction withdrawing the right of future residents to on-street parking permits once a CPZ is in place. This would be secured via a section 106 agreement. On this basis, the proposals would comply with policy DMP 12.

Cycle parking

62. The minimum requirement for long stay residential cycle parking is 164 spaces. The revised scheme shows the provision of 176 spaces located on the ground floor, re-located from basement level. The ground floor location of cycle parking is an improvement, whilst 8 of the spaces would be able to accommodate wider cycles which is welcomed.

63. However, the previous proposals included 5 long stay commercial spaces on the ground floor whilst no long stay spaces have been identified in the latest plans. A condition is attached requiring details of these long stay spaces to be provided before any of the commercial units are occupied.

64. A condition is also attached to ensure that full details of the cycle spaces, showing a minimum spacing of 450mm between the two-tier stands, are secured prior to occupation of any part of the development.

Vehicular access and servicing

65. The revised ground floor plan shows a vehicular access on the northern side of the site onto Grove Park. The access will be 9.5m wide to accommodate two-way access into and out of the car park alongside access to a 12.5m x 3.5m loading bay. This width is above what would be normally preferred, however it does help to overcome the need for an on-street loading bay on Grove Park, and is therefore considered acceptable.

66. The proximity of the two access points will require care to be taken in manoeuvring large delivery vehicles (e.g. refuse vehicles) onto and off the site, to minimise conflict with cars entering and leaving the car park and pedestrians using Grove Park. The revised Design and Access Statement thus confirms that banks people will be used to control access as per earlier recommendations, although no further details of what this entails have been submitted. A barrier/gate system that only allows access to the loading area if traffic to and from the car park is held back would also be beneficial to assist banks people. To this end, officers recommend a condition requiring a Delivery & Servicing Plan before any of the units are occupied.

Highway works

67. The revised ground floor plan also proposes a wider footway, along the site boundary and this should be adopted under Section 38 Agreement of the Highways Act 1980 particularly as the proposed on-street cycle parking would reduce the available width of the existing adopted footway to less than 2m. The drawing shows a door that will open out on the footway and this is not acceptable under Section 153 of the Highways Act 1980 whereby a door, gate or bar put up on any premises shall not open outwards onto a street. The drawing also shows balconies that will overhang the footway and a highway licence for this is required.

Travel plan and construction logistics

68. A travel plan has not been provided and should be submitted for the residential and commercial units and should pass TfL's Travel Plan guidance. Officers have set out the need for this to be secured via Section 106 Agreement.

69. In addition, a Construction Logistics Plan (CLP) should be submitted prior to any works carried out on site, particularly due to the proximity of the London Distributor Road.

Summary and recommendations

70. Subject to the conditions and s106 obligations set out above being secured, it is considered that the proposed scheme would be acceptable in transport and highways terms.

Environmental Health considerations

Contaminated Land

71. A contamination land report has been submitted with the report. The report draws a number of geotechnical engineering conclusions and makes recommendations relating to processes linked to site excavation. The Environmental Health Officer was satisfied with the findings of this report but however requested additional site investigations to be undertaken prior to any building works to provide a comprehensive assessment of the site in line with current guidance. Details of these further investigations will be requested via conditions.

Noise

72. A noise impact assessment considering the noise impact on the residential units has been submitted as part of the proposal. Two monitoring locations were taken along the eastern portion of the development and towards northern portion of the proposed building. The following activities have been assessed:

- Impact of existing noise levels on proposed residential accommodation;
- Impact of noise from proposed commercial use, including mechanical services plant, on existing residential properties;
- Impact of noise from proposed commercial use on proposed residential properties.

73. Overall the report concluded that mitigation measures can be used into the design and construction of the development to ensure acceptable internal noise levels within the proposed residential part of the development in line with national and local policy aims.

74. The Council's Regulatory Services (Noise) team have reviewed the report and requested a conditions to ensure all residential premises shall be designed to prevent inappropriate noise levels, and this has been recommended.

75. The officer outlined that noise related to vehicle movement, delivery, loading/unloading bay should be sited away or screened from noise sensitive premises. This could be achieved by using a suitable barrier or enclosure and these details will be requested via a planning condition.

Air Quality

76. An air quality assessment considering the impacts of the proposed redevelopment of the site on air quality has been submitted. The report has considered the impacts that would be incurred during the construction phase, impacts that would be incurred by traffic generated by the development, impact of heating plant emissions.

77. The report also identifies a range of best practice mitigation measures for managing dust emissions during construction in reducing harm to the surroundings. The report concluded that the development is predicted to have a negligible impact on local air quality for future occupiers of the residential units, and therefore mitigation measures would not be required in terms of air quality.

Lighting

78. The proposed Lighting Strategy provided mitigation measures, which include the following:

- Luminaires and accessories must be carefully selected to ensure glare from exposed light sources is as minimal as possible while still illuminating the task (entrance areas, etc).
- The main entrance and approach paths will be illuminated to provide a safe environment for vehicles, cyclists and pedestrian usage. The external lighting shall be controlled by timeclock and photo-cells to prevent operation during daylight hours.
- The existing street luminaires light distribution and intensity should be considered during design stage and detail mitigating requirements to be incorporated to minimise obtrusive light to the new development.

79. Officers recommend a condition which secures the mitigation measures outlined above prior to occupation of any flats.

Sustainability and energy

80. 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.

81. 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, must 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).

82. The non-domestic elements of the proposals (i.e. the commercial units) would need to be zero carbon in order to meet relevant London Plan policies.

83. An energy statement has been submitted with the application in line with the 'Be Lean, Be Clean and Be Green' hierarchy. The following measures have been identified as part of the energy strategy:

- Passive design measures will be included as part of the design of the development
- The glazing ratio will promote good daylight levels and result in high solar gains which would be beneficial in the winter months. The solar energy transmittance (g-value) of the glass has been targeted to allow solar gains in winter, but control solar gains in summer.
- Thermal insulation techniques will be incorporated.
- The building has been designed, and will be constructed, to achieve a low fabric air permeability.
- The proposed development would be provided by a Low Temperature Hot Water (LTHW) heat network driven by high efficiency gas fired boilers and CHP.
- Water consumption will be reduced by using water efficiency measures.
- Proposed development will be provided with high-efficiency Mechanical Ventilation and Heat Recovery (MVHR) units

84. The building would also incorporate an on-site CHP engine that would connect to the domestic uses and be available for the tenants of the non-domestic uses. This Energy Strategy has demonstrated that through implementation of passive design and energy efficiency measures and the installation of a CHP engine, that overall the Proposed Development is anticipated to achieve a 26.5% reduction in regulated CO₂ emissions beyond the requirements of the Building Regulations Part L (2013) 'baseline'.

85. It is important to note that for the domestic elements of the scheme, the 35% target would be achieved. However, the non-domestic elements would achieve 0%, and the GLA have raised concerns with this. The applicants have responded by stating that the retail units will be able to connect to CHP on site, which is likely to result in further CO₂ savings once operational. Officers consider this is an acceptable position on balance.

86. Overall, while the proposals would not fully meet the zero carbon targets set out within the London Plan, the scheme is acceptable on balance to the shortfall being provided through a cash in lieu contribution. Officers recommend that this is included as part of the s106 agreement to secure the delivery of carbon dioxide savings elsewhere.

Flooding and Drainage Considerations

87. The site is within flood risk zone 1 and below one hectare in size; therefore, a flood risk assessment is not required. However, parts of the wider catchment, including the site of Oriental City to the north-west of the site, are at risk of significant surface water flooding. The applicant has submitted a Drainage Strategy, however the GLA raised concerns that this does not fully outline how the development will manage surface water flood risk posed to the site and any increase in risk posed to the local area because of the development, as required by London Plan policy 5.12.

88. These details have now been submitted and reviewed by the Council's flood risk consultant. They have confirmed that effective mitigation measures would be implemented to ensure such risks are minimised, and officers recommend a condition is attached ensuring the development is delivered in accordance with these measures.

89. Furthermore, a green roof is proposed at fourth floor level to the south-eastern corner of the site, which is welcomed and will play a significant role in preventing run off. A condition is attached to ensure that full details of the green roof, including details on the maintenance programme, and the frequency and the party responsible for such maintenance of the roof, is submitted to address the GLA's concerns in this respect.

Trees and landscaping

90. A tree report has not been submitted with the application, however the Council's Arboricultural Officer has commented on the proposals. The provision of new street trees on Edgware Road is welcomed and help improve the public realm in this location, however the officer has noted the need for a detailed survey to be submitted regarding underground services to confirm that street tree planting can be accommodated with sufficient soil volumes to allow chosen species to reach their full potential. A condition is recommended to this effect, to be submitted before construction works commence on site.

91. The officer has also noted comments made regarding potential ecological enhancements which can be achieved by the development, and these are discussed in more detail within the ecology section of the report below.

92. An outline landscaping strategy has also been submitted as part of the applicant's design and access statement. This demonstrates a high quality of both hard and soft landscaping, in particular to the communal terraces at first and fifth floor levels, and the green roof at fourth floor level. A full landscaping strategy, including details of all species of all new trees, shrubs and hedges, and details of all new seating and decking, will be secured via condition.

Ecology

93. The site is not located directly adjacent to any sites designated with particular ecological value. However, it is close to Fryent Country Park and Brent Reservoir/Welsh Harp.

94. The applicant has provided an Ecology Report as part of the submitted documents. This report indicates that the site itself and neighbouring sites are considered to be of negligible value for birds and bats and of no value to protected fauna. However, it does state that enhancement measures such as bird and bat boxes are included within the development in order to improve the ecological value of the site. Officers therefore recommend a condition to secure these measures as part of the development. The execution of a high quality soft landscaping scheme as part of the development can also contribute in this respect.

Wind and Microclimate

95. A microclimate assessment has been provided which considers the impact of the development in the context of its existing and consented surrounding buildings on wind conditions.

96. 87 points at pedestrian level and in the public areas and balconies of the proposed development were assessed. The criteria assessed the wind levels in terms of pedestrian comfort in the categories of 'sitting' 'standing' and 'strolling'.

97. The report concluded that during the windiest seasons all thoroughfares had a wind environment suitable for sitting or strolling use and all entrances had an environment suitable for standing use. Similarly, the podium levels and balconies to the flats were considered to have an acceptable environment.

98. However, it is noted that wind mitigation canopies are shown at ground floor level, while mitigation measures were suggested for parts of the rooftop terrace. A suitable condition has been included to ensure that these measures are implemented in accordance with the report.

Equalities

99. 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

100. Officers consider that the scheme meets planning policy objectives and is in general conformity with local, regional and national policy. The proposal would make a positive contribution to the area, whilst having an acceptable impact on and relationship with the existing surrounding development. Officers recommend the application for approval subject to the conditions and obligations set out in this report.

CIL DETAILS

This application is liable to pay **£2,015,884.40*** 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): 1754 sq. m.

Total amount of floorspace on completion (G): 8958 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
Shops	563		452.76	£40.00	£0.00	£26,680.68	£0.00
Dwelling houses	8395		6751.24	£200.00	£0.00	£1,989,203.72	£0.00

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	330	
Total chargeable amount	£2,015,884.40	£0.00

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

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

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



Application No: 17/2284

To: Mr Seaward
Rolfe Judd Planning
Old Church Court
Claylands Road
Oval
London
SW8 1NZ

I refer to your application dated **22/05/2017** proposing the following:

Demolition of existing buildings and redevelopment of the site to provide a replacement part 4 part 5 and part 18 storey building comprising 563m² of retail uses (Class A1, A2 A3), and 110 residential units (56 x 1bed, 30 x 2bed and 24 x 3bed) with associated car parking, cycle storage, plant and shared external amenity space at first and fifth floor level with other ancillary works.

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

at **381A-D INC, 381-397 INC and 13-20 Park Parade Mansion, Edgware Road, Kingsbury, London, NW9**

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: 07/10/2019

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-
 - National Planning Policy Framework 2019
 - The London Plan 2016
 - Brent's Core Strategy 2010
 - 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):

CAR001_DCR_A_PL_0001_ST
CAR001_DCR_A_PL_0002_ST
CAR001_DCR_A_PL_0003_GF
CAR001_DCR_A_EX_0002_GF
CAR001_DCR_A_EX_0003_01
CAR001_DCR_A_EX_0004_02
CAR001_DCR_A_EX_0005_03
CAR001_DCR_A_EX_0300_ZZ
CAR001_DCR_A_PL_0100_GF
CAR001_DCR_A_PL_0101_01
CAR001_DCR_A_PL_0102_ZZ
CAR001_DCR_A_PL_0104_04
CAR001_DCR_A_PL_0105_05
CAR001_DCR_A_PL_0110_ZZ
CAR001_DCR_A_PL_0116_ZZ
CAR001_DCR_A_SE_0200_ZZ
CAR001_DCR_A_EL_0300_ZZ
CAR001_DCR_A_EL_0301_ZZ
CAR001_DCR_A_EL_0302_ZZ
CAR001_DCR_A_EL_0303_ZZ
CAR001_DCR_A_EL_0304_ZZ
CAR001_DCR_A_EL_0305_ZZ
CAR001_DCR_A_EL_0306_ZZ
CAR001_DE(21)_001
CAR001_DE(21)_002
CAR001_DE(21)_003

Design and access statement (including addendum) prepared by Dunnett Craven dated May 2017 (addendum July 2018);

Planning statement from Rolfe Judd Planning dated April 2017;

Air Quality Assessment from Waterman Infrastructure and Environment Limited dated March 2017

Archaeology assessment from MOLA (Issue 3 - March 2017);

Heritage statement from MOLA (Issue 3 - March 2017);

Daylight, sunlight and overshadowing report from The Chancery Group (ref. C1048/DSO) dated 29 March 2017;

Drainage Strategy report from Jubb Consulting Engineers Ltd (ref. 16297/DS01 - Issue 4) dated March 2017;

Updated Preliminary Ecological Appraisal from Waterman Infrastructure and Environment Limited dated March 2017 (Ref: WIE11749-103-R-1-2-2-PEA)
External Lighting Strategy (Rev P3) from MEP Engineering dated March 2017
Energy Strategy from Hoare Lea (Rev 04- dated May 2017)
Sustainability Statement from Hoare Lea (Rev 01- dated May 2017)
Transport assessment from Waterman Infrastructure and Environment Ltd (ref. WIE11749-100-R-1-4-3-TA) dated May 2017
Utilities Infrastructure Statement from Hoare Lea (Issue 4 - dated April 2016)
Ventilation and Extract Strategy (Rev P2) from MEP Engineering dated March 2017
Pedestrian Level Wind Microclimate Assessment from RWDI (Ref. 1603461 PLW Rev E – dated April 2017)

- 3 The south-east facing windows serving the first, second and third floor levels of Core B (Unit 01, Unit 13 and Unit 25) shall be constructed with obscure glazing and shall not have openings below a height of 1.8m measured from the floor level of the rooms which the windows serve. The windows shall be maintained in accordance with the above requirements for the lifetime of the development, unless alternative details are first agreed in writing by the Local Planning Authority.

Reason: To protect privacy to the Beis Yaakov Primary School to the immediate south-east of the site.

- 4 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.

- 5 The parking spaces, cycle storage facilities and visitor cycle stands, and refuse storage shall be installed prior to occupation of the development hereby approved and thereafter retained and maintained for the life of the development and not used other than for purposes ancillary to the occupation of the building hereby approved.

Reason: To encourage sustainable forms of transportation in the interest of highway flow and safety.

- 6 The ground floor car parking spaces hereby approved shall only be occupied by disabled persons resident at or visiting the development hereby approved.

Reason: In the interests of ensuring car parking spaces are provided only for those with the greatest need and to ensure the development operates successfully car free.

- 7 The development hereby approved shall be carried out in full accordance with the details stipulated in the approved Drainage Strategy Report (Jubb Consulting Ltd - 16297/DS01 - Issue 5 - dated July 2018).

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

- 8 The development hereby approved should be built so that 90% of the residential units achieve Building Regulations requirement M4(2) – ‘accessible and adaptable dwellings’ and that the remaining 10% of the residential units (11 units) achieve Building Regulations requirement M4(3) – ‘wheelchair user dwellings’.

Reason: To ensure that the development achieves an inclusive design in accordance with

- 9 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.

- 10 The building shall be designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010.

Reason: In order to ensure a sustainable development by minimising water consumption.

- 11 A communal television aerial and satellite dish system shall be provided, linking to all residential units within the development unless otherwise agreed in writing by the local planning authority. No further television aerial or satellite dishes shall be erected on the premises.

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

- 12 All recommendations contained within the submitted Ecology study (Waterman Infrastructure and Environment Limited - Updated Preliminary Ecological Appraisal – dated March 2017 – Ref: WIE11749-103-R-1-2-2-PEA) shall be adhered to throughout the construction of development.

Reason: To protect and enhance local ecosystems that would otherwise be unduly harmed by the development.

- 13 All wind mitigation measures outlined in the conclusion (section 6) of the submitted microclimate assessment (RWDI – Pedestrian Level Wind Microclimate Assessment Ref. 1603461 PLW Rev E – dated April 2017) shall be implemented in full accordance with the submitted report prior to first occupation of the development hereby approved.

Reason: To ensure that the development appropriately mitigates harm associated with internal or external microclimate conditions brought about by the development.

- 14 The development hereby approved shall be carried out in full accordance with the mitigation measures stipulated in the approved Air Quality Assessment (Waterman Infrastructure and Environment Limited – Air Quality Assessment – dated March 2017).

Reason: To appropriately mitigate air quality impact.

- 15 Prior to any works commencing on site, the developer or constructor shall join the Considerate Constructors Scheme and the developer or constructor shall thereafter adhere to the requirements of the Scheme for the period of construction.

Reason: In the interest of the amenities of the adjoining and nearby owners and occupiers.

- 16 Prior to the commencement of the development, a Construction Method Statement which incorporates a dust management plan shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise, construction

traffic and other environmental impacts of the development. The approved statement shall be implemented throughout the duration of construction.

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.

- 17 Prior to the commencement of the development, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to address issues such as delivery of materials, lorry routeing, staff parking etc., whilst also minimising lorry movements by recycling on site and back loading spoil and aggregates. The plan will need to comply with TfL's guidance on Construction Logistics Plans and in specific relation to this site, will need to carefully consider co-ordination with other development projects in the area. The approved statement shall be implemented throughout the duration of demolition and construction.

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.

- 18 The development shall not commence until a comprehensive historical recording and survey of the existing buildings on site has been submitted by the applicant and approved in writing by the Local Planning Authority. Thereafter works/ development should only be undertaken in accordance with the agreed details.

Reason: To ensure that the historic and conservation value of the existing site is recorded, in accordance with Policy DMP7 of the Brent's Local Plan.

Reason for pre-commencement condition: To ensure that any historically reference to the existing buildings is recorded prior to works commencing.

- 19 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. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

- 20 Prior to the commencement of construction works (excluding demolition and site clearance), 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

- 21 (a) Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the

principles of BS 10175:2011. A report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.

(b) Any soil remediation required by the Local Planning Authority shall be carried out in full. The development shall not be occupied until a verification report shall be submitted to and approved in writing by the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

22 (a) Prior to commencement of the development (except for demolition and site clearance) hereby approved, a BREEAM pre-assessment relating to all of the commercial floor space within the development, which targets a rating of 'excellent', or an alternative rating to be agreed in writing by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

(b) Within 6 months of the first occupation of the development, a Post Construction Stage Review BRE Certificate shall be submitted to and approved in writing by the Local Planning Authority. The certificate shall demonstrate that the commercial floor space within the development has achieved BREEAM "Excellent" unless otherwise agreed in writing by the Local Planning Authority. The Development shall be maintained so that it continues to comply for the lifetime of the Development.

Reason: To ensure the Development is designed and constructed to improve environmental performance and adapt to the effects of climate change over time.

23 Details of materials for all external work, including samples which shall be made available for viewing on site, shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing above ground level. 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.

24 Before above ground works commence, a detailed survey regarding underground services on Edgware Road shall be submitted to the Local Planning Authority for approval, confirming that street tree planting can be accommodated with sufficient soil volumes to allow chosen species to reach their full potential. Once approved, all tree planting works shall be carried out in accordance with the approved details.

Reason: To ensure the development to delivers a high quality of landscaping and public realm.

25 Within six months of commencement of works above ground level, a scheme shall be submitted to and approved in writing by the Local Planning Authority that provides details of all landscaped areas of the development. Such approved landscaping works shall be completed prior to first occupation of the development hereby approved and thereafter maintained.

The submitted scheme shall include details of:

- a) the planting scheme for the site, which shall include species, size and density of plants and trees, sub-surface treatments (or planters / green roof substrate profiles where applicable), details of the extent and type of native planting, any new habitats created on site and the treatment of site boundaries;
- b) walls, fencing and any other means of enclosure (such as screening around the communal roof gardens), including materials, designs and heights;
- c) treatment of areas of hardstanding and other areas of hard landscaping or furniture,

including materials;

d) details of playspace provision

e) a landscaping maintenance strategy, including details of management responsibilities;

f) full details of the proposed green roof, including maintenance

Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

- 26 Within six months of commencement of works, further details of screens to the roof terraces serving the residential units at first and fifth floor levels of the development together with the flank wall of the balconies facing onto the adjoining sites shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved plans.

Reasons: In the interests of the amenities of the adjoining occupiers.

- 27 Prior to first occupation of the development hereby approved, a management plan shall be submitted to and approved in writing detailing day-to-day servicing and delivery arrangements and long-term maintenance implications, as detailed in paragraph 3.6.8 of the draft London Plan.

The development shall operate at all times in accordance with the details of the approved management plan.

Reason: To ensure sustainable management of the building that would minimise detrimental impacts on the surroundings, in line with London Plan draft policy D6.

- 28 Prior to the occupation of any of the units hereby approved, revised cycle parking details shall be provided as follows:

(a) Revisions to spacings of two-tier stand cycle parking, showing a minimum width of 450mm between individual stands;

(b) The provision of five long-stay commercial parking spaces, separately accessed from the residential spaces.

The cycle parking shall be thereafter retained and maintained as shown on the approved details for the lifetime of the development.

Reason: To ensure satisfactory cycle facilities are provided to future occupiers of the development.

- 29 The development hereby approved shall be constructed to provide sound insulation against internally generated noise. This sound insulation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the residential part of the development.

The proposal must comply with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following internal noise levels: For daytime (0700 - 2300) noise levels for living rooms and bedrooms the maximum noise levels are 35 dB LAeq (16hr). Outside of this time (2300 - 0700) the standard for bedrooms is 30 dB LAeq (8hr), 45 dB Lmax.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the residents by reason of undue noise emission and/or unacceptable disturbance, in accordance with Brent's Noise Policy

- 30 Prior to the first occupation of the commercial part of the development hereby approved, a Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority outlining details of servicing for the commercial units and the effective management and coordination of delivery schedules between the five commercial units that form part of the development. The development shall thereafter operate in accordance with the approved delivery and servicing management plan unless an alternative arrangement is first agreed in writing by the Local Planning Authority.

Reason: To minimise negative impacts associated with servicing demand of the commercial units.

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

Reason: To safeguard the amenity of the neighbours

- 32 Prior to the commencement of an A3 use within any of the commercial units at ground floor level, details of an appropriate means of extracting odour/effluvia associated with cooking processes shall be submitted to and approved in writing by the Local Planning Authority. This shall apply to all instances of A3 uses being established within any of the commercial units. The approved odour extract shall be implemented in accordance with the approved details and continue to be operational for the full duration of the A3 use.

Reason: To ensure that an A3 use does not result in environmental health issues relating to odour nuisance given the close proximity of residential premises.

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 by the applicant to contact the Head of Highways & Infrastructure to arrange for the highway works to be undertaken. Such works are undertaken by the Council at the applicant's expense.
- 5 The applicant is advised to notify the Council's Highways Service of the intention to

commence works prior to commencement. Such notification shall include photographs showing the condition of highway along the site boundaries.

6 Thames Water wishes to advise the applicant of the following:

- With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary.
- Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.
- 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.
- The Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- Thames Water will require the points of connection to the public sewer system, for both foul and surface water, as well as the anticipated flow (including flow calculation method) into any proposed connection point. This data can then be used to determine the impact of the proposed development on the existing Sewer system. In addition please indicate what is the overall reduction in surface water flows. i.e. existing surface water discharges (pre-development) into the public sewers for storm periods 1 in 10, 30, 100 etc...versus the new proposed volumes to be discharged for the whole development. If the drainage strategy is not acceptable Thames Water will request that an impact study be undertaken.

7 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.

8 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 Neil Quinn, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5349

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

16 October, 2019
04
18/4847

SITE INFORMATION

RECEIVED	17 December, 2018
WARD	Tokyngton
PLANNING AREA	
LOCATION	Argenta House, Argenta Way, London, NW10 0AZ
PROPOSAL	Demolition of the existing two storey building (Use class B1) and redevelopment to provide a 24-storey building comprising 130 residential dwellings (37 x 1bed, 75 x 2bed and 18 x 3bed) with associated car and cycle parking, provision for bin stores, landscaping and ancillary works (revised description)
PLAN NO'S	Refer to 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_143219</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 "18/4847" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

INTRODUCTION

Design & reason for deferral

This item was deferred from the committee meeting on 16th August 2019 to allow the Local Planning Authority to carry out an independent review on issues raised in relation to the design and height of the proposal.

The Planning Advisory Service (PAS) has carried out this review and found the committee report to be balanced and sound.

Members are advised that the key planning issues for Members to consider are set out below within the main body of the committee report. 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.

Changes to conditions

Condition 14, relating to the provision of car parking, cycle parking and refuse storage prior to occupation is to be altered to more clearly stipulate these provisions, since they are shown across different plans. The amended wording will also allow flexibility for an alternative and expanded arrangement that may be reached in the ongoing discussions between TfL, the applicant and highways regarding increasing the disabled parking provision and altering the highways layout.

Condition 26, relating to plant noise, is to be removed from the final decision notice. The applicants have clarified that a diesel powered generator is the only plant proposed for the building and that its use will only be in an emergency, with an operating noise of 3dB below background noise levels. Given this clarification, Brent's Regulatory Services have confirmed that the application will be acceptable without this condition. In removing this condition, it is noted that condition 6 still controls plant noise impact in line with the approved details contained in the applicant's noise report.

Recommendation

The recommendation remains to grant consent subject to the conditions as set out within the main committee report and the completion of a satisfactory Section 106 Agreement, together with Stage 2 referral to the GLA.

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

Referral to the Mayor of London (stage 2 referral)

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

1. Payment of Council's legal and professional costs
2. Notification of commencement 28 days prior to material start
3. Provision of 27% affordable housing by unit (30% affordable housing by habitable room) on a nil grant basis, broken down as:
 - 21 units for affordable rent (at no more than 80% of open market rents, inclusive of service charges, and capped at Local Housing Allowance rates), disposed on a freehold / minimum 125 year leasehold to a Registered Provider and subject to an appropriate Affordable Rent nominations agreement with the Council, securing 100% nomination rights for the Council on initial lets and 75% nomination rights for the Council on subsequent lets.
 - 14 units for shared ownership (as defined under section 70(6) of the Housing & Regeneration Act 2008, subject to London Plan policy affordability stipulations that total housing costs should not exceed 40% of net annual household income, disposed on a freehold / minimum 125 year leasehold to a Registered Provider, and subject to an appropriate Shared Ownership nominations agreement with the Council, that secures reasonable local priority to the units).

4. Early stage viability review to be submitted if construction of new building does not commence within 2 years of the grant of consent
5. Late stage viability review to be submitted and approved securing affordable housing contributions to ensure the delivery of the maximum reasonable proportion of Affordable Housing should scheme viability improve
6. A contribution of £65,000 towards the expansion of Brent's controlled parking zones.
7. Contribution towards Stonebridge Park Station capacity study (amount to be confirmed)
8. Contribution towards improvement of local open space (£15,400 + additional maintenance costs)
9. Contribution towards carbon offsetting in line with GLA formula
10. Parking permit restricted scheme
11. The approval and implementation of details in relation to a car club, including free membership for new residents for a period of three year
12. Highway works under S278 to make highway improvements in the Point Place / Argenta Way area as discussed in the body of this report
13. Implementation and monitoring of travel plan
14. Submission, approval and implementation of waste management plan including commitment to fund an additional twice weekly collection from the site
15. The submission, approval and implementation of a Training and Employment Plan for Brent residents (construction)
16. Safeguarding of a bridge link to Wembley Point, to be called upon in the future and made publicly accessible
17. The submission and approval of a TV signal programme and implementation of any approved mitigation measures.
18. The indexation of contributions in line with inflation
19. 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. 3 Years to commence development
2. Development to be built in accordance with approved plans
3. C3 to C4 permitted development rights to be revoked
4. Kiosk to be restricted to A1 use
5. Implementation of mitigation measures set out in air quality report
6. Implementation of mitigation measures set out in Noise and Vibration report
7. 10% accessible homes to be delivered
8. Implementation of delivery and servicing plan
9. Water consumption to be limited in line with policy
10. Implementation of flood warning and evacuation plan

11. Measures set out in flood risk assessment to be secured
12. Implementation of microclimate mitigation measures
13. Tree protection measures to be implemented
14. Provision of parking, cycle parking and bin storage prior to occupation
15. Submission of construction logistics plan
16. Submission of revised construction management plan, setting out details of control of dust emissions
17. Submission of removal and management plan for non-invasive species
18. Non-road mobile machinery to be limited in terms of power output
19. Submission of details of how the CHP could connect to a future District Heat Network
20. Land contamination and remediation to be assessed and carried out where necessary
21. External material samples to be submitted
22. Landscaping plan to be submitted, incorporating all proposed tree planting
23. Landscaping management strategy to be submitted
24. Mitigation and enhancement measures from Ecology report to be secured
25. Details of communal aerial to be provided
26. Limitation of plant noise in line with British Standards

Informatives

1. CIL liable approval
2. Party Wall
3. Building near boundary
4. Highway works advisory note
5. Condition of the highway advisory note
6. Thames Water guidance notes
7. Network Rail guidance notes
8. Environment Agency guidance notes
9. Clarification that no permission is given for link bridge
10. London Living Wage
11. Fire Safety

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, 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 this application (subject to any amendments/extensions to the expiry date agreed by both parties) the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

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: Argenta House, Argenta Way, London, NW10 0AZ	
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This map is indicative only.

EXISTING

There are currently 2 buildings on site. The largest has two storeys and is occupied by a B1 business, standing directly opposite Stonebridge Park station. There is also a small single storey building in use as a newsagent at the south western corner of the site, and a telecommunications mast. The buildings do not cover the entire site, and significantly Wembley Brook runs from Wembley and through the site. The brook is culverted to the north and south of the site, but runs in the open (albeit in a concrete channel) through the site. The rear of the existing building is on stilts, above the banks of the brook.

To the north east is the car park which serves Wembley Point, a large office building which has a number of prior approvals to convert the building to residential. To the south east is the North Circular Road (managed by Transport for London), which is one of the most significant highways within London and is a major source of noise and air pollution. To the south is Argenta Way itself and beyond this is Stonebridge Park Station. To the west, Argenta Way leads to a roundabout and beyond this are residential properties.

Wembley Brook and River Brent are potential sources of flooding and the majority of the site is within Flood Zone 2 and 3. Recent modelling has demonstrated the site is outside of flood zone 3b (functional floodplain). The area is heavily built up. Lack of landscaping, large expanses of car parking and the North Circular Road contribute to low permeability and accumulated surface water build up. The railway trackside and Wembley Brook adjacent the site forms part of a wildlife corridor and Grade I Site of Importance for Nature Conservation. There is an opportunity to help reinforce the wildlife corridor through soft landscaping to the site.

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: 140 properties were consulted on the proposal. In response one individual objection was received together with an objection petition with 65 individual signatures. The objections come from households on Sylvia Gardens, Tokyngton Avenue, Derek Avenue and Aldbury Avenue. Concerns are summarised as parking, traffic congestion and servicing, and height of the building.

Provision of new homes/Affordable housing: Your officers give great weight to the viable delivery of private and affordable housing, in line with the adopted Development Plan. The maximum reasonable amount has been provided on a near policy compliant tenure split. This includes 27% affordable housing provision with a tenure split of 67:33 (by habitable room) between affordable rented and intermediate flats when measured in terms of habitable rooms. 67% of the affordable rented units are 3 bedroom flats. The viability has been tested and it has been demonstrated that this is the maximum reasonable amount that can be provided on site. The requirements of affordable housing obligations are considered to have been met and early and late stage viability reviews will be secured by S106.

Layout, height, design, massing and protected views: The proposal replaces a poor quality commercial plot with a modern high density development which complements the scale of the neighbouring Wembley Point building. The development will not obstruct views of the Wembley Stadium arch from any protected viewpoints but will be a prominent landmark building. The height, layout, design and massing has been carefully considered and has been evaluated by the GLA and by Brent Officers who have concluded that the proposed building is appropriate for this context. The development will also relocate the existing retail kiosk at the southern end of Argenta Way to the northern end of this road, in a more usable and logical location.

Quality of the resulting residential accommodation: The residential accommodation proposed is of sufficiently high quality. The mix of units is in accordance with the standards within the London Plan and reasonably well aligned with the mix sought in Brent's Core Strategy. The flats would generally have good outlook and light. The amenity space is only slight below our standard and is a very high provision in the context of a tall building.

Neighbouring amenity: All neighbouring low rise residential dwellings would pass relevant BRE criteria for the retention of daylight and sunlight when tested. Some losses of sunlight slightly below BRE criteria are noted in the context of windows on the south west façade of Wembley Point which is currently in office use but has prior approval for a change to residential use. The overall impact of the development is considered acceptable, particularly in view of the wider regenerative benefits and the density of the scheme.

Highways and transportation: The development provides disabled parking only, although is one space short of the 3% provision expected in the London Plan. A new controlled parking zone is to be funded by the developer and residents of the development shall not be entitled to apply for permits, resulting in a minimal impact on the flow of traffic along local roads. Alterations to the public highway as secured in the S106 would be welcome, considering the needs of pedestrians, cyclists and motorists. The highway works will include: Altering the mini-roundabout at the junction of Point Place and Argenta Way to a priority junction with contraflow cycle lane, an enlarged dedicated bus standing area, A disabled parking and/or Car Club lay-by space along the highway, footway widening, removal of the redundant crossover to the site, Improved pedestrian crossing facilities, Improved hard surfacing and soft landscaping, Provision of street furniture including bench seating and public cycle parking aimed at users of Stonebridge Park station, Turning facilities at the end of Argenta Way and Maintenance of access to the adjoining railway depots. A contribution to improving access to Stonebridge Park Station may potentially be secured, subject to discussions with TfL.

Trees, landscaping and public realm: Some low quality trees are proposed to be removed but they are not considered worthy of retention. The proposal is likely to substantially improve on the existing situation with a new public realm and associated tree planting proposed alongside a wider landscaping strategy which includes a new naturalised environment along the Wembley Brook.

Environmental impact, sustainability and energy: The measures outlined by the applicant achieve the required improvement on carbon savings within London Plan policy. Conditions will require further consideration of carbon savings prior to implementation.

Flooding and Drainage: Part of the site sits within a flood zone. A flood mitigation strategy and drainage strategy will be secured by condition to mitigate the risks associated with this. The development will reduce the current flood risk on site through naturalisation of the brook banks and reduction in the built area of the site.

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)
Dwelling houses				13028.76	13028.76
General business use	432.7	0	432.7		
Shops	19.96	0	19.96	10.57	10.57

Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING (Flats û Market)										
EXISTING (Flats û Intermediate)										
EXISTING (Flats û Social Rented)										
PROPOSED (Flats û Market)	30	61	4							95
PROPOSED (Flats û Intermediate)	4	10								14
PROPOSED (Flats û Social Rented)	4	3	14							21

RELEVANT SITE HISTORY

The site has no relevant planning history.

CONSULTATIONS

140 properties were notified of this proposal by letter, including Stonebridge Park Station, adjoining landowners and residential properties along Tokyngton Avenue, Sylvia Gardens and Derek Avenue. The initial consultation was sent to these neighbours on the 9th January 2019. Following the amendment of the proposal, mainly incorporating a reduction in height from 28 storeys to 24 storeys, further consultation was sent to the neighbours by letter on the 26th March 2019.

A press notice for both the original 28 storey and revised 24 storey proposal was printed in the local press, initially in January 2019 and then for the revised scheme on the 4th April 2019.

Site notices for the revised scheme (24 storeys) were put up outside the development site on the 4th April 2019.

A petition was received on 25th April 2019 objecting to the proposal. The petition contained 65 individual signatories, although 3 of the signatories did not provide their home address. The 62 addressed signatories collectively represent 44 households across Sylvia Gardens, Tokyngton Avenue, Derek Avenue and Aldbury Avenue.

A further objection letter from a household on Sylvia Gardens was received on 21st May 2019. The objections within the petition and objection letter from the households are summarised as follows:

Ground of objection	Officer response
The main roads locally are becoming more congested – where would 130+ cars be parked?	The development is proposed with no parking (except for a very small number of spaces, for the use of blue badge holders only) and a local Controlled Parking Zone is to be introduced, for which none of the building's residents (except blue badge holders) will be entitled to a permit to park within. This arrangement will ensure that the development does not materially increase local car usage or worsen local parking stress.
The area does not need any more flats, especially with Wembley Point being converted from office to residential use and proposals to redevelop the Unisys site emerging	The application site is immediately adjacent to a tube station and within close distance of a number of bus services and therefore presents as an obvious location to focus residential development. Much of the Wembley Point site serves a limited function as underused private car parking and would be better utilised for residential development.
Emergency services have trouble attending to emergencies in the area.	This application will not alter the capacity of local roads to accommodate emergency service vehicles nor is the proposal projected to result in materially increased car usage within the local roads.
The construction on this small plot of land could endanger the public.	A construction management and logistics plans will be secured and scrutinised by Brent's highways engineers to confirm that a suitable and safe arrangement for construction is being implemented.
Where would the flats store their refuse and refuse collection vehicles collect the refuse?	Refuse storage is proposed on the ground floor of the building for 16 Eurobins and eight wheeled bins. Servicing of the building by refuse and other delivery vehicles (estimated at about 21 deliveries per day based on comparisons with 14 other blocks of flats in London) will need to take place from the Argenta Way street frontage of the site, which is acceptable in principle. The transport consultant has recommended that a single yellow line be introduced along this frontage to prevent parking

	and thus allow space for loading. This is supported and can be added to the required highway works for the scheme.
From where would the relocated retail kiosk be serviced?	The details of servicing will be secured and reviewed through a delivery and servicing plan. Brent's highways officers would request that deliveries are made via Point Place to minimise the need for vehicles to turn around at the end of Argenta Way.
The plant area under the flats would attract use as a toilet.	The building entrance/frontage is in an active space directly opposite a tube station entrance with a good level of footfall (which is projected to increase) and is not secluded in a way which might encourage such behaviour.
The building is too tall for such a small plot by the feeder.	The building has been carefully considered in terms of its appearance from nearby and surrounding viewpoints and in terms of its daylight and sunlight impact on the surroundings. The development will also deliver a naturalised flood plain for the feeder, without risking residents' safety, resulting in an enhancement to the feeder.
Traffic concerns are based on the 2011 Census despite it being 2019.	The 2011 census was used to estimate if the Council's minimum parking standards were realistic to adopt in this scenario in relation to local car ownership. Car ownership is not a significant issue in relation to this development subject to implementation of a Controlled Parking Zone, as is proposed and required through a legal agreement. Furthermore, the local roads have not seen substantial uplift in the number of homes since 2011 so it is not likely that car ownership levels have changed dramatically. Nevertheless, overspill parking is to be mitigated through a parking permit restriction and the census data therefore shows a theoretic level of parking if the ability for residents to park was not restricted.
Wembley has a dearth of main stores or restaurants with betting and fast food shops prevailing.	Population growth could change the local retail market.
Previous poor decisions by the Council saw good houses replaced by problematic blocks of flats.	The site in question is brownfield land and will not result in the displacement of existing housing.
Will there be any signal loss on television/satellite/mobile phone signals as a result of the building's presence?	Provision for surveying and compensating for any such loss is proposed to be secured through the s106 agreement.

A neutral comment was received from the owner of the adjoining Wembley Point site. The submission raised the following points in summary:

- There has been no consideration of daylight-sunlight impacts on the adjoining Wembley Point site – only the existing residential properties to the north. Such considerations should be made.
- The development should not increase flood risk of the adjoining Wembley Point site
- The potential link-bridge between Argenta House and Wembley Point as shown on the plans should be subject to cross-boundary discussions with Wembley Point in reaching an agreeable arrangement for the bridge, should permission for such a connection be sought in the future
- Construction works (as set out in a construction management plan) and delivery and servicing

arrangements (as set out in a delivery and servicing plan) should not impede the ability of the neighbouring Wembley Point site to be developed or serviced.

These matters are discussed in the relevant sections of this report.

Internal consultations

- *Local Lead Flood Authority* – No objections to the development
- *Recycling and Waste* – No objections to the development
- *Environmental Health* – No objections to the development

External consultations

- **The Greater London Authority (GLA)** – No objections to the development subject to the following requirements:
 - 1) Affordable housing to be scrutinised by Brent Council and an early and late stage review to be secured in the s106
 - 2) S106 contributions needed to improve local play space given no provision for 5-11 or 12+ play spaces
 - 3) Consideration of minimising inactive frontage at ground floor
 - 4) Further consideration of safety/surveillance at the ground level
 - 5) Provide a fire safety statement demonstrating compliance with Part B of the building regulations
 - 6) Details of ramp access to the brook area to be provided
 - 7) Further considerations need to be made in relation to the energy hierarchy and sustainability
 - 8) Further considerations need to be made in relation to the drainage and SuDS measures
 - 9) Need to address disabled parking provision shortages or contribute to a feasibility and infrastructure study for improving gateline capacity at Stonebridge Park station
 - 10) Provide benches in the public realm
 - 11) Do not obstruct buses with relocating disabled parking spaces and also keep local bus stops open during construction

These aspects are to be addressed by the applicant ahead of a Stage 2 referral to the GLA.

- **Transport for London (TfL)** – No objections to the development subject to the following requirements:
 - 1) Significant contribution towards Stonebridge Park Station capacity improvement/step free enablement is secured.
 - 2) Current disabled parking spaces too far from the building's entrances to be reasonably usable as disabled parking spaces
 - 3) Further demonstration of complying with healthy streets criteria needed, such as the addition of street seating
 - 4) Construction and delivery arrangements should not impact the bus services on the local roads (112 and 440 routes)
 - 5) Travel Plan to be secured by s106 agreement

These aspects are discussed within the main committee report and to be addressed by the applicant ahead of a Stage 2 referral to the GLA.

- **Thames Water** – No objections to the development subject to the following requirements:
 - 1) Requested informatives relating to groundwater risk management permits and advice over carrying out works near Thames Water assets

- **The Environment Agency** – No objections to the development subject to the following requirements:
 - 1) Requested a condition to secure the details of the Flood Risk Assessment
 - 2) Requested a condition to secure a management plan for the management of invasive non-native species
 - 3) Requested a condition to secure a detailed landscaping management plan
 - 4) Requested an informative setting out the risks associated with Japanese Knotweed

- **London Underground Ltd** – No objections to the development subject to the following requirements:
 - 1) Access to Stonebridge Park depot should not be obstructed at any time

- **Canal and Rivers Trust** – No objections to the development.

- **Network Rail** – No objections to the development subject to an informative outlining relevant considerations for the applicant outside of the planning process.

POLICY CONSIDERATIONS

The following planning policy documents and guidance are considered to be of relevance to the determination of the current application:

National Planning Policy Framework 2018

The London Plan 2016

Key policies include:

- 2.13 – Opportunity areas and intensification areas
- 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
- 5.12 - Flood Risk Management
- 5.13 - Sustainable Drainage
- 5.15 - Water Use and Supplies
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 7.2 - An inclusive environment
- 7.8 – Heritage Assets and Archaeology

Draft London Plan 2018

SD1 – Opportunity Areas

E4 - Land for industry, logistics and services to support London's economic function
H1 - Increasing Housing Supply
H2 – Small sites
H5 - Delivering affordable housing
H6 - Threshold approach to applications
H7 – Affordable housing tenure
H12 - Housing size mix
HC1 – Heritage, conservation and growth
SI.2 – Minimising Greenhouse gas emissions
SI.5 - Water Infrastructure
SI.12 - Flood risk management
SI.13 - Sustainable drainage
D2 - Delivering good design
D3 - Inclusive design
D4 - Housing quality and standards
D5 - Accessible housing
D6 - Optimising housing density
S4 - Play and Informal Recreation
T2 - Healthy Streets
T4 - Assessing and mitigating transport impacts
T5 - Cycling

Brent Core Strategy (2010)

CP1: Spatial Development Strategy
CP2: Population and Housing Growth
CP6: Design & Density in Place Shaping
CP7: Wembley Growth Area
CP19: Brent Strategic Climate Change Mitigation and Adaptation Measures
CP21: A Balanced Housing Stock

Brent Development Management Policies (2016)

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

Site Specific Allocations Document (2011)

24: Wembley Point

Preferred Options Local Plan (Draft - 2018)

Argenta House and Wembley Point

Supplementary Planning Guidance (SPG)

SPD1: Design Guide for New Development (2018)

Mayor's Affordable Housing and Viability SPG -

Mayor's Housing SPG

Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG

DETAILED CONSIDERATIONS

Principle of development

1. Policy 3.3 of the London Plan and Policy GG2 of the draft London Plan both identify the optimisation of land, including the development of brownfield sites, as a key part of the strategy for delivering additional homes in London. This is supported within policy CP2 of Brent's Core Strategy 2010, which requires the provision of at least 22,000 additional homes to be delivered between 2007 and 2026. Furthermore, the current London Plan includes a minimum annual monitoring target for Brent at 1,525 additional homes

per year between 2015 and 2025. This target is proposed to increase to 2,915 for the period 2019/20-2028/29 in Policy H1 of the draft London Plan recognising the increasing demand for delivery of new homes across London.

Site allocation brief

2. The site forms parts of Site Allocation 24 - Wembley Point within the 2011 Site Specific Allocations Development Plan Document. The site allocation is split into two ownerships, one covering the Wembley Point site (the vast majority of the site allocation) and the other covering Argenta House (a small separate parcel at the south western end of the allocation). The site allocation supports residential use and encourages an improved pedestrian experience and linkages to Stonebridge Park rail station. The allocation also states that residential development will not be permitted within 30m of the central part of the North Circular Road and noise pollution mitigation will be required. A development buffer of 8m from the River Brent and Wembley Brook is also required in the interests of protecting Environment Agency assets and reducing flood risk and enhancing biodiversity. However, this development proposal should not compromise the wider delivery of the site allocation. Flood risk is a substantial consideration within the allocation brief, where it is noted that much of the allocation lies within flood zone 2 and some within flood zone 3a. Based on current Environment Agency maps, the Argenta House site sits within flood zone 3, which is defined as areas where the annual probability of flooding is expected to exceed 1% (or a 1 in 100 year flood event). Any development will need to strongly consider the implications of this and the flooding aspects will be discussed later in the report.
3. The site allocation indicates a development capacity of 104 residential units up across the site allocation and this proposal would introduce 130 residential units, albeit on a small part of the site allocation which would be in addition to the flats within the Prior Approval conversion of Wembley Point. Development capacities within allocations are only indicative. At the time of the allocation it was not envisaged that much of the site could be built on. Furthermore, it was also assumed that the existing building would remain as an office. Furthermore, given the changing policy context and increase in housing pressures since 2011, it is accepted by officers that substantially more change than identified within the site allocation would be expected.
4. Within the preferred options Draft Local Plan (2018), the site allocation is retained, now referred to as 'Argenta House and Wembley Point' and continues to be promoted for residential development. The allocation states that the 'area is considered suitable for a tall building, subject to it being a high quality design that is complementary to the scale provided by Wembley Point'. It is also noted that 'the scale and layout must mediate between Wembley Point and surrounding low rise and mitigation and potential impacts, including overshadowing'.

Loss of employment use

5. The proposed residential development will replace the existing small scale building (approx. 400sqm) on site. The owner-occupier of the current building is a jewellery company who have occupied Argenta House since March 1989 and use it as their business headquarters. The Greater London Authority have investigated the value of the existing building as employment floor space and note that any industrial activities that may previously have taken place on site have now made way for a more modernised internet-based distribution business and that the current use would fall within an office use class (B1a). There is some storage on site but it is understood that this is ancillary to the main use. The building has not therefore been used substantially for industrial purposes for several decades. The applicant has also confirmed that there are no tenants that would need to be moved elsewhere to facilitate redevelopment, as the property is owner occupied and the business is moving to elsewhere in the borough.
6. The existing employment use is in poor condition and would require significant expenditure to bring it up to the required standards for modern usage. The current use of the building is for distribution of jewellery, with the applicant confirming that the manufacturing process on site have ceased as the owner-occupier's business has evolved. London Plan policy 4.2 allows the release of surplus office capacity to other uses. Given the office is occupied, there is no justification of the office space being considered surplus, however, as it is not located within or near a town centre and is owner-occupied, and a business is not being displaced. Given the constraints of this site, it would be difficult to re-provide a commercial use. Brent do not object to the loss of the office use in this instance.

The appropriateness of developing on land within a high risk flood zone

7. The site is part of a wider residential allocation which identifies a sequential approach to reducing flood risk within the wider allocation by pursuing development in the areas least at risk of flooding. Although the policy considers the site as a whole, the wider allocation is however split into two land ownerships, with the owners of Wembley Point able to bring forward their own development (through prior approval at the very least) with no need to rely on the Argenta site. The Argenta House development site contains areas that in the current Strategic Flood Risk Assessment are identified as functional floodplain, although closer inspection of the boundaries points to anomalies in its extent compared to known physical attributes (e.g. the river channel is not shown as functional, but adjacent areas are). Notwithstanding the issue with boundaries, clearly some parts of the site are within functional floodplain as the river channel runs in a culvert through the site. More recent EA modelling apparently extends the functional floodplain taking into account climate change.
8. If the site were wholly greenfield then from a policy perspective, consistent with national policy there would be no desire to support development on functional floodplain within this site, other than that which is unavoidable/absolutely necessary (e.g. water compatible uses or infrastructure). The site however contains low quality buildings which if they were not there is on land that would otherwise appear to operate as functional floodplain.
9. The river channel itself is in a culvert which is suffering from structural stability issues with the channel and surrounding environment providing low quality aesthetic and bio-diversity functions. The buildings on site are in a poor state which taking account the location adjacent to the entrance to Stonebridge Park under/ overground station, a gateway to the Alperton Housing Zone does not give the best impression of this part of the borough.
10. At face value on the basis of evidence provided by the applicants it appears, notwithstanding that some of the site is within functional floodplain, from a technical perspective there is the ability to create betterment over the current situation through new development. This is in relation to flood risk onsite and elsewhere (though reducing footprint/obstructions within the channel), improving the aesthetic, recreational and environmental/ bio-diversity performance of the river channel/ environs and also the appearance/ perception of this gateway site whilst meeting the very real issue of meeting housing needs.
11. Keeping the site in its current use (or worse it falling into disrepair/further neglect) which a negative planning approach might promote is not considered from a policy perspective to be sensible when considered against the obvious potential for betterment that investment through a development would bring.
12. On this basis from a planning policy perspective it is considered that as long as there is no real increase in flood risk (and ideally betterment), together with the other positive elements identified, that a pragmatic approach of moving forward with a residential led scheme for the site is an appropriate position to support. The Environment Agency have been consulted on the proposal and have raised no objections.

Delivery of the wider site specific allocation

13. As noted above, the site allocation is formed of two ownerships of highly disparate sizes and whilst the LPA would encourage the two sites to work together to form a comprehensive development, this is ultimately not something within the planning authority's control and the LPA cannot reasonably require landowners to acquire adjacent land parcels or only support development where sites in separate ownership work in tandem. In this instance, the Argenta House site has come forward in isolation.
14. A common requirement of development is that the deliverability of surrounding development sites is respected by ensuring that a 9m separation distance between habitable room windows and the boundary with a neighbouring site is established as part of a proposal. This requirement is specified in Brent's SPD1 guidance and is designed to ensure that windows of habitable rooms facing other development sites will not compromise the ability for neighbouring sites to come forward for development. This includes a distance of 9m from each site to the shared boundary (18m between directly facing habitable room windows).
15. Through a combination of the very limited size of the site (in particular its thin, rectangular shape) and the limitation of the placement of the building within the site, owing to flood risk mitigation, the LPA consider that enough site specific constraints are present to justify a departure from the usual requirement for the

9m separation to neighbouring boundaries.

16. The site is fortunate in the respect that three of its four sides border with public highways, however on its north-eastern side, where it borders with Wembley Point, a distance of approximately 4m would separate the rear façade of the building with that of the boundary with Wembley Point. Given the very substantial size difference between the two land parcels, it is considered reasonable to expect the Wembley Point site to accommodate the required outlook to the rear windows of the Argenta House development within its own demise. Unlike Argenta House, the Wembley Point site would have far greater flexibility in building placement owing to its significant size and it would be possible to develop the site with significant density without compromising the relationship between the two buildings on sites.

Summary

17. In summary, the residential redevelopment of the site is supported and presents a good opportunity to enhance the importance of Stonebridge Park station, improve the public realm in what is currently a harsh environment for pedestrians and to provide more housing for the borough in a sustainable location with good public transport access.
18. The development proposal is considered to be in accordance with local and national policy and appropriately heeds the requirements of the site specific allocation for this site. The development is therefore accepted in principle.

Residential Provisions

Affordable Housing

19. Adopted DMP policy DMP 15 confirms the Core Strategy target (policy CP2) that 50% of all new homes in the borough should be affordable. The maximum reasonable amount will be sought on sites capable of providing 10 units or more, such as this scheme. 70% of new affordable housing should be social/affordable rented housing and 30% intermediate housing at affordability levels meeting local needs. Where a reduction to affordable housing obligations is sought on economic viability grounds, developers should provide a viability appraisal to demonstrate that schemes are maximising affordable housing output.
20. Officers, advised by industry experts, have thoroughly interrogated the applicant's costs and revenues but have ultimately agreed with the conclusions drawn by the applicant's financial viability consultant that the offer provides the maximum reasonable amount of affordable housing when the projected costs of the development are weighed against the projected revenues and taking into account accepted profit levels. Providing more than the maximum reasonable level does not typically mean that developers will make a loss if a site is developed, but rather than they will make a lower level of profit than accepted target levels.
21. Officers are satisfied that the development delivers more than the maximum reasonable amount of affordable housing on a tenure split that aligns reasonably close to that expected in policy. Nonetheless, since the proposal falls short of the local policy requirement for 50% affordable housing on a 70:30 tenure split, a post implementation viability review is to be captured within the S106 to ensure that any uplift in actual sales values compared to those which are projected, can be captured by the Council and funnelled into the provision of offsite affordable housing.
22. The affordable tenures are to be within the same single core of the building as that of the private market flats. Fob access rights management throughout the core stairwell and lifts can be used to separate the tenures for management purposes. The affordable rented flats are to be provided on floors 3, 4, 5 and 6 whilst the shared ownership flats are to be provided on floors 7 and 8. The private market accommodation will be provided from floor 9 upwards. As previously discussed, the small lobby and single core of the building require all of the building's tenures to be accessed from a single entrance; this is highly positive as it ensures that there are no observable differences between the private and affordable elements of the development.

Unit Mix

23. The scheme will deliver a mixture of unit types and sizes. The unit mix of the development is set out in the tables below:

	Private (No.)	Private (%)	Intermediate (No.)	Intermediate (%)	Aff Rent (No.)	Aff Rent (%)	Total (No.)	Total (%)
1-bed	30	32	4	29	4	19	38	29
2-bed	61	64	10	71	3	14	74	57
3-bed	4	4	0	0	14	67	18	14
Total	95		14		21		130	
Total (%)	73		11		16			

24. Policy CP2 of Brent's Core Strategy 2010 seeks for 25% of permanent units to be family sized (three bedrooms or more). The proposal achieves 14% family sized units, which falls notably short of the policy target. However, a high proportion of three bedroom + homes in flatted development can have a detrimental effect on scheme viability and that there is therefore a balance to be struck between a good affordable housing offer and a good number of family sized homes.
25. Overall, whilst fully acknowledging that the proposal falls short of the CP2 policy target for 25% 3 bedroom homes across the borough, officers do give weight to the applicant's affordable housing offer which would be significantly affected, should a higher proportion of family homes be proposed. Whilst short of the policy target, the affordable housing offer is strong relative to many other comparable schemes in the borough. Officers also support the fact that three bedroom units are focused on the affordable rented tenure where the highest need is identified within policy: of the development's affordable rented units, 67% are 3 bedroom units (77% when measured by habitable room). The three bedroom homes are also proposed to be provided on the lower floors of the building as this makes access to them more practical for families.
26. Ultimately, officers consider that this proposal is acceptable in terms of the proposed residential unit mix.

Design and Appearance

Flood Mitigation Design Aspects

27. A critical part of the building's design is formed in response to the flood risk of the site. The applicants had to fulfil a number of criteria before the Environment Agency could provide their in-principle support for the scheme. The three main aspects this covered was in respect of reducing obstructions to the floodplain, ensuring the future safety of occupants and preventing overshadowing.
28. In respect of reducing obstructions to the floodplain, the applicants note that the existing Argenta House building is raised on a network of columns above the brook, in response to flood risk. The stilts of the existing building are very close to the watercourse which increases the risk of debris getting caught and inhibiting water flow in times of flood. A replacement building could therefore provide betterment by proposing minimal structure into the floodplain and ensuring that any such structure is kept as far away as possible from the brook. A reduced obstruction would also require the ground floor footprint of the building to not exceed that of the existing building.
29. Building over the Wembley Brook watercourse which runs centrally through the site has the potential to block daylight, impact aquatic wildlife and plant-based habitats surrounding the water. In order to address this, the applicants sought to re-route the brook so that it would run close to the northern boundary of the site, this would allow for a larger built 'footprint' above the brook and would allow the watercourse to be out of shadow for much of its length. This would have the added benefit of presenting an opportunity to bring the brook out of its concrete channel, to naturalise its setting and greatly improve its local biodiversity. The rerouting proposed by the applicants would result in only 27% of the brook being beneath the building footprint.
30. To further reduce overshadowing, the building's height is to be raised by 15m (three floors) above the watercourse to allow sunlight and daylight into the brook area and its surroundings. The height increase is to be achieved by providing a small ground floor footprint which would sit at the southern side of the site and would be replicated across floors 1 and 2. This ground floor footprint is equivalent to the site of the existing building's footprint, thus ensuring that obstructions to the floorplain are not increased. From

floor 3 and upwards the building would have a larger footprint which does extend across towards the rerouted brook, having given sufficient clearance below it to both allow sunlight and daylight to the brook but to also account for a climate change adjusted 1 in 100 year flood event, if this were to occur.

Setting and Massing

31. The building is to be positioned in a prominent location, adjacent to the large Wembley Point office building, Stonebridge Park station, Monks Park district Centre and the North Circular Road. The building will sit at the end of the 'route to Stonebridge' improved pedestrian route which is being delivered as part of the Northfields development to the south-west and which will connect this development closely with the Northfields development site. The Unisys site immediately across on the other side of the North Circular is also designated as a site allocation and is expected to come forward for redevelopment in the near future.
32. The location presents as an obvious location for a tall building, and the proposed building fulfils this role with a height of 24 storeys. The proposed building has been reduced from a height of 28 storeys at the initial submission, owing to concerns that a 28 storey building would appear too dominant in this location and would not complement the scale of Wembley Point, as required in the emerging draft Local Plan. The first three floors of the building sit on a small footprint whilst the remaining 21 storeys are raised above a void space.
33. This design means that the building has 21 habitable storeys. The building is formed of three core elements, the southernmost section reaches the full height of 24 storeys, there are two other shoulders of the building where the massing would step down to 22 and 20 storeys respectively. The heights of each part of the building are approximately 65m, 74m and 82m from ground level. This compares with the heights of Wembley Point, which are 63m (to lower roof) and 74m (to upper roof). The variation in heights gives some interest to the building's design and helps to articulate breaks in the built form. The manner in which the massing of the Proposed Development would be divided into three elements of different heights, stepping up progressively from west to east, would result in the highest part of the building being appropriately located towards the North Circular and the lowest part towards nearby housing.
34. It is noted that the proposed building's tallest shoulder would sit approx. 8m above the tallest part of Wembley Point, whilst the other two shoulders would sit at heights broadly equivalent to the lower roof level and upper roof level of Wembley Point respectively. The proposed building is slendrer than Wembley Point, especially when viewed from the south-east or north-west and officers consider that the building would sit with an appropriate height and massing which, whilst substantial, would effectively complement Wembley Point and clearly define the important location of Stonebridge Park station.

Analysis of views

35. The building is not in a location where it would be at risk of compromising Brent's formally protected views of the Wembley Stadium arch as set out in the Wembley Area Action Plan, however the visibility of the building from viewpoints local and further afield is an important consideration in understanding this tall building's impact on Brent. The submission includes a comprehensive townscape assessment which has modelled the appearance of the proposed building from a substantial range of angles at varying distances within the borough. In achieving this, the proposed building has been modelled from 19 viewpoints, many of which are local although some which are further away such as One Tree Hill in Alperton and Roundwood Park in Willesden.
36. The view of the building from the south-east or north-west would result in a shorter elevation and a notable contrast with the form and appearance of Wembley Point in such views. From the north, the development would appear close to or behind Wembley Point, resulting in Wembley Point retaining its prominence in the foreground. From the south, the building would in many cases obscure Wembley Point and replace it as a focal point within the background of views, albeit of greater visual quality than the existing building. The building would certainly appear as a prominent landmark from both sides of the North Circular.
37. Overall, the height of the proposed development, similar to Wembley Point, although sometimes more or less prominent than it depending on the specific view, would allow it to act as a marker for its identifiable location within the townscape, opposite Stonebridge Park Station and adjacent to the North Circular. The proposal is considered to have a positive visual relationship with Wembley Point overall, its substantial massing would introduce variety to the skyline and develop a relationship between the two buildings.

Furthermore, the cumulative massing of the Northfields scheme, alongside the existing Wembley Point and former Unisys buildings, would reinforce the character of the area by forming part of a corridor of larger scale development on sites alongside the North Circular Road.

38. Other potential impacts of the building (such as impacts on daylight and sunlight) are discussed later in this report.

Architecture and Materiality

39. The architecture and materiality of the building is positive. The key features of the façade are: the overlapping volumes of the three core elements that add interest, the reduced core section for the first three storeys atop which the rest of the building is cantilevered, chamfering of the corners for a softened appearance and a horizontal banding for the facade which connects to the ground level at the base of the structure. Whilst the building's façade treatment will establish horizontal bands around the building, a strong vertical emphasis is achieved at the corners of the building where balcony balustrades are stacked in clearly defined lines.
40. The ground floor of the building has an active frontage at the entrance to the residential core but is otherwise inactive, formed of entrances to the bin stores. The bin stores are a priority use at ground level to ensure ease of collection. The size of the building at ground level is minimised owing to flood risk and the majority of the footprint oversails the ground floor environment. Despite being in an undercroft, the ground floor environment should retain an open feel as the undercroft space is triple height and open on all sides.
41. Whilst the frontage of the building will be largely inactive, a retail kiosk is to be provided at the junction of Point Place and Argenta Way to generate activity. The kiosk will be a replacement of an existing retail kiosk located at the junction of Argenta Way and North Circular Road and this new location is more ideal in planning terms given its shelter away from the North Circular Road and its positioning along the main pedestrian desire line between the station and Monks Park district centre.
42. The building will have a metallic appearance in terms of its material palette, established through aluminium rainscreen panels in a mixture of matt and fine textures. This panelling defines the main horizontal bands up the building. Darker grey infill panels are to be used for additional vertical emphasis between the floors. The architects have opted for this colour palette as it weathers well and would retain its appearance in environments of high pollution.
43. The overall design and materiality of the building is considered to be positive and will provide a simple but pleasing uniform appearance to the building. The building takes opportunities to maximise its active frontage. Active frontages have been strongly maximised at ground level and will be enhanced by the colonnade feature. Specific material samples to be used should be reviewed by officers to ensure they will provide for a high quality finish and this will be required by condition.

Building Layout

44. As explained previously, the building has a small ground floor footprint with the ground floor uses being limited to the building's main entrance lobby, refuse storage and an internal substation/plant area. The entrance lobby is seen on the right hand side of the ground floor as one exits Stonebridge Park station and forms the active part of the building being glazed across a three storey height. The lobby is accessed directly from Argenta Way via a level walkway. The lobby is a small space but will feel dramatic and spacious owing to its three storey ceiling height and glazing on all three sides. This aspect will also be visible from the public realm and will add a good level of interest to the streetscene. The left side of the ground floor is reserved for substation/plant space and bin storage. There are a number of doors into these spaces. The refuse space has been limited through a managed refuse system whereby the building's management will rotate a number of small bins between the main storage space and the ancillary refuse room to be used by residents via a connecting door to the main store.
45. The first and second floors occupy the same reduced footprint as below and are formed of the building's cycle storage (at first floor level) and remaining plant space (mainly second floor but some on the first floor). The cycle storage room is to have a dedicated cycle lift between it and the lobby.
46. From the third floor and upwards, the residential element of the building begins within the full sized shell of the building, which now expands and overhangs the public realm space below. Only three flats are

provided in this first residential floor, with the remaining areas taken up by plant and a second cycle store. The second cycle store does not have a dedicated bicycle lift, however bicycles can be wheeled out and taken down the goods lift with ease.

47. From the fourth floor and upwards, the building is fully residential, providing access to seven units per floor from its single core. The building steps in height at its upper floors and the number of units per floor reduces to five and then to four as the massing reduces up the building. Communal gardens are provided on the shoulders of the building as the massing reduces.
48. At ground floor level, the area around the building is to be heavily landscaped and the brook which currently runs through a concrete trench is to be naturalised. This will have multiple benefits in terms of offering an additional amenity space to residents, a visual improvement for the streetscene, reduction in flood risk through the creation of a floodplain and strong betterment in biodiversity. The building's three storey cantilever is a key element of ensuring that this space will receive a good level of natural daylight and sunlight.
49. A retail kiosk is to be provided at the junction of Point Place and Argenta Way to generate activity. The kiosk will be a replacement of an existing retail kiosk located at the junction of Argenta Way and North Circular Road and this new location is more ideal in planning terms given its shelter away from the North Circular Road and its positioning along the main pedestrian desire line between the station and Monks Park district centre.

Density

50. The assessment of any development must acknowledge the NPPF and the London Plan, which encourage greater flexibility in the application of policies to promote higher densities. Policy 3.4 of the London Plan encourages the development of land to optimise housing potential but recognises this must be appropriate for the location taking into account local context, character, design and public transport capacity.
51. The application proposes a density of about 950 units per hectare and 2,700 habitable rooms per hectare which is far in excess of the suggested ranges for a development in this location within London Plan Policy 3.4. This policy would suggest a density of between 70 and 260 units per hectare and between 200 and 700 habitable rooms per hectare in an urban location with a good public transport access level. The very high density range proposed is generally attributable to the very small application site (0.137 hectares) which is resulting in very large figures when the scheme is extrapolated to a hectare's worth of site (as is a key element of the density policy calculations). Officers would note that much of the site is to be undeveloped, owing to the flood risk and biodiversity requirements.
52. Notwithstanding the numerical density levels, consideration must also be given to the design and quality of accommodation to be provided, the siting and scale of the development, its relationship to site boundaries and adjoining properties, the level and quality of amenity space to support the development, and any highways matters. These are considered below.

Impact on neighbouring occupiers

Privacy and Outlook

53. The potential impact on neighbours is a key consideration, and policy DMP1 seeks to ensure that this is acceptable.
54. The building immediately adjoins public highways on three sides. The site adjoins the Wembley Point site to the north east. The north-eastern elevation of the building will be about 4m from the boundary with Wembley Point car park at the closest point (although around 70m from the Wembley Point building itself). The north-east elevation contains a number of habitable room windows at each level and therefore relies on the openness of the car park environment of the neighbouring land in separate ownership for its policy compliant outlook. As discussed earlier, officers are inclined to accept this relationship by virtue of the significant limitations on the development because of the plot's size. In practice, accepting this relationship would necessitate a 6.5m to 7m deep area along the south-eastern edge of the car park site within Wembley Point to remain undeveloped, which is a very insignificant area in the context of the whole site and would present a comparatively small constraint to the developers of the adjoining site. There are no other potential privacy or outlook based concerns, as a result of the site's positioning

otherwise being surrounded by public highways.

55. Due to the positioning of the site in relation to the properties on Tokynton Avenue, the proposal will not directly overlook these properties or their rear gardens. A distance of at least 20m will be maintained between the building and the edge of the rear garden of No. 52 Tokynton Avenue.

Daylight and Sunlight

56. The relationship between this building and its surroundings has the potential to be most sensitive at the small scale residential properties to the north of the development site. Windows in the southern and western aspect of Wembley Point also have the potential to be affected by the proposed building, although serving office space, this relationship is less sensitive than the residential properties to the north. Wembley Point has an extant consent for conversion to residential use under permitted development, and it would be reasonable to consider Wembley Point a residential building in this respect. It will be important to ensure that this development has an acceptable impact on all of these properties in respect of losses of daylight and sunlight that could be incurred.
57. The applicant has submitted a Daylight, Sunlight and Overshadowing Report. Existing properties that have been included in analysis include Wembley Point and the closest residential house to the development site, that being 52 Tokynton Avenue.
58. 7 windows at 52 Tokynton Avenue face the direction of the development site and are all in the side elevation of that property. These windows were tested for daylight impact. The first test applied was the Vertical Sky Component (VSC) to consider the visibility of the sky from each window during the existing and proposed scenarios. Of the seven tested windows, six retained VSC values of at least 27%, meaning they passed the first test applied under BRE and are considered to retain acceptable daylight levels. The other window marginally fell short of the 27% target, yielding a figure of 26.88%. Where VSC testing is failed, an additional test (No Skyline – NSL) applies which analyses floorplans of the affected property and considers the amount of the room served by an affected window from which the sky would be visible. NSL testing was carried out for all affected windows and it was found that there were no noticeable differences in the visibility of the sky at the property, thus confirming compliance with BRE guidelines for daylight. In addition, the window that failed VSC testing serves a study contained within a two storey extension built around 1996 (and thus is not an original feature of the dwellinghouse).
59. 52 Tokynton Avenue was also tested for sunlight impacts, in accordance with the annual probable sunlight hours (APSH) criteria. The testing identified that all windows affected would greatly exceed the default BRE APSH recommendations, thereby ensuring excellent access to available sunlight amenity post-development. Given that 52 Tokynton Avenue is compliant with BRE guidelines in all respects, there is no need to test properties further away from the development site in this location.
60. For the testing of Wembley Point, 21 windows on the 2nd floor, 21 windows on the 3rd floor and 21 windows on the 4th floor have been tested for daylight impact (63 windows in total). All windows retained VSC values of at least 27% therefore meeting BRE expectations for good daylight. An NSL test was carried out for these windows and it was confirmed that no noticeable changes in the distribution of daylight within the potentially affected rooms would be experienced, thus confirming compliance with BRE guidelines.
61. Wembley Point was also tested for sunlight impacts in accordance with the APSH criteria. The testing identified that the majority of windows would retain values exceeding the default BRE recommendations, whilst 19 windows (30% of the total) would retain marginally below the default recommendations, achieving between 20% and 25% total APSH (where the recommended benchmark is 25%) and 4% APSH in winter (where the recommended benchmark is 5%). As such, despite some windows not meeting BRE guidelines for sunlight, the small shortfalls compared to guidance recommendations means that the bedrooms are considered to retain excellent access to available sunlight amenity given the high density of this environment.
62. Overshadowing assessments were also carried out on the areas that would potentially be affected by the development. All potentially affected areas (mainly gardens serving houses to the north of the development site) would meet the 'time in sun' test criteria, which requires the area to receive at least 2 hours of direct sunlight at the vernal equinox on the 21st March. The only exception to this are the rear gardens serving 53 and 55 Derek Avenue which would receive less than 2 hours of direct sunlight at the

vernal equinox. However, these results were compared to their existing value and found to be within 20% of that value, therefore being considered unnoticeable by reference to the BRE guidance. Overshadowing assessments were not undertaken for the Wembley Point site, as the site is largely used as a car park and there are no planning applications or formal proposals which would provide a baseline for testing.

Conclusion

63. The impact of the proposed development on surrounding properties' daylight and sunlight levels has been measured as largely compliant in line with BRE recommendations. In the case of 52 Tokyngton Avenue, all habitable room windows complied with VSC, NSL and APSH testing whereas with Wembley Point, all tested windows complied with VSC and NSL testing and 70% of tested windows complied with APSH testing, with breaches for the other 30% being minor in nature. In addition, overshadowing testing has not resulted in any nearby amenity spaces being noticeably overshadowed compared to the existing situation.
64. Concerns have been raised that the testing does not take into account the potential daylight and sunlight impact to parts of the Wembley Point site that are closer to the proposal than Wembley Point itself. Whilst it is acknowledged that the wider Wembley Point site could be developed in the future, there are no planning applications or other formal proposals which would provide a baseline for testing in line with the BRE guidelines. As such, officers do not consider it necessary to carry out testing
65. Overall, the impact of the proposed building on surrounding daylight and sunlight levels is considered to be limited and officers find the proposal acceptable in this regard.

Quality of Accommodation

Daylight, Sunlight and Overshadowing

66. An Average Daylight Factor (ADF) and No Sky Line (NSL) test has been carried out for the new dwellings which identifies that all of the new dwellings in the proposal would achieve the default BRE recommendations in this regard. For the living areas, the ADF test results range between 5.67% and 2.45% and the NSL test results range between 100% and 93.15%. For the bedrooms, the ADF test results range between 7.10% and 1.06% and the NSL test results range between 100% and 80.50%.
67. As recommended by the BRE, the majority of dwellings feature a south facing living area. These would all be provided with meaningful sunlight amenity, with the majority achieving the default BRE recommendations.
68. The applicants have not considered the overshadowing of the amenity spaces within the development (roof terraces and the ground floor naturalised brook environment). However, given the very open environment surrounding the building officers are confident that good levels of daylight and sunlight would reach these spaces, especially on the rooftop. The overshadowing to the ground floor environment will be reasonably limited by the raised up floors at the base of the building.

Layout and Outlook

69. The proposed units are considered to be of a high quality. The units are configured across a single core only, owing to the building's small footprint. The core is accessed from the main residential lobby along Argenta Way and provides access to a maximum of seven units per floor. The affordable housing would occupy the lower floors whilst the upper floors would be comprised of the market housing. It is welcomed that all tenures will access the building through the same entrance which is unusual within a residential scheme of this scale. With a single core, the tenures could still remain operationally separate through the use of fob accesses at the stairwell and in the lifts, with different fobs only providing access to a particular floor or floors for different residents.
70. 75 units (those occupying the corners of the building) would be dual aspect, which represents a 57.7% provision of dual aspect units. This is considered to be an acceptable amount within this form of development. The stepped footprint of the building has resulted in the units contained within the central section of the building having a partial dual aspect, with a balcony space (and window looking through to the balcony) that offers views in two directions (either south and west or north and east depending on the balcony). This offers all of the flats with an element of dual aspect outlook although your officers would only consider the 75 corner units to have a true dual aspect nature. None of the single aspect flats have a due north outlook, in line with the Mayor's housing standards. In conclusion, the outlook provided to all

units and habitable rooms is considered to be acceptable.

71. All of the proposed units meet or exceed the minimum space standards required by The London Plan and the minimum room sizes required by the Technical Housing Standards.

Accessibility

72. The development has been designed so as to be step-free with level access from the external environment for residents and visitors through clearly visible and identifiable entrances from the public realm. Level access is also achieved from the car park containing 2 disabled parking spaces along the public realm and into the building's main entrance.
73. 13 of the 130 flats (10%) have been designed so as to be accessible to disabled users under part M4 of the building regulations. This is in line with policy 3.8 of the London Plan which seeks 10% of homes in major developments being adaptable for use by disabled residents. The adaptable units comprise a 2-bedroom unit on each floor between the 7th and 19th floors.
74. A condition will secure the 10% adaptability requirements to ensure that the 13 proposed units adaptable for disabled occupants are built with the appropriate measures.
75. The applicants have clarified that disabled access to the brook will not be possible, owing to the gradient of the slopes down to this space. They do however note that the 3 roof terraces at high level will be fully accessible for disabled occupants.

External Amenity Space and Play Space

76. Private inset balconies are provided for all flats, sized in accordance with London
77. on Plan standards, generally about 5sqm to 10sqm in size depending on the flat. The balconies have a depth of 1.5m, providing for good usability in line with London Plan standards. Across the development, these balconies amount to 986sqm of private amenity space across the development which is an average of 7.6sqm per flat.
78. Four communal amenity spaces are to be provided, the largest of which is on the ground floor, surrounding the naturalised brook (805sqm). Three communal rooftop spaces are provided, a garden terrace on the 21st floor (171sqm), an under 5's play space on the 22nd floor (76sqm) and a landscaped rooftop garden atop the tallest shoulder of the building (315sqm).
79. Overall, the private balconies within the development, as well as the communal rooftop spaces amount to an amenity space provision of 2,353sqm (986sqm for private and 1,367sqm for communal). This represents about 18.1sqm of amenity space per unit of the development. Policy DMP19 in Brent's Development Management Policies seeks 20sqm per unit, meaning that the current proposal is for more than 90% of the amount suggested in guidance. Given the density of the scheme and the lack of amenity value of the existing site, officers support such a provision. The plans do show a reasonable maximisation of amenity space across the rooftops.
80. The proposal is only providing play space for under 5s, with the 5-11 and 12+ age groups to be catered for through offsite improvements and improvements of access to local parks. Such improvements will be secured through a section 106 agreement. The GLA has agreed with this approach, given the constraints on site. Brent's parks services have identified specific projects for which funding could be sought to address local play spaces for 5-11 and 12+ age groups. This includes the delivery of an adventure trail aimed at 12+ children and the delivery of replacement fencing for the under 5 and 5-11 playgrounds at St Raphael's Open Space and funding for both of these elements (£15,400), plus maintenance costs (to be confirmed by Parks) will be secured through a legal agreement.

Transport

Parking

81. As the site has a high PTAL rating of 4, the lower car parking standard for residential use of 0.75 spaces per 1-/2-bed flat and 1.2 spaces per 3-bed flat as set out in Appendix 1 of the adopted DMP 2016 applies.
82. The proposed 130 flats would be permitted up to 106 spaces, so the proposed provision of just two

disabled parking spaces within the site would accord with maximum standards.

83. However, this level of provision would not satisfy current or draft London Plan standards for disabled parking, which require a disabled space for between 3%-10% of flats. As such, at least three to four disabled spaces would need to be provided at the outset to meet standards. The scheme currently provides 2 on site disabled parking bays.
84. Where development is likely to generate overspill parking though, Policy DMP12 requires that such parking can be safely accommodated on-street. In general, it is estimated that developments will generate car ownership at 75% of the maximum allowance and on this basis, the 151 proposed residential units are estimated to generate demand for 80 spaces, giving a predicted overspill of up to about 77 cars from the site without suitable mitigation.
85. To verify whether this is a realistic estimate for this area, car ownership data for flats in the nearby area from the 2011 Census has been examined. This identifies an average car ownership of about 0.57 cars/flat for the immediate area, suggesting that about 74 cars would be owned by residents of these proposed flats. This closely matches the above estimate, so a predicted overspill of about 77 cars is considered to be robust.
86. Residential streets in the nearby area (Tokyngton Avenue, Derek Avenue, Sylvia Gardens, Aldbury Avenue, Monks Park Gardens etc.) were not noted in Brent's 2013 surveys as being heavily parked at night at present and the applicant's Transport Assessment includes surveys showing that this remains the case. However, streets within 200m of the site do not have sufficient spare kerbside space to accommodate the level of overspill parking forecast and this is even more so during the day, when on-street parking in the area is higher (possibly due to commuter parking for Stonebridge Park station). With no year-round Controlled Parking Zone in the local area to help to regulate overspill parking from the site, this proposal gives rise to concern over the impact of overspill parking, with the likelihood being that instances of dangerous and obstructive parking on footways, at junctions, across accesses etc. would be likely to significantly increase as a result of the development.
87. To address this issue, funding is sought to allow Brent Council to progress with the introduction of a CPZ in the area, covering streets to the north of North Circular Road for a distance of about 500m from the site. An area bounded by Tokyngton Avenue, Bovingdon Avenue, Wyld Way, Grittleton Avenue and Monks Park Gardens would therefore be considered to be appropriate.
88. Funding of £65,000 towards consultation and subsequent implementation costs (if local residents support this) is therefore sought, which can be supplemented if other development schemes come forward in the area. The principle of the contribution has been accepted by the developer.
89. A restriction should also be placed on the development through a legal agreement to prevent future residents (aside from Blue Badge holders) from obtaining on-street parking permits, in the event that a CPZ is introduced in the area in the future.
90. With regard to the shortfall in disabled parking provision, your officers note that there is on street parking located around 60m from the site on the Old North Circular Road. Provision could be made to provide on street bays for disabled parking. Whilst it is noted that the distances slightly exceed the targets of 50m, on balance, given the constraints of the site, it is difficult to provide additional disabled parking on site. It should also be noted that the applicant's transport consultant has investigated options to provide further on-street disabled parking spaces in locations in the adjoining area. An option that has been agreed in principle between Brent's highways officers and the applicant is a significant redesign of the Point Place / Argenta Way junction which would make more efficient use of the road space here by removing the excessively large mini-roundabout and replacing it with a simple priority junction and extended contraflow cycle lane. The proposal would include a separate bus standing and turning area on the north-western side, a disabled parking bay fronting the development, footway widening (including an extension of the footway along the norther side of Argenta Way across the Point Place junction with dropped kerbs and tactile paving), removal of the redundant crossover to the site, provision of an enlarged raised island between Point Place and the contraflow cycle lane (rather than the hatched markings shown on the drawing), new soft landscaping, new street furniture to include seating and publicly accessible bicycle parking and associated amendments to lighting and drainage, subject to any further amendments as required to accommodate any concerns raised in further consultation with TfL and Network Rail. A significant benefit of this layout is the scope that it provides for additional footway width and soft

landscaping/planting around the site frontage at the junction.

91. These changes would bring the distances to the disabled parking spaces in line with the targets, but would be subject to approval from TfL. It is therefore recommended that any planning consent is made subject to a legal agreement to secure highway works in line with the above description, should they be agreed by Transport for London. However, should TfL not be happy with the arrangements, as discussed above, the distance is only slightly beyond targets and this would be considered acceptable if the alternative is not feasible.

Cycle parking

92. The London Plan requires at least one long-term bicycle parking space to be provided per 1-bed flat and two spaces per 2-/3-bed flat within a secure, covered facility, giving a requirement for 222 such spaces. Internal storage for 242 bicycles on double height racks at ground, first and third floor levels are indicated to meet requirements. A large lift to the third floor is provided which would enable efficient use of the bicycle storage.
93. A further four short term spaces for visitors are required and five 'Sheffield' stands are proposed at the front of the site to meet requirements. The on-street cycle parking should be increased to provide additional public cycle parking capacity for users of Stonebridge Park Station, and this will also form part of the highway works secured in the legal agreement.

Refuse

94. Refuse storage is proposed on the ground floor of the building for 14 Eurobins and 7 wheeled bins. This meets only 50% of the total requirement for 28 Eurobins and 14 wheeled bins to cater for general waste, dry recycling and organic waste.
95. To address this, the applicant has approached Brent's refuse contractors about the possibility of an additional collection being made each week. This has been accepted for other nearby schemes, subject to the applicant providing the funding for the additional collection and has also been accepted in principle at this location. This will need to be secured through a Waste Collection Strategy secured through the S106 Agreement for the site.

Servicing

96. Servicing of the building by refuse and other delivery vehicles (estimated at about 21 deliveries per day based on comparisons with 14 other blocks of flats in London) will need to take place from the Argenta Way street frontage of the site, which is acceptable in principle. The transport consultant has recommended that a single yellow line be introduced along this frontage to prevent parking and thus allow space for loading. This is supported and can be added to the recommended S278 works.
97. A Delivery & Servicing Plan has also been submitted to help to manage deliveries, which will be monitored and reviewed annually. This is generally welcomed. It is noted that although it is difficult to control the timing of deliveries for residential flats, residents will be requested not to book deliveries that coincide with refuse collection times. An on-site concierge will also be employed to assist in receiving goods, which is particularly useful if residents are not at home.
98. One further matter that should be included is the routing of delivery vehicles, which should all be encouraged to approach the site via Point Place to minimise the need for vehicles to turn around at the end of Argenta Way.

Pedestrian access

99. Pedestrian access to the building will be via two ramps and a flight of steps from Argenta Way, which is fine in principle and will allow easy access by fire appliances.

Trip generation

100. In terms of trip generation, survey results from four similarly-sized residential blocks in outer London have been used to estimate likely future trips from this development. This exercise results in predicted trips totalling 15 arrivals/58 departures in the morning peak hour (8-9am) and 36 arrivals/21 departures in the evening peak hour (5-6pm) by all modes of transport.

101. Modal split estimates have then been based on the 2011 journey to work Census data, but with adjustments to car trips to reflect the low level of parking proposed. As such, just 2% of trips are estimated to be by car, which results in 3-4 trips in each peak hour. This is not significant enough to have any noticeable impact on the local road network.
102. For public transport journeys, rail and Underground trips are estimated at 7 arrivals/27 departures in the morning peak hour and 17 arrivals/10 departures in the evening peak hour. With 9-13 trains in each direction serving Stonebridge Park station per hour, the development would add no more than two additional passengers per service, which is not considered to be significant.
103. At the request of Transport for London, a gateline assessment of the ticket barrier provision at Stonebridge Park station has also been undertaken. This shows that the development would increase gateline demand by less than 3%, with demand for about 2.5 gates in each peak period.
104. The existing station has three gates and there are proposals to increase this by one further gate to support the redevelopment proposals on the nearby Northfields Industrial Estate. As such, this development does not in itself generate sufficient trips to require extra gateline capacity through the station, although again TfL will wish to assess this further, through a contribution towards the gateline capacity feasibility assessment.
105. Bus trips are estimated to total 5 arrivals/19 departures in the morning peak hour and 12 arrivals/7 departures in the evening peak hour. The applicant has then used Census data to consider likely destinations for work trips. This concludes that routes 18 and 112 would experience the greatest increases in demand, but that with a combined frequency of 16 buses per hour on these two routes, no more than one additional passenger per bus would be expected.
106. Nevertheless, London Buses will again wish to comment on this, particularly given the proposals to increase the frequency of buses serving Stonebridge Park station to support redevelopment. These include the extension of route 440 from Stonebridge Park to Wembley and of route 83 to from Alperton to Stonebridge Park, which would help to improve connections from the site to alternative rail and Underground services from Alperton and Wembley.

Travel plan

107. To help to reduce car dependency, promote the health benefits of sustainable travel and generally reduce the traffic generated by staff, residents and visitors, a Residential Travel Plan has been prepared and submitted with the application.
108. This proposes to appoint a Travel Plan Co-ordinator to oversee the management of the plan. This will include implementing a series of measures, including the provision of Travel Packs to residents that include useful travel information including the promotion of transport initiatives such as Bike2Work schemes and links to journey planning websites. Other measures include securing discounts on cycling equipment from local retailers and the setting up and promotion of a Car Club.
109. On this last measure, the applicant has approached a Car Club operator with a view to securing two cars to be based close to the site, with free membership to be offered to new residents for a period of three years. However, there is a lack of detail in the Travel Plan and it is therefore recommended that separate S106 clauses are secured to confirm the detail of the Car Club.
110. The overall target will be to keep car driver trips to and from the site to 2% of the total and to raise the proportion of walking and cycling trips by 4% at the expense of public transport trips.
111. An initial travel survey in accordance with the TRICS survey methodology will be undertaken within 6 months of first occupation (or when 75% of flats are occupied), followed by further TRICS surveys biennially thereafter for a period of five years.
112. The submitted Travel Plan is generally considered to be acceptable and its implementation should be secured through the S106 Agreement for the site.

Construction management

113. Finally, a prospective Construction Management Plan for the site has been prepared to consider how construction works on this very restricted site will be undertaken. Due to the lack of space, it is proposed

that deliveries will be undertaken from Argenta Way fronting the site. This will in turn entail the closure of the footway and suspension of the bus stop, which will require approval from the London Borough of Brent (as Highway Authority) and TfL. It is also envisaged that the whole road may require occasional closure from time to time, such as for the erection and dismantling of cranes.

114. Delivery lorries will all be routed to the site via North Circular Road, Harrow Road and Point Place, departing via Old North Circular Road eastbound. This is considered appropriate and should be strictly adhered to.
115. Due to the shortage of storage space, materials will be delivered on a 'just-in-time' basis and will be booked in advance to ensure that no more than one delivery vehicle is attending the site at any time.
116. No car parking will be provided on site either, although bicycle stands will be provided. Staff will be encouraged to use public transport instead and if necessary, a crew bus will be operated from a remote car park to ferry employees to the site.
117. The above is all noted and the appropriate licences for the road and footway closures and hoardings, parking bay and bus stop suspensions will need to be secured. Given the complexities of the site, a full Construction Logistics Plan will need to be developed in accordance with TfL guidance based on the information in the submitted Management Plan, prior to works commencing on the site.

Sustainability

118. The applicant has included an Energy and Sustainability Statement to address major development sustainability requirements as set out in Policy 5.2 of the adopted London Plan.

119. The proposed regulated development with 'Be Lean', 'Be Clean' and 'Be Green' measures incorporated within the residential part of the development is confirmed to emit 92.75 regulated tonnes of Carbon Dioxide per annum, which is down from a baseline emission of 152.17 tonnes per annum when designed to meet minimum building regulation requirements. This equates to a 39% reduction on the minimum Building Regulations (2013) as required within the London Plan. A carbon offset payment is required to achieve the zero carbon goal. The offset payment shall cover a 30 year period of emissions, with the payment being equivalent to £60 per tonne per annum. This payment will be secured through the Section 106 agreement.

120. The details of the energy efficiency improvements are as follows:

Be Lean (total savings from 'be lean': 0.809 tonnes / 0.1%)

Good building fabric performance, improving on building regulations requirements for notional building u-values and air permeability

Low energy lighting with occupancy sensing and daylight dimming controls

Ventilation strategy for the flats, inclusive of requirements to limit noise ingress

Be Clean (total savings from 'be clean': 59.1 tonnes / 39.5%)

The use of a gas powered Combined Heat and Power (CHP) system to minimise energy demand.

A condition will require that details of how the CHP could be connected up to a future district heat network (if and when available are submitted, to ensure that such connections could be made in the future.

The air quality report confirms that the CHP plant would have a non-material impact on air quality in line with Environment Agency guidance.

Be Green (total savings from 'be green': 0.0 tonnes / 0.0%)

Photovoltaics were considered for implementation, but given that policy compliant carbon savings were achieved through the other categories and because of the importance of providing rooftop amenity space, renewable energies have not been opted for.

121. The GLA has reviewed the energy and sustainability aspects of the proposal. They consider that further reductions in non-domestic carbon emissions should be achieved and have requested additional technical information to verify the reductions stated. These considerations are being addressed by the applicant ahead of a Stage 2 referral to the GLA.

Environmental Health

Air Quality Impact

122. An air quality assessment considering the impacts of the proposed redevelopment of the site on air quality has been submitted. The site lies within an air quality management area as defined within the London Plan and should have regard to reducing the impact of the development on air quality, including the achievement of an air quality neutral development.
123. The report has considered the impacts that would be incurred during the construction phase, impacts that would be incurred by traffic generated by the development and impacts incurred by emissions from the operation of the development. The report confirms that impacts of the development on air quality would not be significant.
124. The overall impact on local air quality is concluded to be of negligible significance and will meet the mayor's criteria for being air quality neutral.
125. Traffic related emissions on the local road network would have an imperceptible impact on air quality, in the context of the substantial emissions associated with the North Circular Road, and, to a lesser extent, Harrow Road. Very few vehicular trips are projected and very limited car parking is provided on site.
126. Related to the above, air quality at the lowest levels of the building (levels 6 and below), especially on the eastern elevation closer to the North Circular, would not meet the air quality objectives for Nitrogen Oxide, although particulate matter objectives would be met at all levels. This shows that the emissions from the North Circular have a major effect on air quality at the site, albeit that the impact is predicated greatest at the lower elevations and the effect decreases with height.
127. The CHP plant would have a non-material impact on air quality, when considered in the context of Environment Agency guidance for such emissions sources.
128. The predicted changes in air quality would be of negligible significance both at the site and with regard to off-site receptors on Tokyngton Avenue, Sylvia Gardens and Derek Avenue.
129. An assessment has been made of Nitrogen Oxide emissions against GLA emissions benchmarks for the building and transport emissions, and has shown that the emissions from the development will be lower and that the development will be air quality neutral.
130. In terms of emissions during construction, the applicant's assessment shows that there would be low-medium risks to surrounding properties.
131. The applicant's air quality assessment confirms that appropriate dust control measures are recommended to minimise risks to surrounding properties during construction. The impacts during construction would be temporary and would have no long term residual effects on air quality.
132. The assessment also confirms that flats in floors 3 – 6 (there are no flats on the lower floors) are to be provided NO_x filtration systems in their ventilation systems. At higher levels (7 and above) the air quality is predicted to meet the appropriate standards and would not necessitate NO_x filtration.
133. Officers have questioned the effectiveness of NO_x filtration systems in these flats, since the flats will have opening windows and doors onto balconies. Opening of such doors and windows would result in untreated air entering the internal habitable rooms (depending on air pressure differences). The applicant's air quality consultant has carried out further testing to clarify that the efficiencies of the NO_x filters are such that the NO₂ levels in the internal air will be 80-90% lower than the incident air, meaning that the affected flats' windows would need to be open for at least 88-89% of the time for internal parts of the flats to exceed the annual mean Air Quality Objective levels that are considered safe. Similarly, it has been confirmed that the use of the balconies on these levels by occupants, even for extended periods, will not result in occupants' air exposure exceeding the annual mean air quality objectives for NO₂. As such, it would be necessary for an occupant to live on the balcony (including at night) for such objectives to be exceeded.
134. Central government predictions indicate that air pollution levels are showing a downward trend, so it is reasonable to assume that air quality conditions experienced at the site will improve over time.
135. Given that it is extremely unlikely for windows to be open for more than 88% of the time and for occupants to remain on the balcony throughout the day (including overnight), officers accept that the NO_x filtration systems will remain effective in securing safety of residents from an air quality perspective.

136. The details of the air quality assessment, including provision and maintenance of NOx filtration systems, will be secured by condition to ensure inclusion within the development.

Noise and Vibration Impact

137. A noise and vibration impact assessment considering impact from surroundings on the residential units has been submitted as part of the proposal.

138. The report shows that the tested surrounding environment has very high external noise levels, mostly owing to traffic on the North Circular Road and the access road adjacent to the site. Because of this, openable windows will not be an acceptable overheating mitigation strategy for bedrooms. It may be an acceptable strategy for some of the kitchen/living rooms at high level which are screened from the North Circular. The relevant sound insulation criteria within British Standards may be met in all rooms with windows closed and secondary glazing with a substantial air void in-between is proposed to ensure the façade will provide sufficient sound insulation. Ventilation will also incorporate significant attenuation measures to ensure the sound insulation of the façade is not compromised.

139. The report also confirms that standard criteria for limiting plant noise within the development in line with relevant British Standards, with much of the plant being internal and naturally attenuated.

140. The report concludes that the measures proposed would improve sound impact to within acceptable levels.

141. Brent's regulatory services agree with the submitted details and a condition will secure these details. A separate condition will also secure the limitation of plant noise in line with British Standards.

Construction Management

142. The development is within an Air Quality Management Area and located in relatively close proximity to other residential properties. Construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours. The applicants have prepared their own Construction Management Plan that outlines the means by which the applicants will minimise the impact on local air quality and protect the amenity of neighbours during construction.

143. This report has been reviewed by Brent's regulatory services. The details of the report are mostly accepted as suitable however the control of dust emissions were not specifically covered and a condition is therefore recommended to secure a revised statement ahead of construction.

144. A further condition requiring non-road mobile machinery used in construction to be limited in terms of power output has been recommended so as to further minimise environmental impact and this will also be included as part of the consent.

Contaminated Land

145. A contaminated land ground investigation report has been submitted. Regulatory Services have reviewed the investigation report but recommend a full standard condition requiring the submission of a post demolition soil investigation plus a remediation strategy if necessary. A two part condition will require that a site investigation is carried out, submitted and approved ahead of construction, and that details of remediation measures (if necessary) are then submitted and approved ahead of occupation.

Flooding and Drainage

146. The site falls within flood zone 3, owing to the Wembley Brook flowing centrally through the site. Surface water flooding is also affecting the site. Flood resistance measures are integral to the submitted design of the building and have been discussed earlier in the report. The measures are nonetheless reiterated and expanded upon below.

147. During the pre-application process, officers at Brent and the applicants met with the Environment Agency to ensure that the developer's proposals to mitigate flood risk through development of the site could be supported. The meeting was positive and agreement was reached between all parties. The meeting established an acceptable suite of measures to mitigate both fluvial and surface water flood risks and these have been carried through to application stage and are set out below.

Raised ground level

148. The 1 in 100 year flood event, plus an allowance of 35% additional impact to account for climate change, would entail a maximum flood water level of 26.48m AOD in the area occupied by the proposed building. Therefore, to ensure the safety of the building at ground level, the ground level has been designed at 26.5m AOD. This means that the ground floor of the building could only flood in the instance of an extreme flood event.
149. To further ensure security, the first three levels of the building are to be occupied by lobby, cycle storage, refuse and substation spaces which are less vulnerable uses. This means that flooding of the residential accommodation would be extremely unlikely.

Safe refuge

150. The first floor and upper floors would provide safe refuge in the event of an extreme flooding event affecting the ground floor. Unimpeded internal stair access to the first and upper floors is possible from the lobby and cycle space, as the size of the ground floor limits the presence of people there. In addition, residential could remain safely within their apartments as safe refuge is provided there.

Emergency planning

151. A full floor warning and evacuation plan has been produced to ensure the residents and managers of the building adopt a strict procedure in case of an emergency associated with flood risk. The flood warning and evacuation plan will be secured by condition.

External amenity space

152. The external amenity space is designed as a naturalised river environment and would be liable to partial or extensive flooding. Signage will be provided through the area to inform people that the area is 'liable to flooding'. In addition, there are several exits from the amenity space to ease evacuation. Landscaping designs have carefully incorporated gentler slopes to facilitate evacuation. Protective measures (trash screens) are to be provided at the outlet of the upstream culvert and at the inlet of the downstream culvert to avoid the risk of people, especially children, from entering these structures, which sit either side of the site.
153. The details of the flood risk assessment are acceptable to Brent and the Environment Agency and will be secured by condition.

Drainage

154. The existing building discharges water that collects on its roof directly to Wembley Brook at the rear. The proposed building will include storage tanks to which surface water will instead be discharged. Water will then slowly be discharged from the tanks at a rate of 5 l/s, reflecting greenfield levels of runoff. This sustainable urban drainage strategy has been reviewed by Brent's Local Lead Flood Authority and is considered to be suitable in meeting relevant requirements and mitigating the site's proneness to surface water flooding.

Comments on flood and drainage from external consultees

155. The GLA have reviewed the report and are satisfied with the approach to flood risk although have requested that the report gives greater regard to the drainage hierarchy. This request will be addressed by the applicant ahead of a Stage 2 referral.
156. The Environment Agency have also reviewed the reports and are satisfied that drainage and flood concerns have been appropriately addressed, requiring that the flood mitigation strategy is secured by condition.
157. Thames Water has also reviewed the application. Thames Water have no objections to the proposal although do have advisory information for the developer. This will be communicated to the applicant by way of informative on the decision notice.
158. In summary, the development's approach to flooding and drainage is accepted. Conditions securing the flooding and drainage strategy, the implementation of the flood warning and evacuation plan and the restriction of occupation subject to foul network water network infrastructure upgrades will be

incorporated as part of any consent.

Trees and Landscaping

Trees

159. The application has been submitted with a full tree survey. Four trees are located next to the boundary of the site, on the edge of the Wembley Point car park, within Wembley Point's ownership. These trees have been subject to a tree preservation order since 2007 but have been noted by Brent's tree protection officer as being of low amenity value in their present form.
160. Two of the four trees on site have been categorised as U class trees (very poor condition) whilst the other two are categorised as B (moderate condition) and C (poor condition) respectively. Based on their condition, the two U category trees are proposed for removal as part of the works whilst the other trees are proposed for retention, with a method statement outlining their means of protection during construction. As part of the works, the category C tree will require pruning. These works will require the consent of Wembley Point, although this discussion would not be a Council matter.
161. Brent's tree officer supports the proposal and does not object to the loss of two trees despite their TPO status. The current amenity value of the trees is agreed as very poor and their removal is of little detriment, especially when the wider landscaping aspirations of what is currently a heavily hardsurfaced site are considered.

Landscaping

162. The proposal includes a landscaping plan covering the naturalised brook area, the public realm and the rooftop amenity spaces. The strategy has seen the landscaping split into a series of zones which identifies the function and characteristics of each area and responds accordingly. The landscaping plan includes areas of gentle slopes near to the brook which will store water, a seating area which sits above the slopes and overlooks flowering meadow areas, low hedgerows along the site borders to ensure unobstructed views down to the brook from around the site, natural stone steps close to the brook for pedestrian use when the area is dry as well as a small wildlife corridor along the brook to assist habitat creation and reinforce the banks of the brook. Various climbing species will soften the building's northern elevation and the retaining wall.
163. The street frontage is proposed with a number of raised planters which would sit under the raised building façade. They would assist in delineating a break between the public and private spaces of the development. Flowering trees, ornamental shrubs and groundcover plants would also be proposed to achieve a rich visual interest in the environment. An indicative front elevation is shown depicting these improvements to the frontage. This will be a significant improvement on the current low quality environment in this location.
164. The three roof terraces will be landscaped, two of which with raised planters. Based on the conditions and suitability, planting in these locations will demonstrate a range of species.
165. Tree planting is to be extensive across the site and will easily compensate for the loss of two low quality trees close to the site edge. 10 trees are to be planted along the edge of the garden area, by the boundary with Wembley Point, 7 trees are to be planted within the site boundaries by the open corner of the site at the junction of Argenta Way and Point Place, adjacent to the parking area. 7 trees are to be planted along the site frontage, which will border with the public realm along Argenta Way. Ornamental tree planting will also be employed on the two rooftop spaces that are not focussed around play.
166. The plans show an indicative raised pedestrian bridge which could connect the site to a future redevelopment of Wembley Point. This has not been agreed by the Environment Agency and has been marked on the plans as aspirational only. An informative will clarify that separate consent will be required for such a connection.
167. A condition will require a comprehensive landscaping plan, inclusive of all species and other specific details to be approved at a later stage. The Environment Agency have also requested a landscape management condition, which would require detailed information relating to maintenance and management of landscaping, including an adaptive planting strategy, to be secured ahead of works commencing. This will also be applied to the decision notice.

Ecology and Biodiversity

- 168.** The applicants have carried out an ecological appraisal of the site to identify habitats present on site and to investigate legal and planning policy constraints to the proposed development in relation to ecology. This was achieved through the carrying out of an extended phase 1 habitat survey undertaken in August 2018 and a river corridor survey, a bat inspection and two September dusk emergence surveys for roosting bats.
169. No statutory designations within the surrounding area are likely to be affected by the proposed development. Whilst there are no Sites of Importance for Nature Conservation (SINCs) on site, four locally designated non-statutory SINCs are linked to the site and therefore potentially at risk of adverse effects. The habitats within the site are mainly of negligible ecological value, although the Wembley Brook section may constitute river and stream habitats of principal importance (HPIs). Foraging bats were recorded but no roosts were identified on the site. Breeding birds are likely to utilise the site (both the buildings and the existing vegetation). No other protected species are likely to utilise the site.
170. In order to protect the local SINCs, the Wembley Brook habitat, bats and birds within the site, some mitigation measures and pollution prevention measures are proposed.
171. Enhancement measures are recommended as well to encourage a net gain of biodiversity value for the site. The re-naturalisation of the brook, which is proposed at the moment, will be a very important measure that already achieves this.
172. Subject to the above measures being implemented, the development will comply with legislation and planning policy with regard to protected ecology. These measures will be secured by condition.
173. The Environment Agency have requested a condition to be applied to the decision requiring a removal and management plan for invasive non-native species, including long term objectives and management responsibilities. This will be applied to the decision notice.

Fire Safety

- 174.** The scheme has been developed alongside Fire Consultant Olsson to ensure compliance with all fire regulations.
175. The layout has been designed to minimise communal corridor lengths. Mechanical smoke extract will be provided to enable safe passage through the corridors in the event of a fire. In addition, the whole building, including the flats will be sprinklered. The escape route will be via the fire escape stair which discharges at ground floor level through a sterile corridor to safety. A fire-fighting lift will also be provided in line with Building Regulations.
176. The cladding system has been selected in response to the updated Building Control Guidance regarding the combustibility of external walls which came into effect on the 18th December 2018. The aluminium cladding is proposed to be a solid panel rather than composite in order to achieve a Class A2, S1 d0 (BS EN 13501) rating. Insulation is proposed to be non-combustible (A1) mineral fibre which has been tested by the Building Research Establishment and is BBA approved.
177. In summary, both the layout of the building and the material and construction elements have been carefully considered to ensure maximum fire safety.

Microclimate and Pedestrian Comfort

- 178.** A microclimate assessment has been provided which considers the impact of the development in the context of its existing and consented surrounding buildings on wind conditions. Wind tunnel testing on a 1:300 scale detailed model has been undertaken to test how the development would be affected in this regard.
179. The testing showed that the most outdoor pedestrian trafficable areas were found to be acceptable for their intended uses. However, localised areas were identified that are exposed to uncomfortable wind conditions with the inclusion of the proposed Argenta House.
180. The results indicate that some ameliorative treatments are needed in certain locations to achieve the desired wind speed criteria for pedestrian comfort.

181. With the inclusion of the above mitigation measures into the final design, wind conditions in all outdoor trafficable areas within and around the proposed development meet their respective comfort and safety criteria and, as such, would be considered suitable for their intended uses.

182. The above mitigation measures will be secured by condition.

Television Reception Impact

183. The applicants have submitted a TV reception impact report which considers the worst case scenario for impacts to nearby properties' TV signals based on the presence of the proposed building.

184. The report identifies the properties whose TV reception may be minorly impacted as a result of overshadowing along the line of the television signals from Crystal Palace transmitter. This includes a small number of properties along Tokyngton Avenue, Sylvia Gardens and Aldbury, Bovingdon, Flamsted, Nettleden and Tring Avenues for terrestrial signals and Tokyngton Avenue for Sky Satellite signals.

185. The report outlines a programme of testing and mitigation based on a test of signal strength in the relevant locations both before and after construction and, based on the results, the mitigation of any impact identified. Mitigation, if required, could be achieved through improving the receiving antenna and/or relocating/redirecting the antenna.

186. The LPA support the approach to ensuring any impact associated with TV signals is addressed and will require pre-implementation testing and post-implementation testing to be carried out and submitted for the LPA's review. This will be required through a S106 obligation. The S106 obligation will also secure mitigation being provided where impact is identified.

Community Involvement

187. The applicant undertook community consultation ahead of application submission in line with the Council's statement of community involvement expectations.

188. A two-day public exhibition was organised, publicised and held by the applicant, and a door knocking programme of one-to-one engagement with local stakeholders was also carried out. The applicants consulted with the community at this stage on the basis of the original scheme, which was for a 28 storey building with 151 units rather than the current scheme, which is for a 24 storey building with 130 units.

189. 14 people attended the consultation events. Of these, seven responded to the consultation in writing by filling in a comments card on the day of the exhibition. 30% of the comments received were supportive of the proposals, 40% were neutral and 30% raised concerns about the proposal. The applicants report that people were generally supportive of the principle for development and that many visitors stated that any proposals were preferable to the site as it currently exists.

190. In terms of the concerns raised by local residents, parking impact was raised as the most common concern (4 out of 6), with overcrowding (1 out of 6) and height (1 out of 6). In responding to these comments, parking should not worsened locally, subject to the implementation of a controlled parking zone and the scheme has seen a reduction in height and number of units since submission following officer concerns about the impact of the building in this location.

Equalities

191. 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).

Summary

192. Officers consider that the scheme meets planning policy objectives and is in general conformity with local, regional and national policy. The proposal would make a positive contribution to the area, whilst having an acceptable impact on and relationship with the existing surrounding development. Officers recommend the application for approval subject to the conditions and obligations set out in this report.

CIL DETAILS

This application is liable to pay **£4,419,958.26** * 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): 452.66 sq. m.

Total amount of floorspace on completion (G): 12985.631 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	12975.061		12522.77	£200.00	£0.00	£3,667,382.48	£0.00
(Brent) Shops	10.57		10.2	£40.00	£0.00	£597.52	£0.00
(Mayoral) Dwelling houses	12975.061		12522.77	£0.00	£60.00	£0.00	£751,366.17
(Mayoral) Shops	10.57		10.2	£0.00	£60.00	£0.00	£612.09

BCIS figure for year in which the charging schedule took effect (Ic)	224	328
BCIS figure for year in which the planning permission was granted (Ip)	328	
TOTAL CHARGEABLE AMOUNT	£3,667,980.00	£751,978.26

*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.



Brent

DECISION NOTICE – APPROVAL

Application No: 18/4847

To: Miss Hannah Willcock
DP9
100 Pall Mall
London
SW1Y 5NQ

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

Demolition of the existing two storey building (Use class B1) and redevelopment to provide a 24-storey building comprising 130 residential dwellings (37 x 1bed, 75 x 2bed and 18 x 3bed) with associated car and cycle parking, provision for bin stores, landscaping and ancillary works (revised description)

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

at **Argenta House, Argenta Way, London, NW10 0AZ**

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: 07/10/2019

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework (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):

11234 A P 001 – Location Plan
11234 A P 040 – Existing Elevations A and B
11234 A P 041 – Existing Elevations C and D
11234 A P 042 – Demolition Elevations A and B
11234 A P 043 – Demolition Elevations C and D
11234 A P 002 – Existing Ground Floor Plan
11234 A P 003 – Existing First Floor Plan
11234 A P 004 – Existing Roof Plan
11234 A P 005 – Demolition Ground Floor Plan
11234 A P 006 – Demolition First Floor Plan
11234 A P 007 – Demolition Roof Plan

11234 A P 100 Rev P – Ground Floor Plan
11234 A P 101 Rev M – First Floor Plan
11234 A P 102 Rev M – Second Floor Plan
11234 A P 103 Rev M – Third Floor Plan
11234 A P 104 Rev M – 4-6 Floor Plan
11234 A P 105 Rev M – 7-19 Floor Plan
11234 A P 106 Rev L – 20 Floor Plan
11234 A P 107 Rev L – 21 Floor Plan
11234 A P 108 Rev L – 22 Floor Plan
11234 A P 109 Rev L – 23 Floor Plan
11234 A P 111 Rev J – 24 Floor Plan
11234 A P 112 Rev B – Roof Plan

11234 A S 120 Rev A – Section A and B
11234 A S 121 Rev A – Section C and D
11234 A S 122 Rev A – Section E
11234 A S 123 Rev E – Section A
11234 A S 124 Rev A – Section B
11234 A S 125 Rev A – Section C
11234 A S 126 Rev A – Section D
11234 A S 127 Rev A – Section E
11234 A E 140 Rev E – Elevations A and B
11234 A E 141 Rev E – Elevations C and D
11234 A E 142 Rev A – Elevation A
11234 A E 143 Rev A – Elevation B
11234 A E 144 Rev A – Elevation C

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 kiosk as shown on approved ground floor plan (ref: 11234 A P 100 Rev P) shall only be used for purposes within the A1 use class, and for no other purpose without the written consent of the Local Planning Authority.

Reason: To ensure that the kiosk is of benefit to the public realm as intended.

- 5 The development hereby approved shall be carried out in full accordance with the mitigation measures stipulated in the approved Air Quality Assessment (prepared by Epal, dated November 2018), unless alternative details are first agreed in writing by the Local Planning Authority.

Reason: To appropriately mitigate air quality impact.

- 6 The development hereby approved shall be carried out in full accordance with the mitigation measures stipulated in the approved Noise and Vibration Impact Assessment (prepared by Scotch Partners, dated November 2018), unless alternative details are first agreed in writing by the Local Planning Authority.

Reason: To appropriately mitigate air quality impact.

- 7 The development hereby approved should be built so that 10% of the residential units achieve Building Regulations requirement M4(3) – ‘wheelchair user dwellings’ and the remaining to be built in accordance to M4(2) – ‘accessible and adaptable dwellings’, unless the units are laid out as 1 bed 1 person units which will achieve M4(1) visitable dwellings.

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

- 8 The development hereby approved shall be carried out in full accordance with the details stipulated in the approved Framework Delivery and Servicing Plan (prepared by TTP Consulting, dated November 2018), unless alternative details are first agreed in writing by the Local Planning Authority.

Reason: To ensure the free and safe flow of the public highway during periods of servicing of the proposed development.

- 9 The building shall be designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010.

Reason: In order to ensure a sustainable development by minimising water consumption.

- 10 Following first occupation of the development hereby approved, the details of the flood warning and evacuation plan (prepared by WSP, dated December 2018, Ref: 70036409-MZ/EI) shall be

implemented in full for the lifetime of the development, unless alternative details are first agreed in writing by the Local Planning Authority.

Reason: To appropriately ensure residents' safety in relation to flood events.

- 11 The development shall be carried out in accordance with the submitted flood risk assessment (FRA) Ref. 70036409/MZ/EI, and the following mitigation measures it details:

- No residential accommodation to be located at the ground floor.
- Finished floor levels to be set no lower than the modelled 1 in 100 year return period flood water level including a 35% climate change allowance, which is a flood level of 26.48m AOD.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: This is to ensure the proposal reduces the risk of flooding to the proposed development and its future occupants.

- 12 The development hereby approved shall be carried out in full accordance with the mitigation measures stipulated in the approved Pedestrian Microclimate Wind Tunnel Study (prepared by Windtech, dated November 2018, Ref: WE297-02F01(rev0)- WE Report), as amended by the details on page 17 of the submitted Design & Access Statement Addendum (prepared by FAL, dated March 2019), unless alternative details are first agreed in writing by the Local Planning Authority.

Reason: To appropriately mitigate pedestrian discomfort resulting from wind conditions.

- 13 The development hereby approved shall be carried out in full accordance with the tree protection measures stipulated in the approved BS5837:2012 Arboricultural Impact Assessment Method Statement & Tree Protection Plan (prepared by Gavin Jones Tree Care Services, dated November 2018) unless alternative details are first agreed in writing by the Local Planning Authority.

Reason: To appropriately protect two trees within the neighbouring site.

- 14 Notwithstanding the details to be agreed pursuant to Schedule X (highway works schedule number TBC) of the Section 106 agreement, the approved parking plan (Ref: 2017-3141-DWG-211(1)), including the cycle storage facilities, as well as the approved refuse storage facilities shall be installed prior to occupation of the development hereby approved and thereafter retained and maintained for the life of the development and not used other than for purposes ancillary to the occupation of the building hereby approved, unless alternative details are agreed in writing by the Local Planning Authority.

Reason: To encourage sustainable forms of transportation in the interest of highway flow and safety.

- 15 Prior to the commencement of the development hereby approved including demolition), a construction logistics plan shall be submitted to and approved in writing by the Local Planning Authority. The approved construction logistics plan shall thereafter be implemented in full accordance with the approved details.

Reason: To ensure the free and safe flow of the public highway during construction.

Pre-commencement reason: The condition seeks to exercise control over the construction phase of the development and therefore needs to be discharged prior to construction.

- 16 Notwithstanding the details contained within the Construction Management Plan (Ref: 18/001 Rev B, dated December 2018), further details of the following aspects shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the

development (including demolition and site clearance):

- Details of the control of dust emissions

The development shall thereafter be carried out in full accordance with the mitigation measures stipulated in the approved Construction Management Plan (Ref: 18/001 Rev B, dated December 2018 and the additional approved details, unless alternative details are first agreed in writing by the Local Planning Authority.

Reason: To appropriately mitigate impact of the development.

Pre-commencement reason: The condition seeks to exercise control over the construction phase of the development and therefore needs to be discharged prior to construction.

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

The scheme shall include, but not be limited to, the following elements:

- details of removal and management regime, including methodology and monitoring strategy
- details of treatment and protection of site boundaries and buffers around water bodies
- outline of designated waste management responsibilities
- details of strong biosecurity protocols – applied to PPE, tools, machinery and other potential spread pathways,
- Should burial on site be a considered option, then a map demarcating burial plots should be provided.

Reason: Japanese knotweed (*Fallopia Japonica*) has been identified on site (as part of the Preliminary Ecological Appraisal document), of which to allow or cause to grow 'in the wild' is prohibited under the Wildlife and Countryside Act 1981. In addition a removal and management plan addressing the risk posed by an invasive non-native species present, the development is required to comply with paragraphs 170 and 175 of the NPPF which recognises that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

Pre-commencement reason: Construction and site clearance could unduly harm biodiversity, therefore the above needs to be undertaken prior to commencement.

- 18 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 DMP1 and London Plan policies 5.3 and 7.14.

- 19 Prior to the commencement of development (excluding demolition) hereby approved, 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.

- 20 a) Prior to the commencement of the development (excluding demolition), a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction works, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. Vapour monitoring shall be undertaken as part of the assessment.

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

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

- 21 Details of materials for all external work, including samples which shall be made available for viewing on site, shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing above ground level. The work shall be carried out in accordance with the approved details, unless alternative details are first agreed in writing by the Local Planning Authority.

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

- 22 Within six months of commencement of works above ground level, a scheme of detailed landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority.

The submitted scheme shall identify all plant species, densities of planting as well as species and soil densities for all proposed ground floor trees. Soil depth and irrigation methodologies for the trees proposed within the roof gardens shall also be provided. The trees proposed should be formed of a variety of native and exotic species.

The approved landscaping shall be completed prior to first occupation of the development hereby approved and thereafter maintained, unless alternative details are first agreed in writing by the Local Planning Authority.

Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

- 23 Within six months of commencement of works above ground level, details of a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to, and approved in writing by, the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning

authority.

The scheme shall include, but not be limited to, the following elements:

- Details of any new habitat created on site, and the criteria used to select native plant mixes in accordance to expected light availability. Plant species are to be native and of local genetic provenance, suited to both the catchment character and light availability on site.
- Details of an adaptive planting strategy for developing the successful establishment of the river corridor habitat and wetland habitats over time, including:
 - Outline principle criteria in selecting and monitoring suitable native plant species for the river corridor and wetland habitats.
 - Maintenance regimes (covering at least the first 4 years), designed to enhance the floristic value and establish marginal vegetation.
 - A monitoring plan (covering at least the first 4 years), used to inform successful establishment areas and identify and introduce suitable native replacements for any failed areas.
- Details of treatment of site boundaries and/or buffers around water bodies; including how the new watercourse will be protected during construction phases
- Details of management responsibilities
- Details of any proposed external lighting

Any proposed planting and management scheme shall include an adaptive strategy to enable appropriate responsive management to the maturing site needs and challenges in establishing effective vegetation cover and floristic interest throughout the year and over time. This is important for fostering habitat continuity in a challenging environment and will complement flood risk management needs.

Reason: This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognises the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Without this condition we would object to the proposal because it cannot be guaranteed that the development will not result in significant harm to the new habitats created, including the proposed naturalised river environment.

- 24 Prior to occupation of the development hereby approved, a scheme of ecology mitigation and enhancement measures, (as set out in the Preliminary Ecological Appraisal, River Corridor Survey & Bat Survey Report prepared by WSP, dated November 2018) shall be submitted to and approved in writing by the Local Planning Authority.

The measures shall be implemented in accordance with the approved details, unless alternative details are first agreed in writing by the Local Planning Authority.

Reason: To ensure the development appropriately accommodates for the local eco-system and seeks to enhance this where possible.

- 25 Prior to first occupation of the development hereby approved, details of a communal television aerial and satellite dish system linking to all residential units within the development shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details. No further television aerial or satellite dishes shall be erected on the premises.

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

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

Reason: To safeguard the amenity of the neighbours.

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 by the applicant to contact the Head of Highways & Infrastructure to arrange for the highway works to be undertaken. Such works are undertaken by the Council at the applicant's expense.
- 5 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. Such notification shall include photographs showing the condition of highway along the site boundaries.
- 6 The applicant is advised of the following by Thames Water:

Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

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.

The proposed development is located within 15m of our underground waste water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes

or other structures.

Thames Water will require the points of connection to the public sewer system, for foul water, as well as the anticipated flow (including flow calculation method) into any proposed connection point. This data can then be used to determine the impact of the proposed development on the existing sewer system.

7 Network Rail advise the applicant of the following:

(1)

The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations.

(2)

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail Asset Protection Engineer for agreement.

(3)

As the proposal includes works which may impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The applicant / developer should liaise directly with Asset Protection to set up the BAPA - AssetProtectionLNWSouth@networkrail.co.uk.

8 The applicant is advised of the following by the Environment Agency:

Japanese Knotweed

Japanese knotweed is recognised as controlled waste and therefore disposal off site requires to be handled under a Duty of Care. For these reasons, any soils removed from the site or new material brought in should be free of the seeds/roots/stem of any listed plant, i.e. within Schedule 9 of the Wildlife and Countryside Act 1981.

Strong Biosecurity protocols should be incorporated into construction methodologies. In particular, it would be expected to be within the Construction Management Plan, the Site Health, Safety, Welfare and Environmental Plan and any other related site Management Plans.

Biosecurity protocols must consider and manage all potential spread pathways relevant to the development phases, including clearance. This includes the management of Personal Protective Equipment (PPE), tools, plant and access tracks. If a wash down area is to be utilised, it should be positioned away from any surface water drains.

Landscape Management

An appropriate Landscape Management Plan covering the riparian zone and wetland habitat will help mitigate for the altered light availability as a result from this proposal.

The ecological enhancements that have been proposed will require this management plan to be in place to ensure the landscape provides a maximum benefit to both people and the environment as well as measuring the objectives of the proposal have been achieved.

The Thames River Basin Management Plan (RBMP) requires the restoration and enhancement of water bodies to prevent deterioration and promote their recovery.

Without this condition, the proposal's ecological impact may lead to deterioration of a water quality element to a lower status class due to inappropriate management of the riparian zone. The Wembley Brook is a supporting tributary of the Lower Brent waterbody (GB106039023590), which is categorised as a Heavily Modified Water Body.

Mitigation Measures relevant to the Wembley Brook (given its shared urban context and pressures) include:

- habitat creation,
- management of in-channel and riparian vegetation,
- implementation of bank rehabilitation/channel maintenance strategy or technique,
- removal and prevent further dispersal of invasive non-native species; and,
- preservation or restoration of habitats.

In addition to the above, artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat, and in particular is inhibitive to bats utilising the river corridor. Any potential light spill from external artificial lighting into the watercourse or adjacent river corridor habitat, should be designed to minimise disturbance to wildlife utilising the river habitat. To achieve this the specifications, location and direction of external artificial lights should be such that the lighting levels within the riparian zone of the watercourse are maintained at background levels. The Environment Agency considers background levels to be a Lux level of 0-2.

Permitting

This development will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. We recommend that the applicant contacts 08708 506506 to discuss the issues likely to be raised.

The following will be required when designing and applying for the Environmental Permit (Flood Risk Activity);

- For introduced substrate; state gravel size(s), volumes and the source.
- Detail of methods used to secure the new bank profile, e.g. erosion control measures. It is recommended to investigate green engineering techniques and materials, although the applicant should be mindful of whether light availability and natural processes will be sufficient for successful establishment (including whether plant mix will offer decent all year round cover and protection).
- Erosion protection methods incorporated into designs; which ideally includes utilisation of marginal planting
- Planting species mix to be used should be native, of local genetic provenance. Suited to the catchment character – and also likely to success given the light availability.
- Timing of works, consideration for working around course fish spawning.
- Suitability of proposed temporary decking for construction.

- 9 The applicant is informed that the raised pedestrian bridge connecting the site to Wembley Point, which is identified as an indicative potential feature of the development on the plans, does not form part of this planning consent. A separate planning consent will be required for such a structure, which will be subject to consultation with the Environment Agency.
- 10 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.
- 11 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 Toby Huntingford, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1903

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

16 October, 2019
05
19/1973

SITE INFORMATION

RECEIVED	3 June, 2019
WARD	Tokyngton
PLANNING AREA	
LOCATION	Empire House, Empire Way, Wembley, HA9 0EW
PROPOSAL	Erection of two additional storeys to create 9 residential flats (1 x 1-bed, 6 x 2-bed, 2 x 3-bed) including roof garden, conversion of parking undercroft for refuse, bicycle storage and 1 disabled car parking bay and external refurbishment of the existing building(revised description)
PLAN NO'S	Refer to 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_145537</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 "19/1973" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

RECOMMENDATION 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 informative's to secure the following matters:

Conditions

1. Time Limit for commencement
2. Approved drawings/documents
3. Withdraw PD rights to convert flats to C4 small HMOs
4. Removal of parking permits for proposed residents
5. Bin stores, parking space and bike stores to be provided in accordance with approved plans
6. Water consumption not more than 105lpd
7. Internal noise levels
8. Construction Method Statement to be submitted
9. Site investigation, remediation strategy and verification
10. Details of external materials and balcony screens to be submitted
11. Landscape details to be submitted

Informatives

1. Party Wall
2. Building near boundary
3. CIL liability
4. Fire Safety

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, 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

	<p>Planning Committee Map</p> <p>Site address: Empire House, Empire Way, Wembley, HA9 0EW</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is indicative only.

PROPOSAL IN DETAIL

Erection of two additional storeys to create 9 residential flats (1 x 1-bed, 6 x 2-bed, 2 x 3-bed) including roof garden, conversion of parking undercroft for refuse, bicycle storage and 1 disabled car parking bay and external refurbishment of the existing building(revised description)

EXISTING

The existing site comprises a three-storey flat-roofed building finished in a combination of white render and brown brick. Building Control records suggest it was built in 1951. The majority of the ground floor is in A4 use and the remainder is retained in B1 use, comprising about 60 small office suites with ancillary office space on the ground floor. Prior approval has also been granted to convert the office space in residential use but this has not been implemented to date (see planning history below). The building footprint fills the site and sits forward of the adjoining building at 122 to 126 Wembley Park Drive. There are six on-site parking spaces in an undercroft on the southwestern elevation, accessed from an adjacent service road leading off Empire Way, and the site location plan includes this service road which also has an access onto the highway adjacent to 100 Wembley Park Drive.

The site is not in a conservation area and the building is not a listed building. The site is situated on a prominent corner site on the northwestern side of Empire Way at its junction with Wembley Park Drive. The site and its surroundings form part of Wembley Growth Area and Wembley Town Centre, which is characterised by ground-floor retail and town centre uses including a retail park consisting of large-scale buildings. The site and surrounding buildings form part of a secondary retail frontage. Building heights are predominantly three-storey or lower. The site sits within the Wembley Park Corridor Character Area as set out within the Wembley Area Action Plan (WAAP). To the south is the comprehensive development area surrounding Wembley Stadium and to the north and west are suburban residential areas.

AMENDMENTS SINCE SUBMISSION

Amended plans were received on 20th of August 2019, involving the following amendments:

- amendments to the internal layout of the flats
- removal of side window and terrace on the third floor towards the south
- increased private amenity space by provision of roof garden
- changes in the cycle and waste storage and the disable parking space

Further amended plans were received on 25th September 2019, involving the following amendments:

- changes to the cycle and waste storage number and positions to incorporate the prior approval requirements as well as the relocation of the disable parking space for the undercroft

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 received: Eight objections were received. These mainly relate to the design of the building including its overall height, bulk and mass and impact on the character of the area, and concerns regarding loss of light and privacy to neighbouring properties to the rear. These issues are all addressed in the relevant sections of the main body of the report.

Principle of development: This application would not change the office and pub use aside from a small element on the ground floor and would provide new housing to contribute to the borough's housing targets.

Design and appearance: The proposed building would be well articulated with a strong vertical rhythm matching the existing front facade and clear definition of the base and top of the building. Your officers consider that it would relate appropriately to surrounding buildings and would strike the right balance between prominence and restraint at this prominent location. The proposal would also involve improvements to the existing front and rear elevations.

Impact on neighbouring properties: Due to the location and orientation of the site, the proposed building

would have an acceptable relationship with all neighbouring properties and would not lead to any significant material loss of privacy, light or outlook enjoyed by neighbouring residents.

Quality of residential accommodation: The proposed residential units would be of good quality in terms of minimum space standards, light and outlook, internal layouts and access to private amenity space on the roof space.

Environmental health considerations: Conditions have been proposed to secure an acceptable development with respect to land contamination and construction management. The air quality and noise assessment reports submitted were acceptable.

Impact on highways, parking and servicing: The proposal provides a disabled parking space and servicing for the commercial floorspace, together with adequate cycle storage and refuse storage. Residents of the development would not be eligible for on-street parking permits as a car-free development to ensure that the development has only minimal impact on the highway network in this highly accessible location.

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)
Dwelling houses				774.56	774.56

Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING (Flats û Market)										
PROPOSED (Flats û Market)	2	6	1							9

RELEVANT SITE HISTORY

Relevant planning history

19/1240: Details pursuant to condition 2 (soil contamination) of Prior Approval - Office to Residential reference 18/2120 dated 31 July, 2018 - **Granted, 13/06/2019.**

19/0597

Erection of two additional storeys to create 9 residential flats (1 x 1-bed, 6 x 2-bed, 2 x 3-bed) - **Refused, 11/04/2019.**

Grounds for refusal included inability for ground floor pub use to be serviced, proximity to neighbouring habitable room windows and poor quality layout for the flats.

18/2120

Prior approval for the Change of use from office (Use Class B1(a)) to residential (Use Class C3) at part-ground, 1st and 2nd floors to provide 29 residential units

Prior approval required and approved 31/07/18.

09/0921

Change of use of ground-floor offices (Use Class B1) to restaurant/bar (Use Class A3/A4), installation of extraction flue to rear of building, replacement door to Wembley Park Drive elevation, new door to Empire Way elevation and two new doors to rear elevation (as amended by revised plans dated 30/07/09) - **Granted, 30/07/2009.**

CONSULTATIONS

Consultation Period: 14/06/2019

Re-consultation period on revised plans: 05/09/2019 - 26/09/2019

141 neighbouring properties consulted.

8 objections and 8 supporting comments were received and are summarised below:

Ground of support	Officer response
The proposal would bring a derelict site back into positive use which would benefit the area and the current businesses.	Noted
The proposed units have been generously designed to provide a high standard of accommodation and it would contribute positively to the local area in aesthetic terms as well as by providing additional quality housing stock. There are no concerns with the additional height which is in keeping with other newly constructed properties in the area. The residential conversion would contribute to the local area for more affordable accommodation.	Noted
Ground of objection	Officer response
<ul style="list-style-type: none"> - design unattractive and does not connect to local high street; - out of character with surrounding pattern of lower rise buildings, would dominate street with the additional height contrary to The Wembley Area Action Plan section 4 . - materials and flat facade out of place in architectural context; 	The design and the additional increased height of the development has been discussed within paragraphs 7 to 13 in the main body of report.
<ul style="list-style-type: none"> - proposal would have negative impact on trade and regeneration of area; - building should be retained for local enterprises to preserve character of area; 	<p>The proposal would not change the use of the existing building. It relates to a roof extension to accommodate new residential units which is considered to form part of an acceptable mix of uses within a town centre location.</p> <p>The proposal will not preclude the existing offices or public house to continue to operate.</p>
Noise caused by the works which will negatively impact the work in the area.	Construction noise is covered through Environmental Health legislation which restricts the hours of noisy works to 8am to 6pm Mondays to Fridays, 8am to 1pm Saturdays and at no times on Sundays/bank holidays.

<p>The red boundary line showing ownership of the plot including No.100 to the rear and side which does not belong to the applicant.</p>	<p>The lands next to and to the rear of No.100 is drawn in blue line which indicates the adjoining lands to 1 Empire way owned by the applicant and confirmed via the Land Registry. As such the boundary line does not encroach on to No.100.</p>
<p>The Wembley Area Action Plan section 4 provides that the character of the local housing will be built upon and enhancement to existing town centres seeking to strengthen the retail frontage..</p>	<p>This is not relevant to the current application, which does not propose any loss of office space or retail frontage.</p>
<p>Concerns about the impact the proposed works could have on subsidence and ground stability and stability of the adjoining properties</p>	<p>This issue would be dealt with through the Building Regulations and is not a material planning consideration.</p>
<p>Insufficient parking space will adversely affect the amenity of surrounding properties and the very busy private road to the rear of the property could be become hazardous by virtue of the insertion of a bike storage area and create a danger to both cyclists and motor vehicles given that a cab office and various other businesses operate from the aforementioned private road.</p>	<p>The transportation related matters including car parking and bike provision and use of the access road has been reviewed by Transportation officers and discussed within paragraphs 28 to 35 in the remarks section below.</p>
<p>Area is overdeveloped already;</p>	<p>Each application is considered on its individual merits and in accordance with relevant planning policies. The scheme will be liable to pay Community Infrastructure Fund that is secured for the Council for required infrastructure.</p>
<p>Core Strategy Policy CP2 states that beyond site allocations, only proposals for affordable housing for local people are supported, and requires at least 25% of new homes to be family sized</p>	<p>This comment is based on a misunderstanding of CP2, which permits new housing proposals in urban areas in principle, makes no reference to site allocations and sets only general targets for affordable housing and family-sized homes. Neither affordable housing provision nor a specific housing mix are policy requirements for proposals of less than ten dwellings.</p>
<p>Loss of Privacy and overbearing to the flats to the rear at No. 120A, 122 A, 124 A</p>	<p>The impact on neighbouring occupiers is discussed within paragraphs 14 to 18 in the</p>

	remarks section below.
A statement of community involvement has not been submitted by the applicants.	Noted

Internal Consultation

Environmental Health: no objection subject to conditions. These are discussed in the main body of the report.

POLICY CONSIDERATIONS

National Planning Policy Framework (2019)

London Plan (2016)

Key policies include:

- 3.5 – Quality and Design of Housing Development
- 6.9 - Cycling
- 6.10 - Walking

Core Strategy (2010)

- CP 2 Population and Housing Growth
- CP 7: Wembley Growth Area

Development Management Policy (2016)

- DMP 1: Development Management General Policy
- DMP 11: Forming an Access on to a Road
- DMP 13: Movement of Goods and Materials
- DMP 18: Dwelling Size and Residential Outbuildings
- DMP 19: Residential Amenity Space
- DMP21: Public Houses

Wembley Area Action Plan 2015

- WEM15: Car parking standards
- WEM19: Family Housing

Supplementary Planning Guide

- SPD1 - Brent Design Guide (2018)
- Technical housing standards: nationally described space standard (2015)
- Housing SPG (2016)

DETAILED CONSIDERATIONS

Background

1. The application site has a complex planning history with a number of schemes being granted consent in recent years. Prior approval was granted for the change of use of part of the ground, first and second floors in flats. Whilst there is no record of works commencing on site in relation to the prior approval, a pre-commencement condition has been discharged - see planning history above.
2. The application has been submitted on the basis that the existing floors of accommodation in the building

are in office use. However, as detailed above, prior approval has been granted to change the use of part of the existing building from office to residential. This application has been assessed in view of the use of the existing building as an office but with consideration given, in particular with regard to transportation matters, should the change of use to residential be completed and occupied in accordance with prior approval legislation.

Principle of development

3. Policies in the 2015 Wembley Area Action Plan provide a planning framework for the redevelopment of sites in this area, and Core Strategy Policies also provide an important supporting policy context, Policy CP2 seeking new housing in established urban areas, Policy CP6 supporting higher densities and tall buildings where these are of exemplary design and take into account the suburban interface, and Policy CP7 setting out the Council's overall vision for the Wembley Growth Area.
4. It is noted that prior approval was recently granted for the conversion of the existing office accommodation to residential use. This conversion had not been implemented at this time, and is subject to pre-commencement and pre-occupation conditions which have not been discharged at this time. Therefore it is not considered at the time of assessing the current proposal that the lawful use of the existing upper floors is residential. The proposal would involve adding two floors of residential accommodation above two floors of office accommodation and the ground floor A4 use, and this is considered to be acceptable within town centre locations as a means of optimising the development potential of sites in sustainable urban locations. The existing town centre uses would be retained and the proposal is not considered to have any adverse impact on the vitality and viability of the town centre.
5. Extending the building to provide additional residential accommodation is further supported by Core Strategy Policy CP7, which plans for at least 11,500 new homes to 2026 within the Wembley Growth Area. Further policy support is provided by the NPPF paragraph 118(e) which encourages upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene and is well-designed, and by the draft London Plan Policy H1 which encourages boroughs to optimise the potential for housing delivery on all suitable and available sites. The scheme will include two family sized units (3-bed units) which accounts for 22% of units. Whilst there is no specific requirement to provide family sized units for schemes of under ten units, the provision of two family units is supported and contributes towards the Council's wider target of 25% of new homes to be 3-bed units, in line with CP2 and WEM19.
6. It is noted that internal alterations are proposed to enlarge the existing entrance lobby from Empire Way to accommodate stairs and a lift to all of the upper floors. Whilst the proposal will retain the public house at ground floor level, the enlarge communal entrance area will result in a small loss of part of the public house. Policy DMP21 seeks to protect public houses. This proposal is considered to have unlikely material impact on the viability of the pub given the relatively small extent of the change.
7. The principle of residential development is supported in this town centre location, with good public transport accessibility, subject to draft London Plan Policy D12 Agent of Change, which requires new noise-sensitive development such as residential uses to mitigate impacts from existing noise-generating activities, in this case the public house.

Design, scale and appearance

8. The NPPF emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials, while not discouraging appropriate innovation. Policy DMP1 requires the scale, type and design of development to complement the locality. The Wembley Area Action Plan (WAAP) provides more specific design parameters based on the characteristics of the five local character areas.
9. The site is located in the Wembley Park Corridor local character area. The WAAP describes this area as having a wide variety of building typologies and acting as a physical transition in scale and character from the large format development in the Stadium area to the wider residential suburbia. However, it also sees opportunities to strengthen the role of key nodes with signature buildings. Policy WEM2 expects development at key nodes to add to the sense of arrival and legibility of Wembley
10. The building covers the entire footprint of the site and also wraps around the adjoining building to the north. It is undistinguished in design terms but of a scale and bulk that fits in with the surrounding context of three-storey buildings on the Empire Way and Wembley Park Drive frontages, and the combination of

brown brick and white render gives the building a simple elegance. The wraparound element has a more utilitarian character and greater floor-to-ceiling heights resulting in a slightly increased overall height.

11. A two-storey roof extension is proposed, the third floor continuing the building line, architectural style, detailing, fenestration arrangements and materials of the existing building whilst the fourth floor would be set back and in a contemporary style with a lighter materials palette and a projecting flat roof. The proposed extension would be accessed via a new stair and lift core, rising from the ground floor to an internal courtyard at third floor level providing individual entrance doors to the units. Notwithstanding objections on this point, the urban grain and overall bulk and mass of the proposal is consistent with the existing building and is therefore not considered to be out of keeping with the character of the area.
12. The façade alterations would include glazing changes, adjustment of opening sizes and locations of windows on the rear facades of the existing building, and amendments to the entrance to improve glazing design and enable level threshold entrance.
13. The overall design approach would provide clear definition for the top of the building while maintaining the character of the original building and reducing the visual impact of the additional height. The existing double height entrance to the upper floors is a distinctive feature that would provide a strong sense of arrival from the street for the residential units, whilst the internal courtyard would provide a more intimate arrival space for residents. The proposal is supported on design grounds.
14. Materials are described as red brick and render, with metal framed glazing and projecting feature metal eaves and white render panels. These are considered to complement the character and appearance of the existing building whilst introducing a more contemporary quality in contrast. Further details and materials samples would be required by condition if permission were granted.

Relationship with neighbouring properties

15. Any development needs to maintain adequate levels of privacy and amenity for existing residential properties, in line with the 30 degree rule set out in SPD1 and retaining a 9m distance to the rear boundary and 18m to the nearest rear-facing habitable room windows. The Council also supports the use of daylight and sunlight impact assessments in dense urban areas where it may not be possible to comply with the 30 degree rule.

Privacy considerations

16. A distance of 18m is required from the proposed development to rear habitable room windows at 120 to 126 Wembley Park Drive. Whilst the proposal does not directly face out onto any private rear garden amenity spaces, there is still the need to maintain a distance of 9m to the boundary with 120 to 126 Wembley Park Drive to ensure that the neighbour site is not unduly compromised for coming forward for redevelopment in the future. The proposed extension at third and fourth floor levels maintains a distance of over 18m to the rear habitable room windows in 120 to 126 Wembley Park Drive. A distance of over 9m to the boundary with 120 to 126 Wembley Park Drive is also achieved from the windows within the roof extension at third and fourth floor levels. The roof terrace to the third and fourth floor flats that face out onto Wembley Park Drive maintain a distance in part of 8.5m. Whilst this is marginally short of the 9m separation distance set out in SPD1 by 0.5m, such a marginal shortfall is not considered to compromise the ability of the adjoining site to come forward for redevelopment.
17. A distance of over 9m is also maintained from the habitable room windows in the third and fourth floor extensions facing westwards to the boundary with 10 Empire Way and the Trade Centre to the rear of Empire Way. A distance of 8.3m is maintained from the balconies at third and fourth floor level to the western boundary. Whilst this is below the recommended distance of 9m, the shortfall is not considered significant to compromise the delivery of the site to the west coming forward for redevelopment in the future.
18. It is considered that the set in of the third and fourth floor extensions from the western side of the building has addressed the previous reason for refusal, and will maintain adequate levels of privacy for existing residential occupants and not prevent the adjoining sites from coming forward for redevelopment in the future.

Daylight and Sunlight

19. A daylight sunlight report was submitted. This identified the only existing residential properties potentially affected by the development as 122A and 124A Wembley Park Drive. All of the rooms assessed comply with BRE guidelines regarding levels of daylight and sunlight.

Residential living standards

20. Development is required to comply with standards set out in the Mayor's Housing SPG (including minimum internal space standards based on Technical Housing Standards – Nationally Described Space Standard 2015), and with Brent Policy DMP19, which requires private amenity space of 20sqm per flat and 50sqm for family housing (including ground floor flats). Floor to ceiling heights should be a minimum of 2.3m. Balconies must have a minimum width and depth of 1.5m and floor area of 5sqm to be considered usable.
21. The accommodation proposed consists of nine units, with 5 units per core on the third floor level and 4 units per core on the fourth floor level. All units will benefit from dual aspect with good levels of outlook from all habitable rooms. To prevent overlooking between adjoining private terraces, screening will be required. This detail can be secured as part of the external materials condition.
22. A summary of the internal unit size and external amenity space is set out below:

Unit No	Unit Type	Proposed GIA	LP GIA requirement	Private external amenity space
3.01	1B 2P	62.9sqm	50sqm	11sqm
3.02	2B 4P	77.2sqm	70sqm	0sqm
3.03	2B 3P	67.8sqm	61sqm	0sqm
3.04	3B 5P	90.8sqm	86sqm	6sqm
3.05	2B 3P	66.8sqm	61sqm	38.4sqm
4.01	2B 4P	73.8sqm	70sqm	18sqm
4.02	3B 6P	95.1sqm	95sqm	32sqm
4.03	2B 3P	73.7sqm	61sqm	6sqm
4.04	2B 3P	66.6sqm	61sqm	38.4sqm

All the units comply with or exceed the minimum internal space standards. All units except two would have private balcony of more than 5sqm. It should be noted that the units with no private external amenity space (units 3.02 and 3.03) originally did have balconies but due to concerns with the external design of the third floor level with enclosed balconies, this was amended to change the balcony space into additional internal space for those flats. These units would have access to the communal roof top amenity space. To supplement the external amenity space provision a communal garden at roof level of 58.2sqm is proposed (an average of 6.4sqm per unit). Whilst a number of units would not have access to 20sqm of external amenity space through a combination of private balconies and communal amenity space (5 of the 9 units), given the constraints of the site and its location within a town centre which aims to promote higher densities together with the overall good quality of the internal environment of the units, the shortfall is on balance considered acceptable.

Environmental health considerations

Air quality

23. The proposed site is within an air quality management area and therefore due to the size of the development the applicant is required to carry out an air quality impact assessment that should consider the potential emissions to the area associated with the development as well as the potential impact on receptors to the development. The applicant has submitted an Air Quality Assessment by Eden Green Environmental ref EGE_220 dated 31/5/19. This assessment is accepted and although there will be requirements on preventing dust emissions during construction there are no other mitigation measures required.
24. *Noise*
25. The application was accompanied by a Noise Impact Assessment by KP Acoustics ref 17688.NIA.01 dated 30/01/19. This assessment considered external noise and the required sound insulation that the proposed new dwellings would require to ensure that they comply with the recommended internal noise levels as specified in BS8233:2014. The proposed units would be on the third and fourth floor which will

be protected from the commercial unit on ground floor by the office spaces on first and second floor. However, Environmental Health have advised that the noise assessment has not considered any plant/machinery noise that may be associated with the commercial use such as air conditioning units or odour extraction units. It is recommended that a condition is secured for an updated Noise Impact Assessment to cover these considerations.

Contaminated land

26. Environmental Health have advised that land has been identified as potentially contaminated. They are recommended conditions to consider contamination and any remediation action.

Construction Noise and Dust

- 27.** The development is within an Air Quality Management Area and located very close to other commercial premises. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours. A condition for a Construction Method Statement is recommended to be secured as a condition.

Transportation considerations

- 28.** The site is currently occupied by a 3-storey building comprising a pub on the ground floor and about 60 small office suites above. Undercroft parking for about 8 cars is located to the rear, accessed via a private rear service road serving Empire Parade, 100-126 Wembley Park Drive and a rear car repair garage. The service road is accessed via a 4.5m crossover from Empire Way to the rear of this site and links through to Wembley Park Drive. It has received prior approval for conversion to 29 residential units on ground, 1st and 2nd floors.
- 29.** Parking and loading are prohibited at all times along the entire site frontage. The wider area is within the Wembley Stadium event day Controlled Parking Zone but there is no year-round CPZ in operation in the area at present. The PTAL rating is 6 (Excellent).

Car parking

30. The site is within the Wembley Masterplan area, so Wembley Area Action Plan car parking standards apply, with the high PTAL meaning the lower levels of 0.4 spaces per 1-/2-bed flat and 0.6 spaces for larger flats are applicable. The proposed scheme would therefore be allowed up to 3.8 spaces for residents.
31. Nevertheless, only one off-street parking is proposed. Whilst this means that maximum car parking allowances are not exceeded, consideration also needs to be given to the impact of the scheme on-street parking conditions in the area, given that there is no year-round CPZ in operation at present. Ordinarily, this would be a significant concern, but the site is located within a major housing growth area and contributions are being sought from developments in the area to progress the introduction of a CPZ. A condition is recommended to designate the development as 'permit-free' and remove the right of future occupiers to on-street parking permits if a all year round CPZ is introduced in the future as well as the current Wembley Event Day parking zone.

Servicing and refuse

32. There is an existing off street loading bay directly to the north of Empire House which will remain. They have noted that the proposal is unlikely to change the existing ability for off street servicing as the undercroft area currently has limited headroom which would prevent HGVs, typically used to service pubs, from being able to use this area. As such, servicing arrangements for the site are not considered to materially change as a result of this proposal.
33. The bin store for the new flats will also be located within the undercroft area. The bin store is sited within 10m of the highway. There is sufficient capacity within the bin store area for both the flats being considered under this application and the prior approval flats (if they are to be implemented). The bin store is less than 30m carrying distance from each of the proposed flats. Access could provided down to ground floor level from either stairs or a lift.

Cycle parking

- 34. The London Plan would require a minimum long stay residential cycle parking level of 16 spaces for the proposed nine flats. The bike store is proposed within the undercroft so that it is covered with fencing and gate access for security purposes. As there is limited headroom within the undercroft, eight sheffield stands are proposed. This is sufficient to accommodate the bikes for the nine new flats.
- 35. It should also be noted that the ground floor plan has indicatively marked out sheffield stands within the remainder of the undercroft for the flats approved as part of the prior approval scheme in the event that this is implemented. Whilst they do not form part of the consideration of this application, they have been indicatively marked out to demonstrate that there is adequate room within the undercroft to accommodate all bikes for the prior approval scheme (30 in total) in addition to the 16 cycle spaces proposed for this scheme.

Conclusions

- 36. The proposal is considered acceptable and in accordance with planning policy and guidance for the reasons as discussed above.

Equalities

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

CIL DETAILS

This application is liable to pay **£275,699.34** * 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): 774.56 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	774.56		774.56	£200.00	£0.00	£228,218.57	£0.00
(Mayoral) Dwelling houses	774.56		774.56	£0.00	£60.00	£0.00	£47,480.77

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	£228,218.57	£47,480.77

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

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

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



Application No: 19/1973

To: Miss Marrocco
DP9 Ltd
100 Pall Mall
London
SW1Y 5NQ

I refer to your application dated **01/06/2019** proposing the following:

Erection of two additional storeys to create 9 residential flats (1 x 1-bed, 6 x 2-bed, 2 x 3-bed) including roof garden, conversion of parking undercroft for refuse, bicycle storage and 1 disabled car parking bay and external refurbishment of the existing building(revised description)

and accompanied by plans or documents listed here:
Refer to condition 2

at **Empire House, Empire Way, Wembley, HA9 0EW**

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: 07/10/2019

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework 2019
London Plan 2016
Brent Core Strategy 2010
Brent Development Management Policies 2016
Wembley Area Action Plan 2015
SPD 1 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):

GA-E-XX-EXISTING P1
PLANNING-P-XX-EXISTING P1
GA-E-N.W-PROPOSED REV P5
GA-P-03-PROPOSED REV P4
GA-P-R-PROPOSED REV P3
GA-E-E.S-PROPOSED REV P4
GA-E-N.W-PROPOSED REV P5
GA-P-04-PROPOSED REV P5
GA-P-00-BINS.BIKES

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 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the existing Wembley Stadium Event Controlled Parking Zone (CPZ) or any future year-round Controlled Parking Zone (CPZ) that is introduced in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development.

On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

The owner is required to inform any future occupant that they won't be entitled to a Residents Parking Permit or Visitors Parking Permit.

Any Parking Permit issued in error by the Council shall be surrendered should the Council request it.

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

- 5 The cycle parking, bin store and disabled parking bay for the approved development as shown on the approved plans, shall be provided in full prior to first occupation of the flats and shall be permanently retained and used solely in connection with the dwellings hereby approved.

Reason: To ensure adequate access into the site at all times and that the approved standards of parking provision and servicing are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- 6 The buildings shall be designed so that mains water consumption for the residential units does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010.

Reason: In order to ensure a sustainable development by minimising water consumption.

- 7 Prior to first occupation of the development hereby approved, the glazing specification as set out in the Noise Impact Assessment (prepared by KP Acoustics Ltd, dated May 2019) shall be implemented in full. The glazing specification shall thereafter be retained for the lifetime of the development.

Reason: To ensure an acceptable noise environment for prospective residents of the development.”

- 8 Prior to the commencement of the development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The construction works shall thereafter be carried out in accordance with the approved Construction Method Statement.

Reason: To protect local air quality, in accordance with Brent Policy DMP1 and London Plan Policy 7.14.

Reason for pre-commencement condition: The adverse environmental impacts of the construction process could occur at any time following commencement of development, and adequate controls need to be in place from this time.

- 9 (a) A site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present and a written report of the investigation shall be submitted to and approved in writing by the local planning authority, prior to the commencement of construction works (excluding preparation works). The investigation shall be carried out in accordance with the principles of BS 10175:2011. The report shall include the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.

(b) Prior to first occupation or use of the development, any soil contamination remediation measures required by the local planning authority shall be carried out in full and a verification report shall be submitted to and approved in writing by the local planning authority, stating that remediation has been carried out in accordance with the approved remediation scheme and that the site is suitable for end use (unless the Planning Authority has previously confirmed that no

remediation measures are required).

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

- 10 Prior to commencement of works to the third and fourth floor extensions, details of materials for all external work and screens between directly adjoining balconies (including samples which shall be made available for viewing on site or within another location as agreed), shall be submitted to and approved in writing by the Local Planning Authority. The 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.

- 11 Within three months of commencement of the development, further details of landscaping works within the application site as indicated on the approved plans and documents shall be submitted to and approved in writing by the local planning authority. Such details shall include:

- (i) Proposed boundary treatments both around the roof terrace and around the site if applicable, indicating materials and heights and exact locations within the site;
- (ii) Details of materials and finishes proposed for hard landscaped areas.
- (iii) Proposed species, locations and densities of soft landscaping including the use of native species where appropriate;
- (iv) Details of the proposed arrangements for maintenance of the landscaping;
- (v) Details of any external lighting proposed;
- (vi) Details of any CCTV scheme to be provided within the development.

The hard and soft landscape works and boundary treatments shall be carried out in full accordance with the as approved details prior to the first occupation of the flats hereby approved, unless alternative timescales have been submitted to and approved to be agreed in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved timescales .

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

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

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 applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 3 In order to ensure adequate fireproofing of the building, the applicant is advised to contact the Fire Prevention Officer of the London Fire Brigade, Fire Prevention Branch, Fire Station, 500 Pinner Road, Pinner, Middlesex, HA5 5EW.
- 4 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring

property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

Any person wishing to inspect the above papers should contact Mahya Fatemi, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2292

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

16 October, 2019
06
19/1095

SITE INFORMATION

RECEIVED	21 March, 2019
WARD	Willesden Green
PLANNING AREA	
LOCATION	39A-B, 41, 43-47 Dudden Hill Lane & car park Villiers Road R/O 43-47, London, NW10
PROPOSAL	Demolition of existing buildings and erection of a part 4 storey, part 5 storey building with Learie Constantine community centre (Use Class D1) on ground floor and 26 self-contained flats above (12 x 1 Bed, 7 x 2 Bed and 7 x 3 bed), provision for balcony amenity, 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_144521</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 "19/1095" (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:

1. Time limit for commencement
2. Approved drawings/documents
3. Defining/securing Affordable Housing
4. Use Restricted to D1
5. Removal of permitted development rights to change properties into small HMOs
6. Implementing Bin/Bicycle Storage
7. Restricting water consumption
8. Securing accessible units
9. Securing Training & Employment
10. Construction Method Statement
11. Securing Carbon Offset/Energy Statement
12. District Heating Network Connection
13. Plant Noise
14. Contaminated Land Investigation
15. Contaminated Land Verification and Remediation
16. Materials
17. Overheating Strategy
18. S278 Highway Works
19. External Lighting Strategy
20. PV Arrangements
21. Compliance with Arboricultural Report
22. Nominations Agreement
23. Parking Permit Restriction
24. Communal Sate Dish
25. Travel Plan
26. Sound Insulation
27. Air Quality Report/Mitigation
28. Air Quality Neutral Assessment
29. Landscaping
30. Hours of Operation

Informatives:

1. CIL Liable
2. Part Wall
3. Building Near Boundary
4. London Living Wage
5. Fire Safety
6. Pavement Notification
7. Thames Water Notification
8. Thames Water: Water Pressure

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: 39A-B, 41, 43-47 Dudden Hill Lane & car park Villiers Road R/O 43-47, London, NW10

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This map is indicative only.

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PROPOSAL IN DETAIL

This application seeks planning permission for the '*Demolition of existing buildings and erection of a part 4 storey, part 5 storey building with Learie Constantine community centre (Use Class D1) on ground floor and 26 self-contained flats above (12 x 1 Bed, 7 x 2 Bed and 7 x 3 bed), provision for balcony amenity, and associated landscaping*'.

The existing community centre measures approximately 292sqm and the proposed replacement community centres measures approximately 489sqm. The redevelopment of the site would not only replace and significantly increase the level of community floorspace, but also would allow a better quality facility for the community. It is recognised that the existing facilities are in a poor state of repair but that the community centre is well attended. The community centre would provide social facilities for local community used for club activities, discos, wedding celebrations, funerals and a variety of other social gatherings, card clubs, film shows, consultation sessions and clinics.

A total of 25 (96%) of the 26 homes would be for social rent, the ground floor unit would not be designed as Affordable Housing. It is currently intended to provide accommodation for the caretaker of the proposed Community Centre. A total of 7 family sized dwellings would be provided which equated to 26 % of the overall provision.

EXISTING

The site comprises the single storey Learie Constantine Centre (approximately 290SQM), a community building on the northeast side of Dudden Hill Lane, at the junction with Villiers Road, its car park and two terraced houses to the southeast. Beyond those two properties is No 37 Dudden Hill Lane. An area immediately to the east of the site is designated an Open Space. No part of the site is listed or located within a Conservation Area. Planning permission has been granted for developments to the west, on either side of the junction of Dudden Hill Lane and Colin Road, for four-storey buildings.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

1. **Representations received:** 4 objections and one neutral comment (highlighting both points in objection and support) have been made on this application raising a variety of issues. Officers have considered the comments and the planning merits of the proposal and consider that the proposal is acceptable.
2. **Provision of new affordable homes:** Your officers give great weight to the delivery of a substantial proportion of Affordable homes. A total of 25 (96%) of the 26 units would be for social rent, with one unit provided as private accommodation, currently intended as a caretaker's home for the Community Centre. At 100 % Affordable Rent for the affordable homes, development does not meet the 70/30 ratio of Affordable Rent to Intermediate homes set out in policy. However, the proposed mix reflects the acute need for Affordable Rented homes in Brent and is considered to be acceptable.
3. **Provision of an improved, high quality community centre:** The development will replace the existing community centre with a high quality community facility. The new facility will be larger and more usable.
4. **Design, layout and height:** The proposal makes effective use of the existing site. It utilises good architecture with detailing and materials in order to maximise the site's potential whilst regulating its height to respect surrounding development in the areas changing context.
5. **Quality of the resulting residential accommodation:** The residential accommodation proposed is of sufficiently high quality. The mix of units is in accordance with the standards within the London Plan and

well aligned with the Core Strategy target mix. The flats would have good outlook and light. The amount of external private/communal space is acceptable when considering neighbouring facilities.

6. **Neighbouring amenity:** There would be acceptable impacts to neighbouring residential occupiers. The overall impact of the development is considered acceptable, given the number of units affected in terms of daylight/sunlight and the impact to the neighbouring terraces under the existing situation, particularly in view of overall living conditions that would be maintained and the wider regenerative benefits.
7. **Highways and transportation:** The scheme is to provide suitable provision of cycle parking and will encourage sustainable travel patterns and mitigate the potential for parking due to the new units, a 'permit-free' development, with the exception of blue badge parking spaces.
8. **Trees, landscaping and public realm:** Three trees would be removed in order to facilitate development. Appropriate mitigation measures to protect those retained trees during construction have been identified. A scheme of soft landscaping has been submitted which includes tree planting details to address the loss of three street trees in terms of visual amenity within the streetscene.
9. **Environmental impact, sustainability and energy:** The measures outlined by the applicant achieve the required improvement on carbon savings within London Plan policy.

RELEVANT SITE HISTORY

No relevant Planning history.

CONSULTATIONS

A total of 299 nearby properties were consulted on the application on 4th April 2019.

Two site notices were posted outside the site on 26th April 2019 and a press notice was published on 2nd May 2019.

A total of 5 representations were received, including 4 objections. One of the representations was identified as "neutral" by the consultee, including concerns and points of support.

Point of objection	Officer response
<p>No parking proposed, 26 new flats and loss of car park would result in shortage of local parking.</p> <p>Parking for the community centre could impact on local roads</p> <p>Although car free, this cannot control parking from 6pm-8am which is free and open to anyone.</p> <p>Reference to parking enforcement at weekends not happening and people parking on double yellow lines, reference to price to allow socialising.</p> <p>Suggested that visitors passes should be limited.</p> <p>Locals suffer on match weekends and see people who seem likely to have been drinking</p>	<p>The local controlled parking zone and level of development is not considered to result in an adverse impact to local parking conditions. Please see transportation section of report.</p> <p>The occupiers of the new dwellings would not be eligible for parking permits.</p> <p>The enforcement of parking restrictions such as double yellow lines is undertaken through other legislation outside of the planning process.</p> <p>The concern about drink driving is not a material planning consideration.</p>
<p>Council should encourage a stable populations</p>	<p>Neither buy-to-let or HMO accommodation is</p>

<p>opposed to a transient buy to let market, reference made to too many HMOs in local area which leads to fly tipping and makes area less family friendly</p>	<p>proposed. A condition would be placed on the consent to prevent sub-division of properties or conversion to HMO's without planning permission.</p>
<p>Façade on Dudden Hill Lane not appropriate for a high road and the community centre entrance should be on Dudden Hill Lane. States active frontage should be on this side with an activity such as a retail</p>	<p>The option of having the community centre fronting Dudden Hill Lane was explored, this is discussed in the detailed considerations section of the report.</p> <p>A large proportion of the frontage along Dudden Hill Lane includes windows which a form of active frontage that serve the ground floor community use</p>
<p>Ground floor flat facing Dudden Hill Lane would not have reasonable aspect, concern raised they would not be able to open their windows without having their privacy invaded</p> <p>There is no buffer between the road and the living room and the area in front of the bedroom does not have any planting or structure to block pedestrians views in. It states that this is sub-optimal living standards and people should be treated with respect.</p>	<p>The ground floor flat would be single aspect but defensible space is proposed to the front of the bedroom.</p> <p>No defensible space is proposed in front of the kitchen/living room. However, this reflects the character of the homes in the immediate vicinity, including the adjoining home for which the front window is immediately adjacent to the footway.</p>
<p>Lost opportunity to link the community centre with the adjacent open space which would be facing a wall and an open space</p>	<p>The operation of the open space is separate to the running of the community centre.</p> <p>The Public Park is locked each evening and opened again in the morning, so direct access would not work well.</p>
<p>No green spaces are proposed within the boundary, this would benefit residents and mitigate the polluted main road, it states that this is bad practice and the development should not be permitted</p>	<p>It is important to note that the proximity of the adjacent open space.</p> <p>The proposal includes the addition of green roofs. The proposed landscaping is discussed in the detailed considerations section of this report.</p>
<p>The proposals are a missed opportunity for provide environmentally friendly technology such as PV Panel/ rainwater harvesting/re-use</p> <p>The green roofs are too small</p>	<p>The Energy Statement states that PV Panels would be proposed, although not shown in the drawings, the PV Panels and details would be secured by condition</p> <p>The level of green roof covering is not necessary to make the development acceptable and is considered sufficient.</p>
<p>Refuse collection should be made from Villiers Road instead of Dudden Hill Lane</p> <p>Fly tipping should be discouraged</p>	<p>Refuse collection is discussed in the detailed considerations section of the report. The proposed collection from Dudden Hill Lane has been considered acceptable by the Transport Department.</p> <p>Fly-tipping is not a material planning consideration</p>
<p>The proposals should aim for an excellent BREEAM rating</p>	<p>Policy CP 19 of the Brent Core Strategy (2010) asserts that for non-residential proposals a BREEAM 'Excellent' is expected. However, as the proposed non-residential space is far less than 1000sqm this is not considered a requirement.</p>

Brent need to support better cycle parking generally in the area for those using the community centre, states Brent compares poorly to Camden	The scheme provides a good level of cycle provision and this is discussed in the detailed considerations section of the report
<p>Comments state that conditions /S106 should consider:</p> <ul style="list-style-type: none"> • CCTV to discourage fly tipping • Contributions to local parking provision • Street planting/green spaces • Considerate construction • Brick type and colour to be scrutinized prior to construction • Carbon offset mitigation • Three new trees should be planted for each tree to be removed 	<p>It is not considered necessary or reasonable to request financial contributions for CCTV or parking provision as such contributions are not reasonably required to mitigate an impact of the development.</p> <p>The application includes sufficient landscaping and as such financial contributions are not required</p> <p>A condition requiring details of materials is recommended before above damp proof course works commence</p> <p>Carbon Offset contributions are sought</p> <p>Trees are discussed in the detailed considerations section of this report</p>
Size of development would have a detrimental impact on the infrastructure which is already overloaded	The size of the development is not as such that any particular infrastructure is required. The Community Infrastructure Levy is discussed within the detailed considerations section of this report.
<p>Building too tall and be overbearing towards the adjacent Open Space and nearby properties</p> <p>Architectural design does not relate to surrounding area and is not attractive</p>	The height and massing and design is discussed in the detailed considerations section of this report.
<p>Affordable social rent exceeds 70% recommended in local plan. A mix of affordable and other housing would ensure buildings are better cared for</p> <p>The regeneration of this deprived area can only be achieved by a mix of social and non-social housing. They could not find a reason for the decision to provide 100% social housing</p>	<p>Building maintenance and management rather than tenure split is considered to influence how the buildings are cared for.</p> <p>The proposed tenure mix looks to address an acute housing need for Affordable rented accommodation. It is not considered that the proposal is likely to result in an imbalance in the mix of tenures in the local area that would detrimentally impact the regeneration of the local area.</p>
More than half the units are single aspect with some facing north and some facing Dudden Hill Lane 'a busy thoroughfare'. It states that regardless of tenancy status residents should be able to breathe fresh air.	<p>The aspect of the units is discussed under the standard of accommodation section of the report.</p> <p>Brent's Environmental Health Team were consulted on the application and their comments and recommended conditions are contained within the detailed considerations section of this report.</p>
Renders on elevation not in keeping with red brick in the area, refers to other developments nearby. Objectors questions why one colour	A materials condition is recommended and the materials shown on the drawing are discussed in the detailed considerations section of the report.

brick is not chosen.

Positive points raised in the 'neutral' representation are summarised below:

- Existing building in poor state, it does not meet sound regulations and has no architectural interest
- Current community centre in decay and undersized. The new development will cater for an increased community centre and 26 much needed social housing that will benefit the community
- Centre seems underused and mostly used for private parties
- Proposal includes family sized housing and wheelchair accommodation
- The architecture fits the location, with massing considerate to the surroundings, respectfully lowering in height towards buildings on the High Road and materials fit the character of the area.
- The development is car-free, it was noted that this is environmentally friendly and appropriate for the area which has good public transport links, good level of cycle provision
- Cycle and refuse tucked away to the rear and shielded by a gate, comment suggests this is a good approach.
- External amenity space will benefit residents and balconies would provide natural surveillance
- Flat sizes are generous and layouts are practical.

External Consultees:

Thames Water – No objection. See informative.

Internal Consultees

Lead Local Flood Authority- The proposal falls within Flood Zone 1 which is considered to be low risk. The submitted details have been found to be satisfactory and no objections are raised.

POLICY CONSIDERATIONS

The following planning policy documents and guidance are considered to be of relevance to the determination of the current application:

National Planning Policy Framework 2019

The London Plan 2016

Key policies include:

- 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
- 5.12 - Flood Risk Management
- 5.13 - Sustainable Drainage
- 5.15 - Water Use and Supplies
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 7.2 - An inclusive environment
- 7.15 - Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

Draft London Plan 2018

GG2 - Making the best use of land

H1 - Increasing Housing Supply
H2 - Small sites
H5 - Delivering affordable housing
H6 - Threshold approach to applications
H7 - Affordable housing tenure
H12 - Housing size mix

Brent Core Strategy (2010)

CP1: Spatial Development Strategy
CP2: Population and Housing Growth
CP6: Design & Density in Place Shaping
CP17: Protecting and enhancing the suburban character of Brent
CP19: Brent Strategic Climate Change Mitigation and Adaptation Measures
CP21: A Balanced Housing Stock
CP23: Protection of existing and provision of new Community and Cultural facilities

Brent Development Management Policies (2016)

DMP 1: Development Management General Policy
DMP 9 A: Managing Flood Risk
DMP 9 B: On Site Water Management and Surface Water Attenuation
DMP 11: Forming an Access on to a Road
DMP 12: 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 Guidance (SPG)

SPD1: Design Guide for New Development (2018)
Mayor's Affordable Housing and Viability SPG -
Mayor's Housing SPG
Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG

DETAILED CONSIDERATIONS

Principle of Development

Replacement community centre

Cultural Significance of Community Centre

1. The Planning Statement details that "*The Learie Constantine Centre (Nos. 43-47 Dudden Hill Lane) was established in 1972, and is named after Baron Constantine, the famous West Indian cricketer, lawyer and politician who served as Trinidad's High Commissioner to the United Kingdom and became the UK's first black peer. He was a constant advocate against racial discrimination. In later life he was instrumental in the passing of the Race Relations Act in Britain. He was knighted in 1962 and made a life peer in 1969.*". Policy CP23 in Brent's Core Strategy 2010 seeks to protect existing community facilities. This proposal will include a replacement community centre measuring approximately 489sqm. The community centre will be at ground floor level, with a large, open plan hall as well as meeting rooms and a kitchen facility. The re-provision of the community space is a necessary provision in the redevelopment of the site.
2. The existing community centre measures approximately 292sqm and the proposed replacement community centres measures approximately 489sqm and as such represents a significant increase in floorspace of 197sqm. The application offers the opportunity to not only replace and significantly increase the level of community floorspace, but also would allow a better quality facility for the community. It is recognised that the existing facilities are in a poor state of repair but that the community centre is well attended. The proposed community centre includes social facilities for local community used for club activities, discos, wedding celebrations, funerals and a variety of other social gatherings, card clubs, film shows, consultation sessions and clinics.

Residential use

3. The principle of residential development in this location, immediately adjacent to neighbouring residential uses is considered to be appropriate. It will contribute towards Brent's housing targets as set out within Brent's Core Strategy and the London Plan, with all of the new units being affordable social rent, therefore meeting the needs of Brent's population.
4. This scheme represents an excellent opportunity to provide good quality affordable accommodation in a location well served by public transport and local amenities.

Residential provisions

5. London Plan Policy 3.12 requires boroughs to seek the maximum reasonable amount of affordable housing, taking account of a range of factors including local and regional requirements, the need to encourage rather than restrain development and viability.
6. Adopted DMP Policy 15 confirms the Core Strategy target (Policy CP2) that 50% of all new homes in the borough should be affordable. It states that 70% of new affordable housing should be social/affordable rented and 30% intermediate housing at affordability that meets local need.
7. The proposal would provide 26 residential units of which 25 would be provided as Affordable Housing at social rents specific to the Council's needs. The proposal therefore exceeds the 50 % target set out in policy. The ground floor unit would not be secured as an affordable unit, it is currently intended that this unit would provide caretaker accommodation in relation to the community centre. However, it would not be necessary or reasonable in planning terms to restrict the use of this property to this purpose and it could generally be provided as private housing. The affordable housing offer does not include intermediate housing and therefore does not accord with the policy requirement for 30 % of the Affordable Homes to be provided as Intermediate Accommodation. However, the housing mix is responds to a specific acute need for Affordable Rented Accommodation and the proposed tenure mix is considered to meet the strategic objective of the development plan in relation to meeting housing need. As such, it is considered that the proposal is acceptabl.
8. Policy CP21 of Brent's Core Strategy 2010 sets a borough wide target of 25% of new homes to be family sized (three bedrooms or more). A total of 26.9% of units are family sized and the development therefore accords with Policy CP21.

Unit Mix		
Type	Quantity	Percentage
1b	12	46
2b	7	27
3b	7	27
Total	26	100

Site Layout

9. The development proposes a broadly L shaped building with frontages along both Dudden Hill Lane and Villiers Road. Access to the community centre is provided via Villiers Road and entrances to the residential units are accessed via Dudden Hill Lane. The building line along Dudden Hill Lane respects the established building line and the proposed building line along Dudden Hill Lane is sufficiently set back.
10. Objections were received in relation to the siting of the entrances to the community centre and residential units. The objections stated it was more appropriate to have the residential entrances on Villiers Road and the community centre on Dudden Hill Lane. The option of having the community centre fronting

Dudden Hill Lane was explored by the applicant. The applicant stated that having the main entrance to the community centre on Villiers Road was supported by pavement being wider on this road than on Dudden Hill Lane. They also stated their desire to provide a large hall, locating this on Dudden Hill Lane would result in less much less active frontage owing to the sound insulation requirements, this is because the use of glazing increases the ease of noise transfer. The proposal includes a large proportion of the frontage along Dudden Hill Lane includes windows which are a form of active frontage that serve the ground floor community use. It is considered that the proposed location of the entrance to the community centre is acceptable.

Scale and External Appearance

11. The site is located at the junction of Dudden Hill Lane and Villiers Road. This part of Villiers Road is characterised by a combination of height, mass and architectural style. It is largely made up of two and three storey Victorian terraced properties, the exception to this is a single storey MOT garage located opposite the existing site. The west side of Dudden Hill Lane largely comprises a mix of two storey terraced Victorian properties. The character of this part of Dudden Hill is transforming and it is important note the taller buildings of varied architectural style located on the east side of Dudden Hill Lane. These include two, part three/part four buildings located on either side of Colin Road. Objections have been received that raise concerns that the height and design of the proposal is too tall and does not relate to the surrounding context.
12. The proposal comprises a part 4 storey part 5 storey building. The fifth floor is set back by approximately 1.4m from the Dudden Hill Lane and varies in setback from Villiers Road from 1m to 1.5m and over 15m from the rear elevation on Villiers Road. The proposed fifth floor is considered to be subservient to the main bulk of the building and assists in reducing the visual appearance of the top of the building. It is acknowledged that the height steps up from the adjoining existing two storey Victorian terrace, the height of the development has been stepped to bridge the differentials in height and respect the adjoining terrace. The southern side of the development would be two storeys where it adjoins the terrace and would step up to 4 storeys to the north and then includes an additional set back fifth floor. It is considered that the stepped nature of the proposal responds well to the sites context.
13. The development is stepped nature along Villiers Road with the taller elements closest Dudden Hill Lane before stepping down to four and three storeys with setback fourth storey to the rear. The proposal includes the addition of plant to the roof, although this adds bulk to the top of the building, it would not be highly visible owing to its significant set in from all boundaries. Including a setback of approximately 3m from Dudden Hill Lane and 4m from the rear most element of the fifth floor along Villiers Road. To the south side of the development there is a nominal set in from the fifth floor but the plant is set in approximately 5m form the lower fourth floor to the south.
14. In summary, the proposed height, bulk and massing in not considered to result in an adverse impact the character and appearance of the streetscene, furthermore the proposed stepped design is considered to respond well to the adjoining terrace.
15. The applicant was asked to confirm where the flue/ kitchen/odour abatement and MVHR pipes/equipment would be visible on the external building. They confirmed that these would be concealed under a box like projection that would climb up the building. This is considered an acceptable design solution. The alternative could be visually obtrusive equipment on the external building.

Density

16. The assessment of any development must acknowledge the NPPF and the London Plan, which encourage greater flexibility in the application of policies to promote higher densities. Policy 3.4 of the London Plan encourages the development of land to optimise housing potential but recognises this must be appropriate for the location taking into account local context, character, design and public transport capacity.
17. London Plan Policy 3.4 includes a methodology for calculating an appropriate density, relative to the character of the setting, proximity to town centres and local public transport accessibility. The site has a size of 887sqm and the proposal is for 26 units, the site therefore achieves a density of 293 units per hectare. The floorplans indicate a total of 76 habitable rooms and the site therefore achieves 856habitable rooms per hectare.

18. In accordance with the Mayor's density matrix, the application proposes development density of 856 habitable rooms per hectare and 293 residential units per hectare. The setting of the site would most appropriately be described as 'urban' in accordance with the character setting descriptions set out in LP Policy 3.4. The density matrix indicates that optimum density for a proposal in an urban setting with a PTAL of 4-6, proposes an average of between 2.7-3 units per habitable room and between 70 and 260 units per hectare and 200 – 700 habitable rooms per hectare. This proposal is for 293 units per hectare and 856 habitable rooms per hectare, equating to an average of 2.8 habitable rooms per unit, and therefore sits outside of the suggested density range but with a form of development that is considered to be appropriate for the locality.
19. Notwithstanding the above, in line with the policies of the emerging London Plan, consideration must also be given to the design and quality of accommodation to be provided, the siting and scale of the development, its relationship to site boundaries and adjoining properties, the level and quality of amenity space to support the development, and any highway matters

Amenity

20. The impact on neighbours is a material consideration, and policy DMP1 seeks to ensure that this is acceptable. The development is assessed against the standards within Brent's SPD1 guidance for new developments in respect of their impact on the nearest existing residential units and the other proposed residential blocks within the development.
21. The context of the site sees residential uses to the south, formed of terraced dwellings lining Dudden Hill Lane, Villiers Road to the north of the site includes residential 2/3 storey terraced properties and residential flatted development to the east and beyond Dudden Hill Lane.

Privacy

22. The amenity impact considerations within SPD1 require that all primary habitable room windows within the property are at least 9m from the boundary with another private property, except where the view on to that property would be to a part of the property which would serve as low value amenity space (e.g. the side access around a house). All secondary habitable room windows and non-habitable room windows should be obscure glazed if they cannot achieve this standard too.
23. With regard to the adjacent terrace of two storey properties and their gardens, at ground floor there is a window located closer than 9m from the adjacent garden of number 37 Dudden Hill Lane, the plans indicate a 2m high separating fence and as such no issues of privacy are raised. The separation distances to other properties fronting adjacent roads is such that reasonable separation distances are achieved.
24. At second floor it is noted that habitable rooms that face the garden of number 37 are located approximately 6.5m away from the shared boundary and the balcony located approximately 5m away. Due to their positioning, the lower two storey element would largely obstruct their view into the neighbouring garden at number 37 Dudden Hill Lane.
25. A plan has been submitted to demonstrate that balconies would include opaque privacy screens to protect privacy between the proposed units.
26. SPD 1 states that the proposed habitable room windows should achieve a full 18m of separation from the habitable room windows of other properties (apart from street facing windows). These standards are in the interest of protecting the privacy of neighbouring occupiers, the proposed development complies with this standard.

Outlook

27. In the interest of protecting existing properties from being unduly enclosed and losing exposure to daylight, all buildings proposed should sit underneath a 45-degree line drawn from a 2m height at the nearest edge of private rear garden amenity space.
28. The applicant has submitted a drawing that indicate the 45-degree line rule prescribed above, the proposed development breaches this rule. It is though important to note that the existing outrigger located at number 39 Dudden Hill Lane (which this development would see demolished) includes an outrigger, this outrigger as existing breaches the 45-degree line. The applicant has demonstrated that although the

proposed buildings breach the 45-degree line rule that the existing outrigger breaches the 45 degree angle and that the closest two storey element of the proposed actually results in a reduced breach in terms of height. The four storey element of the building breaches the 45-degree angle line and is located some 6.5 m from the boundary. It is acknowledged that the proposed closest two storey element has an increased depth of 2m when compared to the depth of the existing outrigger, but that its overall height would be approximately 0.7m lower. The reduced height and increased depth is not considered to result in adverse impacts beyond the existing scenario.

29. On balance, given the siting and height of the existing outrigger, it is not considered that the proposed development is not considered to be materially worse than the existing situation for number 37 Dudden Hill Lane, officers consider that the development should be supported despite a technical breach of SPD1 guidance for amenity impact being present.

Daylight and Sunlight

30. The applicant has submitted a Daylight, Sunlight and Overshadowing Report. The analysis indicates that there will not be a significant impact on surrounding properties as a result of the development.
31. In line with BRE, the applicant has undertaken VSC, ADF and APSH testing to nearby surrounding buildings as well as the adjacent open space.
32. The applicant has undertaken Vertical Sky Component (VSC) Assessments for those properties that could be feasibly affected by the proposed development. Where windows fail the 27% VSC measure outlined in BRE guidance, the applicant has undertaken an Average Daylight Factor (ADF) assessment.

VSC (Vertical Sky Component) Results

33. A total of 141 windows VSC were tested, of which 120 (85.1%) comply with BRE guidance in that they retain 27% VSC or 0.8 %of the former value. A total of 21 windows (14.9%) have levels below BRE Guidance. The severity of non-compliance is important to note, 10 of the 21 windows that fail do retain 0.7% or more of their former values and therefore although the impact would be noticeable, the reduction in light is not considered to be to an extent that would warrant refusal of consent on this basis. Furthermore 4 of the windows that fall below guidelines (1089,1124,1162 & 1164) serve rooms with dual aspect with good outlook from other windows as demonstrated in Appendix H of the Daylight Sunlight Report. It is also important to note that window number 1140 is obscure glazed and this is likely to have affected the VSC result beyond the control of the development.

ADF (Average Daylight Factor) Results

34. The applicant has undertaken an Average Daylight Factor test for all rooms that failed the VSC. This would allow a more sophisticated assessment of the amount of light that would enter these rooms. Owing to some of the rooms having more than one window a total of 18 rooms were ADF tested, the results show that only one failed the target ADF score. The ADF failing room is window reference 1140 which is noted as a kitchen.
35. One window (1140) fails the ADF BRE target, the report has made the assumption that the room is a kitchen with a target of 2.0%, the subject window fails this guidance with an ADF of 1.78. BRE guidance asserts that in cases where one room serves more than one purpose, the minimum ADF should be that for the room type with the higher value. The report applies a 2% target for this room.
36. A site visit has confirmed that window 1140 is an obscure glazed window with only the top panel of the window being openable. It is therefore considered that the existing rooms light and outlook is already hindered due to the glazing and that the proposed development in this case would not result in an unacceptable increase in impact to the living conditions of this unit

APSH (Annual Probable Sunlight Hours) Results

37. Both Winter and Summer Annual Probable Sunlight Hours (APSH) were assessed for the surrounding existing use.
38. A total of 141 surrounding windows were assessed for APSH, 88.7% (125) of windows complied with the BRE Guidance with 11.3% (16) failing to comply. With reference to Winter compliance, 98.6% (139)

comply and 1.4 % (2) fail.

39. Of the 141 surrounding windows assessed only two which are not north facing (window reference 1142 and 1146) have failed to meet the BR 209 guidance on reduction of sunlight. It is important to note that these two windows are very close to the proposed development, are mostly east facing and are already obstructed by existing buildings which make it harder for them to achieve sunlight.
40. Window 1142 on the ground floor has additional windows (not assessed due to orientation relative to the proposed building) increasing the potential to achieve better levels of sunlight.

Impact to existing surrounding gardens and open space:

41. Paragraph 6.27 refers to the impact to nearby private gardens of Chaplin Road and Dudden Hill Lane. It states that it is unnecessary to undertake an assessment of the impact to these gardens due to the distance from the site and the fact that they sit south of the development site. This approach is agreed.
42. The open space located immediately east to the site has been assessed, the results show that it would not be adversely overshadowed with the development. The submitted daylight/sunlight report demonstrates that 96.86% of the public play space receives at least two hours of sunlight on the 21st March and is therefore compliant with the BRE guidance which states that at least half of the areas should retain two hours of sunlight on this date.
43. In summary it is acknowledged that one window (1140) fails the ADF BRE target, the report has made the assumption that the room is a kitchen with a target of 2.0%, the subject window fails this guidance with an ADF of 1.78. Window 1140 is an obscure glazed window with the top part of the window being openable. The report identifies this room as a kitchen which is not considered to form a habitable living area. With the exception of this window the submitted report demonstrates that the development would not have a significant impact on surrounding properties as a result of the development.

Noise and Disturbance

44. The size and potential capacity of the community centre and proximity to residential uses is such that the comings and goings and dispersal of people may give rise to noise and disturbance. A condition is therefore recommended to restrict operational hours of the D1 use to between 08:00 to 23:00 Sunday to Thursday and 08:00 to 01:00am Friday to Saturday.

Accessibility

45. London Plan Policy 3.8 requires 90% of new housing to meet Building Regulation requirement M4 (2) "accessible and adaptable dwellings". It also requires 10% of new housing to meet the Building Regulation requirement M4(3) "wheelchair user dwellings", Three flats have been designed to comply with building regulation M4 (3), which complies with the required 10%. A condition ensuring compliance with the relevant building regulations is recommended.

Standard of Accommodation

46. The table below demonstrates the quality of accommodation proposed by home: All bar one home (Unit 24) complies with the minimum space standards outlined in Table 3.5 of the London Plan. The floorspace within this home is only 1 sqm under the relevant standard and the shortfall is not considered to result in a poor standard of accommodation.
47. SPD 1 (2018) and the Mayors Housing SPG asserts that development must maximise dual aspect homes and normally avoid single aspect dwellings. Almost half of the units (12) provide dual aspect accommodation. Of the 14 units that are single aspect six would be north facing and it is noted that they mostly (4 units) serve 1b2p units and two north facing units serve 2 bed units. While the proportion of single aspect units is relatively high, this is considered to reflect the site layout and constraints, and is considered to be acceptable.
48. An overheating risk assessment was submitted with the application. It identified areas at risk of overheating but has not fixed the final details of a set of suggested mitigation measures. A revised report

was therefore requested, this identified mitigation measures required to mitigate overheating, namely (but not limited to), opaque lower glazed panels to affected windows and external shading. The overheating strategy identifies those affected windows, the opaque panels and provides indicative drawings of shading/birse soleil, as well as a roof overhang to the top floor to provide shading would provide some mitigation. The revised report provides indicative illustrations of the proposed mitigation, the mitigation is not considered to result in significant changes to the external appearance of the building and as such re-consultation is not considered necessary.

49. A condition would be recommended for a revised overheating strategy to clarify all proposed measures and to provide scaled drawings/ details of materials for the proposed mitigation measures. These details shall be submitted and approved by the Local Planning Authority prior to above ground works.

Private Amenity Space

50. Policy DMP 19 relates to the provision of residential amenity space, it states that all new dwellings will be required to have external amenity space of sufficient size and type. It states that this is normally expected to be 20sqm per 1-2 bedroom homes and 50 sqm for family (3+ bedroom) homes. It is specified that where there is a shortfall in private amenity space, this should be made up through the provision of external amenity space. However, the proximity to public open space can be a mitigating factor which can be considered. All of the family units provide balconies that measure at least 7sqm in line with standard 25 of Mayor's Housing SPG. This means that the family units fall short of Brent's 50sqm prescribed in DMP 19 by up to 43 sqm. All other units (with the exception of the ground floor one-bedroom unit) provide private balconies that comply with Standard 26 of The Housing SPG (2016) relative to their size (5 sqm for a 1-bedroom, 6-7 sqm for a 2-bedroom), however when considering the 20 sqm prescribed by DMP 19, there is an average shortfall of 13.6 sqm per unit. No communal amenity space is proposed to mitigate this shortfall. However, a public open space with children's play equipment, which is open during the day borders the east of the site. The entrance to the open space is located less than 50m from the east boundary of the site as such.
51. As discussed above, the ground floor one bed one-person unit does fall below the standard in terms of usable external amenity space. However, the proximity of the public open space is considered sufficient in this instance to mitigate this shortfall.
52. The proposal falls short of the Council's standards for external amenity space as set out within Policy DMP19. However, the proximity to the public open space is considered to be a mitigating factor and in this instance the proposal provision of external amenity space below DMP19 levels and in the instance of the ground floor flat, below the Mayor's Housing SPG levels is considered to be acceptable.

Play Space

53. GLA guidance seeks a quantum of play space in accordance with the likely child yield of the development, as calculated through the number/size of units and their proposed tenure. The GLA child yield calculator illustrates that the development would have a child yield of 23, the calculator identifies a play space requirement of 230m². The development does not propose any on site play space. In this circumstance given the proximity of the Learie Constantine Open Space which includes play equipment for children, sufficient play facilities are available within an appropriate proximity to the development.

Transport Considerations

54. It is noted that objections were received raising concerns that the development would result in pressure to the local parking conditions and in particular outside the operational hours restricted by the Controlled Parking Zone.

Parking

55. Car parking standards set out in the adopted Development Management Policies only allow off-street parking for the community centre if justified through a Transport Assessment. The existing car park for the centre is therefore beyond current parking standards and its removal to accommodate the new centre is supported in this accessible location.

56. As the site has very good access to public transport services, the lower residential car parking allowances set out at Table 6 in Appendix 1 of the adopted DMP 2016 apply. Up to 22 spaces would therefore be allowed for the 26 proposed flats, the absence of any parking for the flats therefore complies with maximum standards.
57. However, Policy DMP12 requires that any overspill parking that is generated can be safely accommodated on-street. There is not sufficient spare parking capacity to safely accommodate parking from this development on-street.
58. To mitigate this, Policy DMP12 does encourage 'car-free' developments in areas with good access to public transport. As a CPZ is already in operation, it is recommended that the flats be made subject to a 'car-free' agreement. This has been accepted by the applicant and a condition to this effect is recommended. The applicant is required to notify all prospective residents of the car-free status of the flats. Disabled Blue Badge holders would be exempt from the agreement and would be able to use bays in Villiers Road. Some objectors have cited concern that the local CPZ only controls on-street parking during specific hours. While this is the case and parking could occur outside of these hours, the use of parking permit restrictions have been successful elsewhere in mitigating the impact of overspill parking. Should impacts occur, the hour of operation of the CPZ could be reviewed by the Council in the capacity as the Local Highway Authority.
59. The submitted Transport Assessment was reviewed. The additional trip generation associated with the proposal is not considered likely to result in significant additional highway impact.
60. Given the modest scale of the development and the absence of on-site parking, a Travel Plan Statement of intent is sufficient and there is no need to undertake the on-going monitoring surveys. A condition is recommended to require implementation of the Travel Plan is therefore fine.

Cycle Provision

61. The London Plan requires at least 40 secure bicycle parking spaces for the flats and an internal store for 47 bicycles has been indicated to meet this requirement. Two further bicycle stands (four spaces) are also shown on the Villiers Road frontage to cater for community centre visitors, which are welcomed.

Refuse Provision

62. Adequate bin storage (27 wheeled bins) are proposed to the front of the site allowing easy access from Dudden Hill Lane for refuse collection staff. Other deliveries are able to take place from the single-yellow line in Villiers Road.

Other matters

63. As vehicular access to the site will no longer be required, the existing crossover to the car park will need to be removed and reinstated to footway at the developer's expense prior to occupation of the building. A condition to this effect is therefore recommended.

Sustainability

64. The applicant has included an Energy and Sustainability Statement; PV Panels have been identified and the report has included indicative areas on the roof that could be covered. A condition requiring detailed drawings is therefore recommended. Although rainwater harvesting is not proposed, the proposal includes the addition for green roofs. It is considered that the sustainability measures are sufficient. Objections have been received in regard to the sustainability of the development, stating that the development should have taken the opportunity to include PV Panels and rainwater harvesting. These matters are addressed within the submission.
65. The submitted energy statement indicates that a financial contribution of £21,795 is required as a carbon offset contribution. The offset payment shall cover a 30-year period of emissions, with the payment being equivalent to £60 per tonne per annum. This payment will be secured through a condition to any forthcoming consent. With the modelling provided, a payment of £21,795 would be secured for this purpose.
66. Brent's Sustainability Officer was consulted on the application and raised no objection to the proposed development.

Environmental Health

Noise

67. The development proposes the erection of residential apartments and commercial uses next to existing commercial and residential uses. The application was accompanied by a noise assessment by SRL ref 1886A-T01A dated 11/12/18. The report was assessed by Brent's Environmental Health Team who were satisfied with the report in terms of the specification for the flats and the glazing and ventilation, stating that it should be installed as per Figure 1 to ensure that internal noise levels as recommended in the report can be achieved.
68. A condition restricting noise output from plant and ancillary equipment has been recommended by Brent's Environmental Health Team, to protect residential amenity of the proposed and existing surrounding residential uses.
69. The details regarding music noise level for the community centre have also been reviewed. There is information provided on the proposed ventilation system to be installed in the main hall of the community centre (within the ventilation statement) therefore doors and windows can be kept closed when music is being played, however the SRL report does suggest that the music level is low for entertainment purposes and therefore further sound insulation would be required if the noise levels were to be increased. As such Brent's Environmental Health Team have recommended a condition requiring the submission of sound insulation measures.

Air Quality

70. The proposed site is within an air quality management area and therefore the applicant submitted an air quality assessment with the application. This assessment; HRS Project ref 130669 dated 21/1/19 advised that mitigation measures will be required to ensure that future residents are not exposed to poor air quality within the area, however there were no specific details of the full extent of the mitigation measures to be installed. Furthermore, the submitted Air Quality Assessment illustrated that the originally submitted Air Quality Assessment showed that ADMS predictions for annual mean NO₂ concentrations in 2016 and 2022 indicated that the annual mean objective (40 µg/m³) would not be achieved at all modelled receptor locations closest to the A4088 on the ground and first floor. Other modelled locations on all floors nearest the A4088 are below annual mean objective (40 µg/m³).
71. A revised Air Quality Assessment (Air Quality Assessment Ref: 130669 Rev 2.1, prepared by HRS Services Limited dated 12/09/2019) was submitted along with a supporting air quality note (Covering Letter prepared by Stroma, dated 12/09/2019, prepared by Stroma). This further information confirmed that the short term objective for NO₂ will not be exceeded. However, at a number of residential locations on the ground and first floor, the annual mean objective for NO₂ would not be met. Based on the above, the air quality report identified that air handling units fitted with NO_x filters would be installed (Flats 1-6) and draw in air from locations at the development where air quality is below the annual mean objective. It was confirmed that the efficiency of the NO_x filters when included within the Mechanical Ventilation Heat Recovery (MVHR) system is typically around 80-90% depending on the provider. As such using the typical efficiency rating of the filters, it can be assumed that the worst case result would be in flat 1 where the internal air could be around 10 – 11 µg/m³ compared to the predicted external NO₂ concentrations of 53 µg/m³. As such the windows and balcony doors would have to remain open a considerable amount of time (approximately 80%) in order for the air quality concentrations within the development to breach the annual mean objective. Given the climatic conditions at the proposed development, the amount of time that windows are generally opened is far more limited and this level of use is considered very unlikely, which would ensure acceptable air quality standards for the future occupiers.
72. The MVHR system would incorporate openable windows and would operate 24 hours every day, it would have a positive pressure in reference to the external environment. On this basis influx of external air during episode of purge ventilation in the summer is unlikely to be significant. Exposure would be over the annual mean air quality objective if the occupants were to remain on the balcony for extended periods of time in flats 1 -6 (i.e sleeping on them) and not use the balconies for short term recreational purposes.
73. In summary whilst the annual mean objective for NO₂ will be breached at certain locations in the proposed development, the inclusion of NO_x filters will ensure that internal air quality would be below the objective. Furthermore, it is considered unlikely that the short term objective for NO₂ will also be breached at the proposed development.
74. These documents were reviewed by Brent's Environmental Health Department who raised no objection to

the development provided the mitigation measures outlined in the revised air quality report are adhered to. A condition recommending compliance with this report would be recommended. A further prior to occupation condition, requiring the applicant to submit a report which provides evidence that the mitigation measures described in the approved Air Quality Impact Assessment has been implemented. The report would be subject to the approval of the Local Planning Authority.

75. In the interest of protecting local air quality, an Air Quality Neutral Assessment must be undertaken in accordance with guidance published by the Greater London Authority (GLA) and submitted to the Local Planning Authority for approval, prior to above ground works. The assessment shall include mitigation proposals should it be found that the development is not air quality neutral.

Construction, Noise and Dust:

76. The development is within an Air Quality Management Area and located very close to other commercial premises. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours. Environmental Health have therefore recommended a condition requiring the submission of a Construction Method Statement to control dust, noise and other environmental impacts of the development.

Contaminated Land

77. The site to be redeveloped has been identified as previously contaminated. A Soil Technics Preliminary Investigation Report has been submitted and this concludes that further site investigation works are required. Conditions requiring the investigation, remediation and verification have been recommended.

Lighting

81. The proposal is for the commercial units to be within the same development as the residential units therefore there could be issues with lighting from the commercial premises impacting on the residential use. Therefore, details of any external lighting are recommended to be secured through condition.

Odour

82. The applicant has submitted an odour assessment (Air Quality Assessments Limited odour risk assessment ref J0286/1/F1 dated 25/1/19). This has been assessed by Brent's Environmental Health Team and is accepted, provided the extraction system is installed as per this assessment then no conditions are required in terms of odour control.

Flooding and Drainage

83. The Lead Local Flood Authority (LLFA) were consulted on the proposed development. The site is located entirely within Flood Zone 1. The site is classified as 'More Vulnerable Development' in association with Table 2 of the Planning and Practice Guidance (offices). In accordance with Table 3 of the Planning and Practice Guidance, 'More Vulnerable Development' is permitted in Flood Zone 1. The applicant has proposed to use of green roof and geocellular attenuation.

84. The LLFA raised no objection to the proposed development and it is considered to be acceptable in terms of flood risk and SUDS.

85. Thames Water were consulted on the application and raised no objection to the proposed development.

Trees and Landscaping

86. An Arboricultural Impact Assessment, Method Statement and Landscaping Plan were submitted in support of the application. These documents were reviewed by the Council's Tree Officer who was satisfied with the details.

87. There are no Tree Preservation Orders on or within close proximity to the site. The report identified 8 trees that could be feasibly affected by the development, three Category B Trees (T4, 5 & 7) and 5 (T1, 2,3,6 & 7) Category C trees were identified. The report recommends that three trees (T2, 3 & 4) would need to be removed in order to facilitate development and outlines mitigation measures to protect those retained trees

during construction.

88. A scheme of soft landscaping has been submitted which includes tree planting details to address the loss of three street trees in terms of visual amenity within the streetscene.

89. The tree selection comprises two globe cherry *Prunus fruticosa* 'Globosa' trees to be planted along the road frontage in the same locations as T3 and T4 which would be set within new small areas of grass. The loss of the three street trees on Villers Road, is considered to be adequately mitigated with the addition of soft landscaping and two new trees to Villers Road.

Ecology

90. A Preliminary Roost Assessment prepared by The Ecology Consultancy dated 21/01/2019 was submitted. The Report determined the status of bats and likely constraints. Paragraph 5.3 asserts that no external features were identified for bat roost, but it also states that internal inspections in loft voids could not be inspected. The report recommended that an internal survey/inspection for loft voids of 39-41 Dudden Hill Lane. Alternatively, a single dusk emergence survey would be required prior to commencement of works to ensure legal compliance. It outlines the Time of survey must be between May – August.

91. The applicant was advised of that this survey would be a pre- commencement condition and later provided a Bat Surveys Report (V2.0 dated 12/07/2019). This report provided the results of a single dusk emergence survey undertaken on 10/07/2019. This report and the results of the dusk emergence survey concluded that there were no bats recorded emerging from the buildings or recorded using the site and adjacent environs for foraging or commuting. It recommended that the proposed development is unlikely to result in the loss of any bat roosts, or have any impact on commuting and foraging bats, and that a European Protected Species Mitigation (EPSM) licence will not be required.

Fire Safety

92. An outline fire strategy has been submitted alongside the application. Although fire safety is covered under building regulations, the Council recommends that the maximum standards for fire safety are achieved within the development.

93. Fire appliances will be able to stand on Villers Road or Dudden Hill Lane when accessing the site, but as some flats on the upper floors would be beyond 45m hose distance, a dry riser is proposed within the building.

CIL

94. The development is CIL liable, however the housing within the scheme that would be secured as affordable housing would be eligible for relief on CIL payment. This relief must be proactively applied for by the developer and agreed with the Local Planning Authority prior to being given.

95. The community centre component of the scheme is floor space within the D1 use class. Brent's CIL charging schedule specifies a zero charge on D1 floor space, however the Mayor's CIL charging schedule specifies (as of April 1st 2019) a £60/sqm charge on all non-health/education floor space, including that in the D1 use class. As such, subject to relief being applied for and given on the residential floor space, the scheme will only be liable for CIL payment to the Mayor in relation to the new D1 floorspace.

Equalities

96. 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

97. Following the above discussion, and weighing up all aspects of the proposal, officers consider that the proposal materially accords with the development plan having regard to material planning considerations. It is recommended that planning permission is approved subject to conditions.

CIL DETAILS

This application is liable to pay **£689,656.63** * 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): 568.44 sq. m.

Total amount of floorspace on completion (G): 2829.45 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	2340.45		1870.25	£200.00	£0.00	£551,056.01	£0.00
(Brent) Non-residential institutions	489		390.76	£0.00	£0.00	£0.00	£0.00
(Mayoral) Dwelling houses	2340.45		1870.25	£0.00	£60.00	£0.00	£114,646.95
(Mayoral) Non-residential institutions	489		390.76	£0.00	£60.00	£0.00	£23,953.67

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	£551,056.01	£138,600.62

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

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

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



Application No: 19/1095

To: Mr Gray
living-architects
living-architects
14 Linen House
253 Kilburn Lane
London
W10 4BQ

I refer to your application dated **21/03/2019** proposing the following:

Demolition of existing buildings and erection of a part 4 storey, part 5 storey building with Learie Constantine community centre (Use Class D1) on ground floor and 26 self-contained flats above (12 x 1 Bed, 7 x 2 Bed and 7 x 3 bed), provision for balcony amenity, and associated landscaping.

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

at **39A-B, 41, 43-47 Dudden Hill Lane & car park Villiers Road R/O 43-47, London, NW10**

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: 07/10/2019

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

- National Planning Policy Framework 2019
- The London Plan 2016
- Brent's Core Strategy 2010
- 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 drawings and documents:

Preliminary Roost Assessment prepared by The Ecology Consultancy dated 21/01/2019, Sustainability Statement Reference LEC2972/R04, Energy Statement Reference LEC2972/R04, Transport Statement Reference: B070367 Revision 01 05 March 2019, Ventilation Statement Version 001, prepared by WBS Consultant Engineers March 2019, Arboricultural Impact Assessment and Method Statement prepared by The Ecology Consultancy, Pre-Assessment Report prepared by Ingleton Wood dated 20th November 2018, Daylight and Sunlight Assessment Report Reference: 130669 DLSL4 prepared by Stoma Built Environment dated 18/07/2019, Daylight Factor Report Ref: LEC2972 prepared by Low Energy Consultancy Ltd, Flood Risk Assessment prepared by G30 Consulting, WDC -XX-00-DR—LA-0001 Revision P01 – Landscaping, Noise Impact Assessment prepared by SRL 11th December 2018, Odour Risk Assessment Reference: J0286/1/F1, Preliminary Ecological Appraisal prepared by The Ecology Consultancy, Learie Constantine Centre, 39-47 Dudden Hill Lane, Willesden Bat Surveys Report for Willmott Dixon prepared by The Ecology Consultancy, V2.0 dated 12/07/2019, Preliminary Investigation Report prepared by Soiltechnics Reference STQ4614-P01, Letter from ENVIRON Dated 03 October 2013 Reference MI/LUK1119178_1 – Villiers Road Soil Validation Testing, Planning Statement prepared by living-architects Reference: LCC-LIV-XX-00-RP-0002 P02 Rev 7 March 2019, LCC-LIV-ZZ-XX-SU-Z4-0421 Rev A 0 Topographical Survey, Draft for Comment Archaeological Desk-Based Assessment Ref:L 2526/RvKM prepared by Cgms Heritage dated January 2019, Interim Travel Plan Ref: B070367.000 Rev 01 dated 12 March 2019 prepared by Curtins, LCC-LIV-ZZ-XX-SU-Z4-0422, BCC 979-X01, LCC-CON-ZZ-00-DR-C-0001 Rev 03, LCC-CON-ZZ-XX-DR-C-0300 REV P01 - Drainage Details Sheet 1 of 2, LCC-CON-ZZ-XX-DR-C-0301 REV P01 – Drainage Details Sheet 2 of 2, LCC-LIV-XX-00-DR-A-1001 REV P14, LCC-LIV-XX-01-DR-A-1001 REV P12, LCC-LIV-XX-02-DR-A-1001 REV P12, LCC-LIV-XX-03-DR-A-1001 REV P12, LCC-LIV-XX-04-DR-A-1001 REV P13, LCC-LIV-XX-05-DR-A-1001 REV P7, LCC-LIV-XX-RF-DR-A-1001 REV P12, LCC-LIV-XX-XX-DR-A-1101 REV P11, LCC-LIV-XX-XX-DR-A-1102 REV P13, LCC-LIV-XX-XX-DR-A-1201 REV P10, LCC-LIV-XX-XX-DR-A-1300 REV P02, LCC-LIV-ZZ-XX-SU-Z4-0423, LCC-LIV-XX-00-RP-A-0001 REV P02 – D&A March 2019 – Design & Access Statement, Air Quality Assessment Ref: 130669 Rev 2.1, prepared by HRS Services Limited dated 12/09/2019, Covering Letter prepared by Stroma, dated 12/09/2019, prepared by Stroma

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

- 3 With the exception of the ground floor residential unit the development hereby approved shall be implemented and maintained for the lifetime of the development as 100% affordable rented housing (at rents up to 80% of the market rents and capped at Local Housing Allowance rates, inclusive of service charge, intended for households who cannot afford housing at market rates) and LB Brent will have the right to nominate people to be housed in the whole of the affordable housing development, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the development is implemented in accordance with the approved details submitted having regard to Local Plan affordable housing policy, the weight that was given to this scheme being 100% affordable when reaching a decision and to contribute to meeting Brent's identified housing needs, including meeting LB Brent's statutory housing duties.

- 4 The community centre facilities hereby permitted shall only be used for community events and community activities and for no other purposes within Class D1 of the schedule to the Use Classes Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

Reason: To ensure that the use remains appropriate for the site location and to ensure that the standards applied to the consideration of the approved development are maintained in connection with the completed development so approved.

- 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 and in view of the restricted space within the site to accommodate additional bin or cycle storage.

- 6 The approved cycle storage facilities and bin storage facilities shall be installed and made available for use prior to first occupation of the development hereby approved and thereafter retained and maintained for the life of the development and not used other than for purposes ancillary to the occupation of the development hereby approved.

Reason: To encourage sustainable forms of transportation in the interest of highway flow and safety.

- 7 The buildings shall be designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010.

Reason: In order to ensure a sustainable development by minimising water consumption.

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

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

- 9 No part of the development shall be occupied until details of the Landscaping including tree

planting have been carried out in accordance with the approved plans.

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

Reason: To ensure a satisfactory standard of appearance and setting for the development.

- 10 The operational hours of the D1 use hereby approved shall be restricted between the following hours unless otherwise agreed in writing by the Local Planning Authority:

08:00 to 23.00 Sunday to Thursday

08:00 to 01.00am Friday to Saturday

Reason: To protect the neighbouring amenity from adverse disturbance.

- 11 (a) No development shall commence on site until a Training & Employment Plan has been submitted to and approved in writing by the Local Planning Authority which shall include but not be limited to the following:

- (i) the details of the Training & Employment Co-ordinator;
- (ii) a methodology for meeting the Training & Employment Targets and the Training & Employment Reporting Schedule;
- (iii) a commitment to offer an interview to any job applicant who is a resident in Brent provided that they meet the minimum criteria for the particular job

The approved Training and Employment Plan shall be implemented throughout the construction phases of the development for the lifetime of the construction of the Development.

(b) The new community centre hereby approved shall not be occupied until the Training & Employment Verification Report has been submitted to and approved in writing by the Council.

Reason: In the interest of providing local employment opportunities.

Pre-commencement reason: part (a) of the condition seeks to exercise control over training and employment of Brent residents throughout the construction phase of the development and therefore needs to be discharged prior to construction.

- 12 Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The approved statement shall be implemented throughout the duration of construction.

The applicant must employ measures to mitigate the impacts of dust and fine particles generated by the operation. This must include:

- (a) damping down materials during demolition and construction, particularly in dry weather conditions,
- (b) minimising the drop height of materials by using chutes to discharge material and damping down the skips/ spoil tips as material is discharged,
- (c) sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
- (d) ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
- (e) utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
- (f) installing and operating a wheel washing facility to ensure dust/debris are not carried onto the road by vehicles exiting the site.

(g) the use of demolition equipment that minimises the creation of dust.

Non Road Mobile Machinery

Brent is currently part of the 'London low emission construction partnership'. Therefore, the use of Non Road Mobile Machinery of net power between 37kW and 560kW is required to meet at least Stage IIIA of the EU Directive 97/68/EC and its amendments. This will apply to both variable and constant speed engines for both NOx and PM.

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

Pre-commencement reason: The condition seeks to exercise control over the construction phase of the development and therefore needs to be discharged prior to construction.

- 13 Prior to the commencement of works the applicant shall enter into a Memorandum of Understanding with the Local Planning Authority in order to provide appropriate offsetting measures for the development's carbon emissions as approved within the above Energy Assessment.

No later than two months after practical completion of the development an Energy Assessment Review shall be submitted to and approved in writing by the Local Planning Authority. This shall include a review of the energy assessment commissioned at the applicant's expense and prepared by an independent assessor to demonstrate as built construction is in accordance with the approved Energy Assessment.

The applicant shall enter into a Memorandum of Understanding with the Local Planning Authority in order to provide appropriate offsetting measures for the development's carbon emissions as approved within the review of the Energy Assessment.

Reason: To ensure the development is in accordance with the principles of London Plan Policy 5.2.

- 14 Prior to the commencement of construction works (excluding demolition of the existing building on site), 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

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

Reason: To safeguard the residential amenity of nearby properties.

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

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

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

17 Contaminated Land Condition 2: Remediation and verification

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

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

- 18 Prior to commencement of works above ground level, details of materials for all external work, including samples which shall be made available for viewing on site, shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

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

- 19 Prior to commencement of works above ground level, a revised Overheating Risk Assessment and Mitigation Strategy with detailed drawings to scale and materials for all external work including mitigating solar shading and opaque glazing shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

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

- 20 No development above ground level shall commence until the developer has entered into an agreement with the Local Highways Authority to carry out the following works:

(i) require the developer to fund the cost of the removal of the redundant crossover to the site and its reinstatement to footway prior to occupation of the development;

The development shall not be occupied until evidence that the abovementioned highway works have been implemented in full and certified as completed to an acceptable standard by the Local Highways Authority has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development provides a safe and functional highway environment to connect the development with its surroundings.

- 21 Within six months of commencement of the development, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the lighting fixtures, luminance levels within and adjoining the site. The lighting shall not be installed other than in accordance with the approved details.

Reason: In the interests of safety and the amenities of the area.

- 22 Within six months of commencement of work on site, detailed drawings showing the photovoltaic panel arrays on the roofs of the proposed buildings shall be submitted to and

approved in writing by the Local Planning Authority.

The photovoltaic panel arrays shall be installed in accordance with the approved drawings and made operational prior to occupation of the development hereby approved.

Reason: To ensure that the development minimises its carbon emissions, in accordance with London Plan policy 5.2.

- 23 The tree protection measures as set out within the submitted Arboricultural Impact Assessment and Method Statement prepared by The Ecology Consultancy shall be adhered to through all stages of construction, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect existing trees during the course of construction works in order to ensure that the character and amenity of the area are not impaired.

- 24 Prior to the occupation of the development a Nominations Agreement to define nominations criteria and arrangements shall be entered into with the Council, and submitted to and approved in writing by the Local Planning Authority. The Nominations Agreement will set out the policies and procedures for the nomination by the Council of prospective tenants to the development and shall be implemented on occupation and shall remain in effect for the lifetime of the development.

Reason: To ensure the development is implemented in accordance with the approved details submitted having regard to Local Plan affordable housing policy, the weight that was given to this scheme being 100% affordable when reaching a decision, and to contribute to meeting Brent's identified housing needs, including meeting LB Brent's statutory housing duties.

- 25 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. 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 of each building, 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.

- 26 Prior to first occupation of the development hereby approved details of a communal television aerial and satellite dish system for each of the three buildings linking to all residential units within the development, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details. No further television aerial or satellite dishes shall be erected on the premises.

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

- 27 The development and operations of the site must be carried out in accordance with the submitted Travel Plan: Interim Travel Plan Ref : B070367.000 Rev 01 dated 12 March 2019 prepared by Curtins.

Reason: In order to promote sustainable transport measures where on-street parking and manoeuvring may cause highway safety problems.

- 28 Prior to use of the community centre hereby approved, a scheme of sound insulation measures shall be submitted to the Local Planning Authority for approval. The insulation shall be designed so that noise from the community centre operation does not result in an exceedance of the indoor ambient noise levels specified within BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' in the flats above the community centre. This criterion applies with windows shut and with an appropriate ventilation system that does not give rise to a noise level greater than 30dB(A) at night or 35dB during the day or a sound level in any 1/3 octave band in the range 50Hz to 8kHz that is more than 5dB above immediate adjacent 1/3 octave bands. The approved insulation measures shall thereafter be implemented in full.

Reason: To protect acceptable local noise levels, in accordance with Brent Policy EP2.

- 29 Prior to the occupation of any part of the development, the applicant shall submit a report which provides evidence that the mitigation measures described in the approved Air Quality Impact Assessment and Document (Air Quality Assessment Ref: 130669 Rev 2.1, prepared by HRS Services Limited dated 12/09/2019) have been implemented. The report is subject to the approval of the Local Planning Authority.

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

- 30 An Air Quality Neutral Assessment must be undertaken in accordance with guidance published by the Greater London Authority (GLA) and submitted to the Local Planning Authority for approval. The assessment shall include mitigation proposals should it be found that the development is not air quality neutral.

Reason: To protect local air quality.

INFORMATIVES

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

development.

- 6 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall 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.
- 7 Thames Water advise the applicant that if they are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.
- 8 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.

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

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

16 October, 2019
07
19/1477

SITE INFORMATION

RECEIVED	18 April, 2019
WARD	Brondesbury Park
PLANNING AREA	
LOCATION	Queens Park Community School, Aylestone Avenue, London, NW6 7BQ
PROPOSAL	Erection of a temporary single storey classroom building to provide additional teaching facilities, addition of associated single storey staff room/admin office, storage container and canopy over playing area to include mesh fence enclosure, new tarmac footpath and associated cycle storage (DEPARTURE FROM POLICY CP18 OF BRENT'S LOCAL PLAN).
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_144951</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 "19/1477" (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:

1. Time limit /Temporary Consent
2. Approved drawings/documents
3. Compliance with Tree Report
4. Securing Replacement Trees
5. Compliance with Ecological Appraisal
6. Lighting Strategy
7. Securing Cycle Parking

Informatives:

1. Code of Construction Practice
2. Fire safety
3. Living wage
4. Notification of Highways

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.

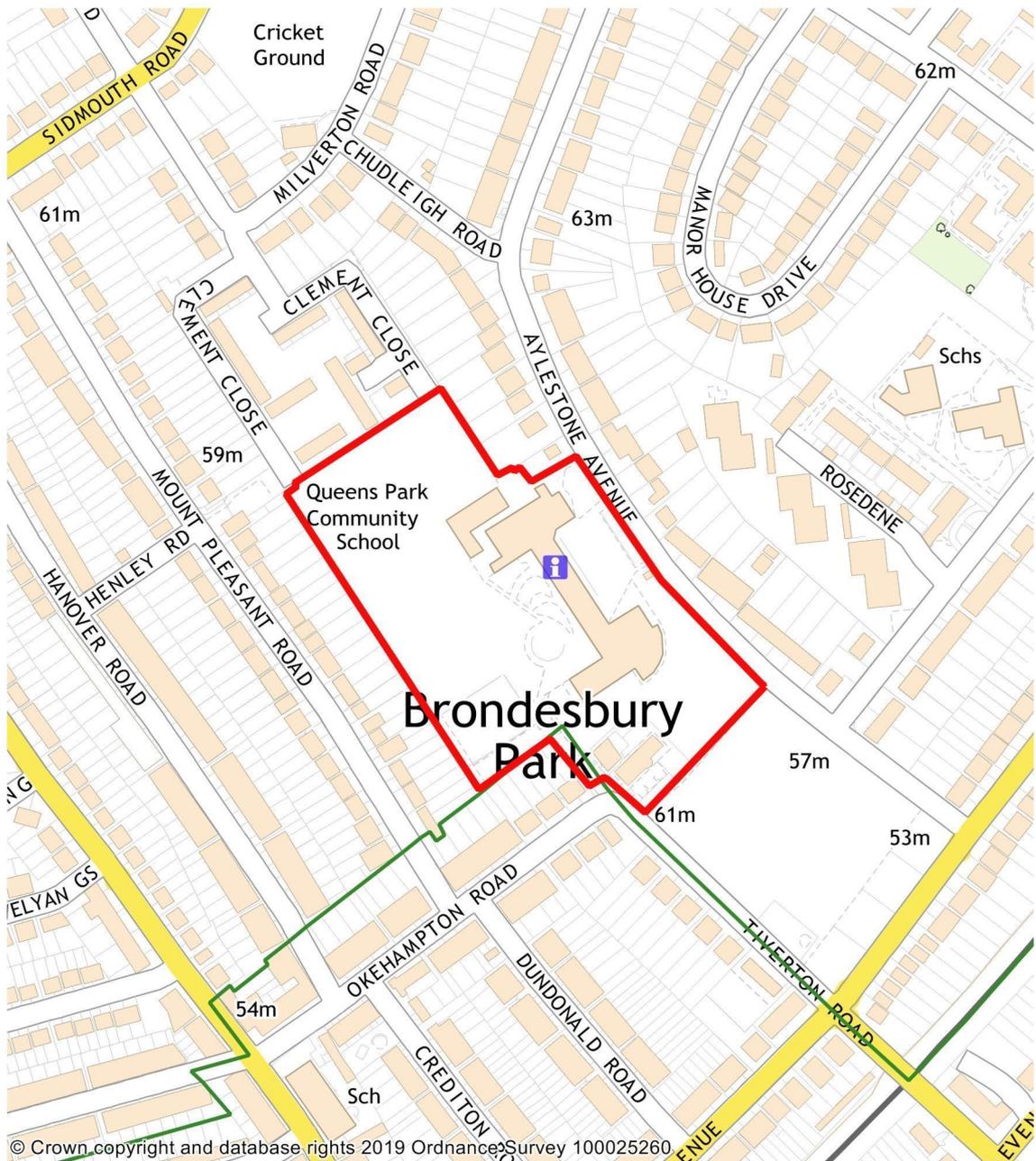
SITE MAP



Planning Committee Map

Site address: Queens Park Community School, Aylestone Avenue, London, NW6 7BQ

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This map is indicative only.

PROPOSAL IN DETAIL

Erection of a temporary single storey classroom building to provide additional teaching facilities, addition of associated single storey staff room/admin office, storage container and canopy over playing area to include mesh fence enclosure, new tarmac footpath and associated cycle storage (DEPARTURE FROM POLICY CP18 OF BRENT'S LOCAL PLAN).

EXISTING

The site relates to playing fields within the curtilage of Queen's Park Community School, adjacent to the existing school buildings. The site is located on designated Open Space. The site is not listed nor located within a Conservation Area.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application.

Representations received: 123 neighbouring occupiers were consulted on the application. 11 objections were received and 2 comments of support.

Loss of playing field on area designated as Open Space: The application constitutes a departure from the local plan on account of the school field being designated as Open Space. The placement and size of the proposal is such that it results in a minor encroachment upon the open space and sports/playing fields. The use would be education and therefore appropriate in use class terms within the school grounds. Sport England raised no objection, remarking that the proposal would not reduce the sporting capability of the site. The application seeks temporary planning permission until 31st December 2021, therefore any impact of the proposal would be temporary.

Neighbouring amenity: Objections have been received in relation to increased noise and disturbance as well as a loss of privacy and outlook. Officers consider that the proposed development which would result in an increase of 7 students from 21 to a total of 28 compared to the existing facility, and a total of 24 members of staff for the Special Educational Needs (SEN) facility, is not likely to result in a material additional impact and the proposed development would not adversely impact the residential amenity of nearby properties, above and beyond the existing use as a school and playground.

Design: The design of the building is considered to be acceptable and the height and massing is in keeping within context. It would be single storey with a flat roof.

Highways and transportation: The proposal is unlikely to have a significant impact on local streets given the small increase in the number of students and teachers.

Trees and Ecology: The proposal is considered to provide adequate protection of trees, the submitted Arboricultural Statement has been reviewed by the Council's Tree Officer and has been conditioned. Two TPO trees would be lost, the Tree Officer supports their loss given their quality/life expectancy and two tree replacements have been secured via condition. The proposal would not have an adverse impact on local wildlife or ecology as demonstrated by the submitted Preliminary Ecological Appraisal. The recommendations of this report have been conditioned.

RELEVANT SITE HISTORY

The school site is large and has extensive planning history, as such the relevant planning history is outlined below:

17/3003-Granted

Retention of the single storey classroom building located to the north of the school.

15/3669 – Granted

Single storey extension to expand the existing Sixth Form with associated access, canopy and screening to the school building fronting Aylestone Avenue.

11/1836 -Granted

Erection of temporary single storey classroom buildings for 16 pupils with special educational needs (for a maximum of 2 years) on land to the north of the existing school.

CONSULTATIONS

Internal Consultees

Environmental Health: No objection subject to conditions.

Transport: No objection subject to conditions.

These consultees raised no objections to the proposed development their comments are discussed in the detailed considerations section of this report.

External Consultees

Sport England

Sport England raised no objection, they did not consider that the development would reduce the sporting capability of the site. They considered that the proposed development affects only land incapable of forming part of a playing pitch. Their comments are discussed in detail in the main body of this report.

The above consultee responses are discussed in the detailed considerations section of this report.

Public Consultation

First round of consultation:

Consultation Letters: A total of 123 nearby properties and the Aylstone Park Residents' & Tenants' Association (APRATA) on 07th June 2019.

Site Notice: Posted outside the site on 13/05/2019.

A total of ten objections were received during the first round of consultation.

Second round of consultation:

Residents of Aylstone Avenue commissioned a private planning practice who challenged some issues with the first round of consultation. This included that they believed that as the site was located on designated open space, as illustrated by the Brent Planning Policy Constraint Maps and the Local Plan, that the application must be advertised as a Departure from policy CP18 of Brent's Local Plan. They also advised that the application form was not made public, this was investigated and there was an administration error which meant that the form was only made visible on the public website on 24/06/2019. A number of other matters were raised and the Council addressed these on an email sent on 11/07/2019.

The Council therefore undertook a full re-consultation based on the matters above and revised plans as follows:

Consultation Letters: A total of 123 nearby properties and the Aylstone Park Residents' & Tenants' Association (APRATA) on 16th August 2019.

Site Notice: Posted on 16th August 2019.

Press Notice: 8th August 2019.

A further 8 representations were received during the second round of consultation of which two were in

support and 6 raised objections. Of the 6 that raised objections 5 were additional objections received from the same addresses already logged in the previous consultation. Although these further comments will be taken into consideration, this brings the total number of objections to 11 and 2 representations of support.

The table below summarised the themes/content of objections and provide officer comments:

Theme of objection	Officer Comment
<p>Lighting Concern relating to security lights causing disturbance to neighbours and wildlife. Notes existing school lights cause disturbance.</p> <p>Requests condition relating to their height/placement and filters to be used.</p> <p>Floodlights will be pervasive and would be triggered by wildlife at night time.</p> <p>Impact of lighting to residents not demonstrated.</p> <p>Increased windows would result in increased light pollution.</p> <p>Visual Impact Structures would be unsightly. Would be visible from first floor residential windows.</p> <p>Development would be detrimental to the character of the open space.</p> <p>Fails to respect CP 17 protecting and enhancing the suburban character of Brent.</p> <p>Not in keeping with the area or even with the school.</p> <p>Natural light and open space of field would be more obscured, result in a visual impact</p> <p>Compound style development including timber fences.</p>	<p>A condition is recommended requiring the submission of lighting details.</p> <p>No floodlighting is proposed, given the size, scale of the lighting and the fact that the condition would require limited use, it is not considered that the lighting could be adversely harmful to wildlife.</p> <p>The distance separating the building from the neighbouring properties is sufficient to offset any significant impact.</p> <p>Impact to character and appearance is discussed in the detailed considerations section of the report.</p> <p>Revised fencing has been proposed, the application now proposes more permeable mesh fencing.</p>
<p>Residential amenity</p> <p>Occupants of nearby properties are retired and changing work patterns mean people are at home more often and therefore affected by the operational hours of the school.</p> <p>Views Views from neighbouring living room being impacted.</p> <p>Noise Increased activity/entrances and noise disturbance from comings and goings of teachers and students.</p>	<p>The impact of the proposed development upon residential amenity is discussed in the detailed considerations section of the report.</p>

Increased footprint would make noise disturbance worse.

Layout with windows and orientation towards rear gardens would intensify noise and this should be redesigned to face the field. Other locations should be investigated.

High pitch crying and screaming. Activity would be different given the needs of the school.

Teachers can create as much noise as students.

Students spend a large amount of time outside.

Lists planning policies relating to noise and asserts no evidence has been submitted to demonstrate noise impact and that this should be required.

States layout should be like the 'Three Trees Children's Centre'.

Grievances about The Avenue School Venture, noise impact experienced over last 18 months. Refers to 3G pitches.

2 years of impact on top of existing would result in 4 years' impact.

Complaints raised with Environmental Health since 2018 but no response or action has been taken.

Concern with noise from AC units, mechanical services, plant and machinery.

Canopy covered area will increase noise and will be used as an outdoor classroom/or/ and for parties and private lettings.

No noise assessment/mitigation has been submitted, no evidence to suggest noise would not be worse or to quantify impacts. Noise created and lack of noise assessment against planning policy (policies listed in objection).

Window design now larger, this would result in greater noise issues with less acoustic properties. Doubtful that windows would be double glazed and buildings would have adequate acoustic design.

Cycle storage /storage would increase noise disturbance, should be re-located.

Overbearing

Due to size and proximity and use would have an overbearing impact to neighbours, particularly in the winter when trees are not in leaf.

Cramped and oppressive especially given the solid timber fence.

Privacy

Overlooking into residential properties.

Reduces privacy along the boundaries due to pathway. Area to the rear makes the biggest contribution to the enjoyment of garden

Windows on the Eastern elevation, facing Aylestone Avenue, should be as opaque glazed similarly to the windows on the North elevation facing Clement Close which are currently noted as opaque glazed on the submitted plans.

Buildings revised and now further set back with increased unobstructed view of residential properties. Privacy concerns which would be worse in winter when leaf cover is diminished

Operational hours

Seeks between 08:50-3.20, building not open from 7:30-6pm, for staff, lets or students. Hours would double. States proposed hours are not within planning statement.

Request that hours relate to terms time and weekday only.

Management

No Management Plan has been submitted for hours, timetables and specific use. This should be conditioned. Hours and outdoor use should be restricted.

Planning statement says that there may be occasional after school lettings.

A management plan is not considered necessary. The previous planning statement was vague and did state that there may be occasional lettings. The applicant was asked to provide further details and asked if this as necessary. They confirmed that this was no longer the intention.

The revised Planning Statement confirms at paragraph '*There is no intention to open the building outside of the above hours for lettings*'.

Adjacent existing modular classroom

Concerns raised that this was made permanent and that this proposal may become permanent. Requested condition to make sure the proposal would be temporary.

Structure, fencing, surrounding area in breach of planning.

No enforcement was taken against the structure when it stayed longer than was permitted.

Concerns that no enforcement action would be taken if the structure was to remain beyond its permission.

This application does apply for temporary permission only. A condition would be recommended to ensure that the structures are removed by December 30th 2021 and the land returned to its pre-existing condition.

Any issues relating to breaches in planning control would be dealt with under separate

Previous application was not scrutinised properly.

Poor design that this application repeats.

Resulted in impact to residential amenity including noise and disturbance. Noise is heard from garden and rear facing rooms, even when windows are closed. With the seasons this changes their behaviour. Requested condition to ensure windows be shut, double glazed and opaque.

Criticises consultation process for application reference 17/3003 for the retention of the existing classrooms noting only site notices were posted.

Existing internal lighting left on overnight and at weekends.

Previous applications and activities have not taken into account impacts to local community.

Previous events have caused disturbance, generally been in support of school over years, but more recently school have been riding rough shot over rights of neighbours. Criticises school in previous licensing/planning applications.

processes. The current issues raised have been investigated by the Planning Enforcement Team. In some instances the developments were lawful. In others, there was no significant demonstrable harm and it was not expedient to take any action.

This application considers the proposed structures. Consideration is also given to cumulative impact of the proposal and the existing school site.

If residents have concerns relating to noise and lighting they are advised to contact Brent's Environmental Health Department.

Loss of sports field

Reference to application 19/1563 – Proposed 3G pitched at QPCS questions why field space is taken up when it should be for sports and fitness.

Reduction in recreational/play space.

Application reference 19/1563 is not considered directly relevant in the determination of this application.

The loss of the sports field is discussed in the detailed considerations section of this report.

Open Space

Site designated as open space. Would occupy previously unoccupied open space.

Contradicts CP 9 – Protection & Enhancement of Open Space and the NPPF.

Green space is scarce in Brent. There should be more not less.

No evidence to suggest open space is surplus to requirement required by policy. Refers to the ecological appraisal that states the grass is trampled and this suggest that the space is used.

Refers to strategic benefit not being applicant for this site as it is temporary only.

The development on designated open space is discussed in the detailed considerations section of this report.

Environmental Impact/Trees/Ecology /Sustainability

Concern raised in regard to impact to wildlife, notes existing habitats including trees and hedges and existing species of birds that are commonly seen. Asserts that the Ecology information submitted understates this and did not include photographs of the eastern elevation and trees on the boundary.

Works could result in the deterioration of an irreplaceable habitat as outlined in the NPPF.

Negative impact on wildlife and does not encourage future development of wildlife.

Path would impact roots of trees in adjacent gardens, states that they spoke with the tree officer who mentioned a no dig area, requested this be a condition.

Notes contradiction between use between the submitted Design & Access Statement (underused area) and the Ecological Appraisal (heavily trampled indicating use by children).

Concern raised in reference to impact to Willow Tree. It notes construction activity may effect trees if mitigation not taken.

Requests re-assurances that future occupants could not prune trees without consent from Brent Council, as this would have an impact on visual amenity.

Requests that no fencing is required along the boundary as it would result in impact to hedgerow and wildlife.

Orientation of classrooms does not maximise light for classrooms, which could result in a further heating need and fails to contribute towards sustainable development.

The build is not eco-friendly/sustainable.

Loss of trees for temporary structure is unacceptable. The loss of trees would impact residents of Clement Close, as screening would be lost.

The environmental impact, including aspects of sustainability and impact to trees and ecology is discussed in the detailed considerations section of this report.

Overdevelopment

States new development taken with adjacent classrooms would be 1430m3.

The size/impact of the development is discussed in the detailed considerations section of the report.

Development would be excessive for such a small increase in student numbers and difficult to justify in public interest terms.

It is understood that the facility would accommodate an addition 7 students and it would allow more comfortable classroom facilities and smaller teaching classes of 7 per class as outlined in the submitted planning statement. The Council understand the need for more capacity and better facilities to better suit the needs of The Avenue School.

Traffic

Heavy traffic from idling buses/coaches related to school.

Increased disturbance from traffic and pedestrians.

Idling coaches/buses.

Traffic impact is discussed in the detailed considerations section of the report.

Fear of criminal activity

Addition of path would make a route easier for criminals and provide an opportunity for crime.

Security measures lacking.

When considering the siting and access arrangements proposal would not directly result in an opportunity for crime and the request for additional security measures is considered unreasonable.

Consultation responses

Questions where consultation responses can be found. States these should be made public.
Ability to respond to application in a balanced way is hindered by lack of access to a noise assessment or statutory/internal consultees.

Comments received by the public have been made publicly available and suitably redacted.

Due to Council resources and current systems internal and external comments are not automatically made available. Some comments have been provided to those objectors who have requested them. It is not felt that the public have been hindered in any way by these comment not having been made public.

The impact from noise and reasoning as to why a noise assessment is not considered necessary is discussed in the detailed consideration section of

	this report.
<p>Principle</p> <p>Does not relate well to the neighbouring properties and open space in terms of layout, scale, type and materials, which are at odds with the residential surroundings.</p> <p>Inappropriate, unneighbourly form of development.</p> <p>Private hire would constitute a change of use.</p>	<p>These points are addressed in other sections, in particular within the impact to residential amenity; and impact to character and appearance assessments within the detailed considerations section of this report.</p>
<p>Need</p> <p>Already a SEN Classroom that has been made permanent. Expanding school not appropriate.</p> <p>School has enough classrooms</p> <p>Excellent Special schools around.</p> <p>Makes reference to the proposed site for the new Avenue School where works have not started.</p> <p>Application seems like cynical revenue gaining ploy rather than a genuine needs-based application.</p>	<p>It is understood that the facility would accommodate an addition 7 students and it would allow more comfortable classroom facilities and smaller teaching classes of 7 per class as outlined in the submitted planning statement. The Council understand the need for more capacity and better facilities to better suit the needs of The Avenue School.</p>
<p>Inconsistencies /Inaccuracies</p> <p>Height of existing modular classroom at 3.3 yet it was approved higher.</p> <p>Inconsistency with height of fence</p> <p>Questions height of fencing. Dimensions should be given.</p>	<p>The already approved adjacent modular classrooms were as the objector states approved higher. The development was not built in accordance with the plans and the applicant suggest this was built as shown on the submitted plans. However, this error is not considered material in the determination of this application, especially given that the impact would be lesser given the height would be reduced.</p> <p>The inconsistency with the height of the fence was resolved with amended plans, the mesh fence would be 2m in height.</p> <p>The drawings are to scale and dimensions are not considered</p>

necessary.

A further letter was received from MRPP (Letter Ref: 3059/MY/LT20190923 prepared by MRPP dated 23rd September 2019) who act on behalf of two residents in Aylestone Avenue. The letter states ‘ *The objective of this letter is to ensure officers are fully aware of relevant procedural issues and also to give an indication of the determinative issues here which appear to have been overlooked by the applicant’s submissions.*’ The letter totals 8 pages, therefore the table below is used to summarise the themes for the letter and provides some officer comment.

Theme/Subject	Officer Comment
<p>Use and Intensification</p> <p>Intensification of school use and increasing commercialisation of facilities.</p> <p>Issues created by third parties.</p> <p>Compressed school playground near boundary.</p> <p>Hours of Use</p> <p>School does not only create disruption during school hours.</p> <p>Other planning application</p> <p>States that issues caused by third parties mean that residents are carefully reviewing this application and other applications such as 3G pitches.</p>	<p>The Planning Statement has been revised and there is no specific intention to use the facility for private hire. The proposed use is ancillary to the wider use of the school.</p> <p>The London Plan Policy 3.8 relates to Education Facilities and states that school facilities can provide venues for a range of community activities, including children’s centres, and cultural and sports activities, where children and parents feel comfortable to access them. School facilities such as sports, training and meeting facilities should be capable of use by the wider community outside school hours. Maximum use of schools in the evenings and at weekends will reduce the land requirement for other uses.</p>
<p>Existing adjacent temporary classroom</p> <p>The letter details the planning history associated with the adjacent existing modular classrooms.</p> <p>The classroom previously had temporary consent, but were not removed as per a planning condition. It was therefore in breach of planning control.</p> <p>Other facilities were added without</p>	<p>Officers are aware of the planning history relating to the adjacent existing modular classroom.</p> <p>Officer’s dispute that there was insufficient information to determine the application and assessed the applicant based upon the permanency of the development and other impact with reference to the relevant polices.</p>

planning permission such as outdoor play areas, air conditioning units/plant and fences, resulting in annexation of the school playing fields.

Planning permission was granted under 17/3003 to make the development permanent.

States that the previous application was assessed wrongly on the basis that the temporary nature was not harmful rather than relevant policies. Argues that submitted information with the application to retain the development was insufficient for the council to assess the effect.

Lists reasons why the existing structures are in breach:

Does not comply with the Written Statement in respect of access, arrival and departure.

Absence of consent for operational development including facilities within SENDS compound, air conditioning and other plant

Notes that these issues have been raised with the Planning Enforcement Team

Officers are aware of the alleged planning breaches. Indeed, MRPP and the residents who has queried this has been contacted by the Planning Enforcement Team. They have advised that no enforcement action will be taken, they have come to the judgement that it would not be expedient to do so, for a number of reasons including that, some matters are not harmful, other matters have been in situ for at least 4 years and have become immune to enforcement action and finally some of the uses are considered incidental to the educational use at the school site.

These matters are not considered to have a bearing on the determination of this application.

Impact on Local Amenity

Layout facing towards rear of Aylestone Avenue, activities such as arrivals/departures, deliveries, outdoor play and learning would occur in the space between the unit and the rear of

The merits of the layout and associated impact are discussed in the detailed consideration section of the report.

the properties.

Noise

Fails to mitigate noise through acoustic materials/screening. Again repeats that children scream and have tantrums and staff are loud in controlling them. States that the is play equipment and musical instruments are used.

Lack of technical assessment, states this is required by local validations list.

An advice notes was submitted in regard to Acoustic impact by Sharps Gaylor.

The letter criticises Environmental Health's' assessment of the impact.

Summer months are worse in terms of noise impact. Classes are not timetabled and held outside, refer to the canopy enabling further outdoor use.

Noise events have been recorded and shared with the council, though little interest has been taken.

Again refers to the air conditioning units.

Many of the concerns relating to noise have already been raised by both MPPR (Martin Robeson Planning Practice) and the residents that they represent in a number of previous letters and objections. The impact of noise is discussed in the detailed considerations section of this report. The advice note by Sharps Gaylor has been reviewed by Brent's Environmental Health Department

The detailed considerations section of the report provides an assessment of noise impact, which does take account of all activities associated with the development.

The residents should liaise with Brent's Environmental Health about these events.

Planning Enforcement have already stated their position in regard to the air conditioning units under separate cover. The residents are advised to contact Brent's Environmental Health department about the impact of noise, should noise nuisance occur.

- The applicant was listed as Martyn Williams who is the agent.
- Site area confirmed to be 1456m², despite the revised application from, which would mean the applicant should be classified as a Major.
- Use of the land is playing field not SENDS unit. This is fundamental to the assessment of the application.
- Applicant claims vehicle parking is not relevant. 9 additional staff are proposed. Contradicts information elsewhere.
- Applicant confirms below ground services survey will follow.
- Applicant does not clarify nature of pre-application advice received by Council
-Council fails to reveal ownership details. Requests that this should be transparent.

States that these errors must be rectified and re-consulted on in order that statutory duties are met before decision has been made.

School. Furthermore, a Location Plan clearly shows the site.

The applicant is the Department for Education. The fact that Martyn Williams was listed is not considered to have prejudiced anyone during the application process.

In response to a MPPR Planning's previous concerns with the site /location plan. A revised site plan to include the show school a red line around the whole site as opposed to a red line around the development site and a blue line around the wider Queen's Park Community School. The actual area of development has not changes, though it is acknowledged that car parking spaces within the wider site are allocated for use by The Avenue School Staff.

The proposed use is considered to be ancillary to the wider education use of the site, as are the playing fields.

Parking has been considered within the detailed consideration section of this report.

Adequate information has been submitted. A below ground survey is not required.

They are not required to do so.

Certificate B was signed within the application form certifying that pre-requisite notice was served on the owners. The ownership of the site has

	<p>not prejudiced the public or consultees.</p> <p>The Council have met all the statutory requirements.</p>
<p>Planning Justification</p> <p>Application is deficient in planning justification. Criticises level of detail and justification.</p> <p>States that there was a lack of justification with the previous application, this concerns residents and questions the applicant's motivations.</p> <p>States that an appraisal of the sites suitability has not been done.</p> <p>Refers to the length lease of the land. States that it is presumed that The Avenue school has presumably made other arrangement for the additional students that were due to start in September 2019. It states that there is insufficient justification for the need and that this should be provided to justify loss of playing fields and open space.</p> <p>Applicant must demonstrate that other material considerations outweigh breach in policy.</p>	<p>The submitted Planning Statement, Transport Statement, Construction Method Statement, Ecological Appraisal, Arboricultural Method Statement and submitted drawings are sufficient for the Council to assess the application.</p> <p>The location is considered suitable and is discussed in the main body of the report.</p> <p>The need for the addition facility is discussed in the main report. The temporary arrangement that may or may not have been found in the interim is not considered relevant. An appraisal/sequential test of existing facilities is not necessary.</p> <p>The impact/merits are discussed in the main body of this report.</p>

The following table summarised the content of the representations received in support of the application:

Comment in Support	
<p>Need Given the shortage of the facilities proposed and the importance of providing such facilities, and given the negative responses so far made, a support comment is made.</p> <p>Intention was to have the additional capacity available by September, important that approval should be given as soon as possible. Given that the number of objections will mean that the application will need to go to Planning Committee. Request to be heard at Committee as soon as possible.</p> <p>Low intensification</p> <p>As it appears that there are already 21 special needs pupils using the current facility (albeit that the status of that facility has changed from temporary to permanent) the addition of 7 more (to 28) is hardly likely to cause problems to nearby residents, and many of the objectors, particularly in Mount Pleasant Road, are too far away to be adversely affected.</p> <p>Transport</p> <p>The transport arrangements unlikely to cause problems. Experience with the Manor School has shown that the special needs children there do not cause noise and disturbance when being dropped off and collected from the school.</p> <p>Intention was to have the additional capacity available by September, important that approval should be given as soon as possible. Given that the number of objections will mean that the application will need to go to Planning Committee, I would urge you to get it on the committee agenda at the earliest possible opportunity.</p> <p>The objectors should be assured that the structures would be temporary and removed in 2021.</p>	<p>Some of these points are discussed within the detailed considerations section of this report.</p>
<p>Objections received</p> <p>Negative comments unfounded. 21 pupils have been using the current building on the QPCS estate with no problem, of which most objectors</p>	<p>Some of these points are discussed within the detailed considerations section of this report</p>

are ignorant or choose to overlook. The temporary addition of 7 more is hardly likely to make any difference.

Construction

Constructing a single classroom would not take long or entail much construction, noise, disruption or traffic to Aylestone Avenue or Mount Pleasant Road.

Transport

Delivering and collecting 7 students involves just one or two more vehicles than at present, which cannot bother anyone on Aylestone Ave. as they drive onto the site and don't park on the street - where there is plenty of space, anyhow.

I often enough walk or drive past the Manor School where about 170 pupils are delivered and collected daily, and while there might be temporary hold-ups on Okehampton Rd. there is no serious issue

Visual Impact

Hardly even visible. Well set back surrounded by trees and shrubbery, diminishing the chances of any problems whatsoever from 28 vulnerable children.

Light Pollution

Pupils leave around 3:30pm so there also cannot be any light pollution to bother any residents.

Noise

Many objectors are in Mt. Pleasant Road: no noise or light and certainly no traffic comes near them. There are many trees and shrubs around and their houses at the other end of their gardens are so far from the building that I cannot imagine they can even see it.

The 170 pupils at Manor School do not disrupt the neighbourhood with unwanted noise. Children make noise on the playground and that is a healthy noise, a sign of happy, active children!

Temporary Nature

Most objectors don't seem to realize that it is only temporary until the end of 2021 when the new facility will be ready.

Need/Timescales

It is hoped the additional temporary accommodation will be ready for a September opening, but the consultation period has a few days to run, so I hope it can all be speeded up to allow that to happen so that the additional pupils will have their places secured. Such vulnerable children need all the help they can get.

POLICY CONSIDERATIONS

London Plan (2016)

Key policies include:

- 7.15: Reducing and managing noise improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 3.18: Education Facilities
- 3.19: Sports Facilities
- 7.18: Protecting open space and addressing deficiencies
- 7.19: Biodiversity and access to nature
- 7.21: Trees and woodland

Core Strategy (2010)

- CP 17 – Protecting and Enhancing the Suburban Character of Brent
- CP 18 – Protection and Enhancement of Open Space, Sports and Biodiversity

Objective 5 - Meeting Social Infrastructure Needs

Brent's Development Management Policies (2016)

- DMP1 - Development Management General Policy
- DMP8 - Open Space
- DMP12 - Parking

Brent Design Guide SPD1 (2018)

DETAILED CONSIDERATIONS

Proposal Background

1. This application seeks temporary school accommodation for The Avenue, a non-faith co-educational, Special Educational Needs (SEN) school for children aged 4-19. The students are currently accommodated in the existing temporary accommodation situated on the north-eastern side of the Queen's Park School playing fields.
2. The existing detached modular classroom accommodated 21 students, which would increase to 28 students. The additional single storey modular classroom for which this application seeks planning permission for, combined with the existing accommodation would accommodate four classes of 7 pupils.

This application seeks permission for its temporary use until 31st December 2021. It is anticipated that the school will cease use in July 2021 and the additional time would allow removal of the structures and to reinstate the area to its former condition. This is pending the development of a permanent school building on land at the corner of Brondesbury Park and Christchurch Avenue which is due for completion by 2021. As such a condition would be recommended that the structured be removed by December 31st 2021.

3. The Council's Special Educational Needs (SEN) and Disability services have been facing pressures arising from increased demand for specialist education placements for a number of years. There has been an increase in demand in line with a national trend which has been exacerbated in Brent by increased inward migration. The Council has a statutory duty to provide sufficient school places for children within its area.

Principle of Devevelopment

4. Policy CP 18 seeks the protection an enhancement of open space, sports and biodiversity. It asserts that open space would be protected from inappropriate development and be preserved for the benefit, enjoyment, health and wellbeing of Brent's Residents. visitors and wildlife.
5. Although the site is designated as open space, the established use of the site is for education. Furthermore, education can be considered a benefit to resident's enjoyment, health and wellbeing, in accordance with Policy CP 18. As such, it is considered that the principle of development is acceptable for the established education use on the site, subject to sufficient justification to address the open space designation.
6. This application seeks temporary permission until December 2021, residents have expressed concern that this development may become permanent in future based upon the fact that the adjacent modular classroom were made permanent under application reference 17/3003. The application to make the adjacent structures permanent was assessed in regard to the permanent impact. Notwithstanding the temporary nature of the proposal, the size in terms of footprint is not considered significant in the context of the wider school site and wider adjacent open space.
7. The proposed development would be sited on school playing fields as such Sport England were consulted in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). NPPF (2019) paragraph 97 asserts that existing open space and sports buildings including playing fields should not be built on unless, Sport England have considered the proposal against their own guidance and paragraph 97 of the NPPF and stated that development would be opposed unless the development as a whole meet with one or more of five specific exceptions.
8. Sport England remarked that the proposed development results in a minor encroachment onto the playing field. However, having considered the nature of the playing field and its ability to accommodate a range of pitches, it is not considered that the development would reduce the sporting capability of the site.
9. Consequently, Sport England are of the view that the proposal sufficiently meets exception E3 of their playing fields policy, in that:
10. The proposed development affects only land incapable of forming part of a playing pitch and does not:
 - reduce the size of any playing pitch;
 - result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
 - reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
 - result in the loss of other sporting provision or ancillary facilities on the site; or
 - prejudice the use of any remaining areas of playing field on the site.'
11. In summary the principle of the development on the school playing fields which are designated Open Space is considered acceptable in principle.

Impact to Residential Development

12. The new classroom is to be located to the north east side of the Queen's Park playing fields. The proposed temporary classrooms would be located adjacent to the existing detached modular classrooms.
13. It is noted that the gardens of residential properties along Aylestone Avenue back onto the north eastern side of the school playing fields and that the residential properties of Clement Close are located to the north side of the boundary. The proposed modular classroom would be sited off the garden boundaries of Aylstone Avenue by 9m and 11m from the boundary with Clement Close with the canopy over external play area to be located approximately 4.7m and the cycle storage container located 5.5m off the boundary, the space between the structures and the rear gardens of Ayestone Avenue would be a play area. The rear gardens that back directly onto the site and long at over 34m and as stated the buildings would be located 11m from the boundary with Clement Close.

Noise

14. The existing use of the site is a school field and as such the addition of the modular classroom buildings/cycle/storage and a play area/area covered by the canopy is not considered to materially increase the impact of noise from the site. The existing site accommodates 21 students and the proposed development would accommodate 7 additional students, the classroom structure would be set 9m away from the boundary and the proposed use would not be significantly louder than that of the adjacent classroom or existing playground use.
15. One of the objections included an acoustic note (prepared by Sharps Gayler) which raised further concerns about increased unacceptable noise. Brent's Environmental Health Department were consulted for comments on this report. They advised that the potential noise sources identified in the acoustic note would be very low impact considering the noise will take place during the daytime. The report by Jacobs confirms "Pupils will attend 8.50am until 3.20pm." and "The school will be open to staff from 7.30am until 6pm. They stated that conditioning operational hours may be considered.
16. The other noise sources highlighted in the acoustic report include "Internal sound break-out from within the classroom spaces" and "Noise from external "play" areas and other outdoor activity." Objections stated that the covered canopy area would be used for outside classes and that children cry and scream and as the school is for special educational needs that the noise activity would be different, furthermore they stated that teachers can be just as noisy as the children. Noise from the proposed activities and areas would be low impact noise and would typically take place during normal school hours during the daytime. Objections from residents stated peoples are retired and work from home and therefore spent more time during the proposed operational hours of the school in their home and gardens and that they would be affected by increased disturbance and noise. The playtime noise from children is likely to be lower than the typical school playground as it is proposed to cater for 28 children. Noise from school playgrounds would be considered 'ordinary' noise and would not constitute a statutory nuisance in law. This type of noise is likely to be experienced by residential properties that are located near schools. Such noise is for short durations, take place at a less noise sensitive time i.e. daytime and thus likely to be very low impact on the surrounding residential units.
17. Objections state that the cycle storage should be re-located as this would cause noise disturbance. It is not considered that the noise generated from the movement of just 3 bikes would be adversely harmful. Objections stated that a noise impact assessment should be undertaken and submitted for approval. Brent's Environmental Health Department remarked that this is not necessary. As such it would be unreasonable for us to request a noise assessment.
18. The acoustic note and objections have raised concern about noise from mechanical plant and machinery. As this is an educational institute such noise is not likely to be at a level expected from a typical commercial or industrial premises. The applicant has confirmed that no air conditioning units are proposed within this application and as such no further controls are required.
19. Environmental Health officers advised that noise during the construction period would be regulated by the Control of Pollution Act 1974 which would allow noisy construction works to take place only between the hours of 8am-6pm (Mon-Fri) and 8am-1pm (Sat). Local residents will not experience noise disturbance on Sundays or bank holidays. It is unlikely that the noise from the construction of a modular unit would exceed that of a typical building site and the noise would take place over a relatively short period of time.
20. Objections were received in relation to the school being used for external lettings. Further information was sought from about the lettings. The applicant revised the Planning Statement confirming that that

there is no intention to open the building outside of the above operational hours stated for lettings. That said the London Plan Policy 3.8 relates to Education Facilities and states that school facilities can provide venues for a range of community activities, including children's centres, and cultural and sports activities, where children and parents feel comfortable to access them. School facilities such as sports, training and meeting facilities should be capable of use by the wider community outside school hours. Maximum use of schools in the evenings and at weekends will reduce the land requirement for other uses. It is not considered that unacceptable and adverse disturbance to nearby residential properties would arise as a result of the proposal. It should be noted that the can currently use the areas of the proposal for activities both within and outside of school hours. Although the Planning Statement asserts that there is no intention for outside lettings, given that the London Plan encourages school to offer a range of community activities including those outside of school hours, the Council consider that conditioning the use and operational hours would be unreasonable and would deviate from the London Plan.

Privacy

21. Objections raised concern that the windows facing the rear of the properties would result in overlooking and a loss of privacy to the properties on Aylestone Avenue.
22. At a distance of over 44m to the rear of the properties located directly opposite the proposed development and 36m at an oblique angle to number 43 obscure windows are not considered necessary and the separation is significant enough to prevent adverse loss of privacy. The separation distance to Clement Close is smaller but no concerns are raised in regard to privacy as no windows are located on this side facing elevation.

Light/Outlook

23. Objections were received in relation to views being impacted from rear residential rooms and that the structures would have an overbearing impact especially in the winter when trees are not in leaf. The single storey nature and significant separation distance is such that there would not be materially harmful impact to the light or outlook of nearby residential properties or their gardens. The development would fall within the 30° and 45° lines set out in SPD1, which prevent any adverse impact on neighbouring gardens and properties.

Lighting

24. The proposed elevations show bulkhead lights to the external doors. Objections state that the lights on/in other buildings within the school are left on overnight and concerns have been raised that the lights would cause disturbance through light pollution. Although the light fixtures are small, no further details were submitted in regard to their luminance. As such in the interest of preventing light spill and protect harm from to residential amenity, wildlife and reduce energy waste the following condition is recommended to require these details prior to occupation of the development.
25. Objections were received in regard to the layout/orientation of the buildings, stating that the entrances should face the playing field and suggesting the design should be more like another sited school facility. The above section of the report adequately addresses why the proposed layout is acceptable.

Impact to Character and Appearance

26. Objections state the development would be unsightly, detrimental to the open character, not in keeping with the area or school and fails to enhance the suburban character.
27. The modular buildings would be single storey with a flat roof. The external elevations would be finished in a light colour painted steel and would have white upvc double glazed windows and white steel doors. The proposed design is considered to relate well to the school site, it would not be highly visible from the streetscene and would not result in harm to the character and appearance of the school or wider area. Given its single storey nature and the scale of development it is not at odds with the suburban character. Objections further state that it will have a visual impact, harming the natural light and open space becoming more obscured and the objection state it would be visible from the upper floors. It is acknowledged that the structures would be visible from the rear of nearby residential windows, however

the visual impact is considered minor given the scale of development and its single storey nature

Trees, Ecology and Sustainability

Trees

28. The application is supported by an Arboricultural Impact Assessment and Method Statement. A total of 6 trees and 1 group of trees were recorded. The majority of individual specimens grow along the peripheries of the site and form part of the screen to the school playing field. The group G1 and individual tree T6 are situated outside the boundary fence to the east within residential gardens.
29. Of the 6 individual trees recorded, 2 were category B features (trees of moderate quality and value), 2 were category C (trees or groups of low quality or value) and 2 were category U (poor condition and not suitable for retention). The group feature was recorded as a category C.
30. The tree report states that T2 and T4 would need to be removed, T4 because it would facilitate the addition of the storage container area and T2 due to its poor health and limited safe life expectancy. These trees are classed as U which are of poor quality. These False Acacias have TPOs, an objection was received stating that the loss of two trees would be unacceptable to make way for a temporary structure. The Council agree and have, on advice from the Tree Officer, requested that two replacement trees be planted in their place within the next available planting season. This is considered to result in a longer term environmental gain given the condition/age of the existing trees.
31. Objections were received raising concern that the proposed development would result in damage to nearby trees and their root systems. The Tree Report states that the majority of trees outside the build zone are not expected to be affected, but that protective fencing will need to be erected around T1, T3 and T5 to protect the trees from damage during construction. The existing site fencing is considered to protect the remaining trees.
32. It is acknowledged that there would be some incursion to the Root Protection Areas of G1, T1 and T6 due to the new footpath and storage container. In order to prevent damage, specialist construction and excavation methods would be used under supervision by a qualified arboriculturalist. Should roots be found they may need to be pruned. Paragraph 4.34 recommends that in these circumstances, this should be done under Arboricultural supervision to avoid leaving frayed and split ends.
33. Brent's Tree Officer has been consulted on the proposal and submitted Tree Report, they were satisfied that the retained trees would be adequately protected throughout construction and that the proposed development would not result in adverse harm to any retained trees. They supported the loss of the two False Acacias (TPOs) provided two replacement trees were conditioned to be planted in the next available planting season which would be between October and March.

Ecology

34. The proposed site consists of an area of grass to the north eastern side of the QPCS site, the nearby trees and hedging are noted. The proposed area would be occupied by a combination of single storey structures and a tarmac footpath. The Council Tree Officer was consulted on the Ecology Appraisal and agreed with the findings and recommendations. They advised that the recommendations of this report be conditioned.
35. An objection raised concern about impact to wildlife environment. The wildlife listed to be evident within the objections is not considered to be adversely affected by the development. The loss of two trees would be mitigated against with the addition of two new trees and this is considered acceptable given the age/condition of the removed trees. The grassed area and site in general is not considered to be particularly ecologically sensitive and does not benefit from any particular designations.
36. As such the proposed development is not considered to result in an adverse impact to local wildlife or ecology. The recommendations contained within the submitted Ecological Appraisal would be conditioned.

Sustainability

37. Objections were received that raised concerns that the application was not sustainable for a number of reasons; lighting would be left on; not eco/sustainable build; orientation of classrooms does not maximise

light and heat. The level of lighting associated with the size of development is minimal. The classrooms include windows to the south west and to the north east. The build is temporary and fit for purpose it is likely that the modular unit would be removed and re-used elsewhere. That said, the size of the unit and techniques proposed are not considered to give rise to sustainable issues.

Transport Considerations

38. The school already utilises a temporary building that accommodates 21 pupils, as approved under applications 11/1836 and 17/3003. This proposed development would accommodate a further seven pupils, taking the total to 28 SEN pupils with 24 staff. This number is not significant in comparison with the overall school roll at Queens Park Community School (i.e. 2.2% of the existing total). The existing temporary modular classroom would be retained after December 2021, with only the new structures/development to be removed in December 2021.
39. Car parking allowances for schools are set out in Appendix 1 of the adopted DMP and allow up to one space per 5 staff, which would give an allowance of four spaces for the SEN school. No new parking is proposed as part of the application anyway though, so maximum parking standards would not be exceeded.
40. The submission states that the SEN school already has a right to use four staff parking spaces in the main staff car park, with the yard adjoining the school able to accommodate three further car/ minibus spaces. As such, there are no concerns regarding overspill parking from the site, with the Transport Statement confirming that only five of the staff will drive to the site. The presence of a CPZ in the area in any case prevents overspill parking by staff on surrounding streets during the day.
41. The Transport Statement asserts that existing pupils are transported to school via a minibus, two taxis, two parents drop children off and two walk. Vehicles access the site from Aylestone Avenue and drop-off and collect pupils within the service yard area adjoining the existing school building.
42. The additional intake of seven pupils is expected to lead to either one additional minibus or two additional taxis transporting pupils to and from the site. There is adequate space to accommodate these additional vehicles in the service yard and although the driveway to the site is too narrow for vehicles to pass one another, the level of additional traffic that would use the access drive is not considered significant enough to justify the widening of the driveway, when the proposal is only for a temporary period of two years.
43. A total of one space per 8 members of staff has been applied. A secure cycle storage unit for 3 cycles has therefore been provided. In this instance the level of secure and covered bike storage is considered acceptable given the needs of the children

Conclusion

44. In summary, the proposed development would serve a specific educational need, it would be temporary and removed by 31st December 2021. It would not result in undue levels of adverse harm to the residential amenity of nearby residential uses nor would it result in material adverse harm to the use of the open space/playing fields. The proposal would not harm the character and appearance of the school, wider area or streetscene.
45. The proposed development is in general accordance with the London Plan (2016), Brent Core Strategy (2010), Brent Development Management Policies Plan (2016) and Brent SPD 1 (2018).

Equalities

46. 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).



DECISION NOTICE – APPROVAL

Application No: 19/1477

To: Williams
Jacobs UK Limited
Second Floor
1 Grafton Mews
The Pinnacle
Midsummer Boulevard, Milton Keynes
MK9 1BP

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

Erection of a temporary single storey classroom building to provide additional teaching facilities, addition of associated single storey staff room/admin office, storage container and canopy over playing area to include mesh fence enclosure, new tarmac footpath and associated cycle storage (DEPARTURE FROM POLICY CP18 OF BRENT'S LOCAL PLAN).

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

at **Queens Park Community School, Aylestone Avenue, London, NW6 7BQ**

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: 07/10/2019

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework 2019
Core Strategy (2010)
Development Management Policy (2016)
SPD 1: Brent Design Guide (2018)

- 2 The development hereby permitted shall be carried out in material accordance with the following approved drawing and documents:

AV-JAC-00-GF-DR-A-Zz_70_30-0010 Rev C2, AV-JAC-00-GF-DR-A-Zz_70_60-0005 Rev C2, AV-JAC-00-GF-DR-A-Zz_70_60-0003 Rev C0, Stage 1 & 2 Arboricultural Impact Assessment and Method Statement Report prepared by Jacobs, dated July 2019, Preliminary Ecological Appraisal dated April 2019 prepared by Plowman Craven, Construction Logistics and Management Plan Rev 3, Document No. 6APFSF20 The Avenue Temps-CLMP Revision 3, prepared by Jacobs. Planning Statement, Document No. 6APFSF20 The Avenue Temps-PS, Revision 1, prepared by Jacobs, Transport Statement, Document No. 6APFSF20 The Avenue Temps-TS, Revision 1, prepared by Jacobs.

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

- 1 This permission shall be for a limited period the building and associated works hereby approved and noted within the description of development, shall be removed and the land restored to its former condition by December 31st 2021.

Reason: In the interest of proper planning. The building is of a temporary nature and has been consulted and assessed on this basis.

- 2 The development shall be constructed at all times in accordance with the approved 'Stage 1 & 2 Arboricultural Impact Assessment and Method Statement Report prepared by Jacobs, dated July 2019'.

If any tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at a time specified in writing by the Local Planning Authority.

Reason: To ensure the Trees are protected throughout construction

- 3 Prior to occupation of the development hereby approved a plan indicating the location, species and girth of two replacement trees, shall be submitted and agreed in writing by the Local Planning Authority. The trees shall be planted within the next available planting season (October to March 2019/2020). The tree planting shall be carried out in accordance with BS 8545: 2014 Trees from Nursery to independent in the landscape.

If any tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at a time specified in writing by the Local Planning Authority.

Reason: In the interest of the local environment and visual amenity.

- 4 The development shall be carried out in accordance with the recommendations within the

approved Preliminary Ecological Appraisal dated April 2019 prepared by Plowman Craven.

Reason: In the interest of local wildlife.

- 5 No external lighting shall be installed on the proposed modular classroom building without the prior submission to the Local Planning Authority. This shall include the specification, manufacturer, lux level, model, direction and the siting of each lamp. Thereafter the lights shall be installed and operated in accordance with the details so approved.

Reason: In the interest of residential amenity of nearby occupants and local wildlife.

- 6 Secure and covered bike storage facilities as shown on the approved drawings for a minimum of 3 bicycles shall be installed prior to the occupation of the proposed development. The bicycle storage should be retained for the lifetime of the proposed development.

Reason: To ensure cycle facilities are provided for the proposed development.

INFORMATIVES

- 1 The applicant is advised to review the Council's Code of Construction Practice. Noisy works are permitted:

Mon-Fri 0800-1800

Sat 0800-1300

Audible works should not be carried out at any time on Sundays and Bank Holidays.

The Control of Pollution Act 1974 allows the council to set times during which works can be carried out and the methods of work to be used. Contractors may apply for prior approval for works undertaken outside of normal working hours. They should email the noise team at ens.noiseteam@brent.gov.uk to obtain a section 61 application form. Please note that the council has 28 days to process such applications.

- 2 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 3 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.
- 4 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.

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