



## Planning Committee

**Wednesday 22 January 2020 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 and  
W Mitchell Murray

Councillors

Colwill and Kansagra

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

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

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

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

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

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

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

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

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

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

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

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

The business relates to or affects:

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

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

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

or

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

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

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.		
2. Minutes of the previous meeting		1 - 6
<b>APPLICATIONS FOR DECISION</b>		
3. 1 Olympic Way, Wembley, HA9 0NP (Ref. 19/0395)	Tokington	11 - 52
4. Preston Library, Carlton Avenue East, Wembley, HA9 8PL (Ref. 19/1305)	Preston	53 - 94
5. Granville Centre, 80 Granville Road, London, NW6 5RA (Ref.19/2378)	Kilburn	95 - 142
6. 19 Dudden Hill Lane, London, NW10 2ET (Ref.19/2688)	Willesden Green	143 - 168
7. Playground, Salusbury Primary School, Salusbury Road, London, NW6 6RG (Ref.19/2136)	Queens Park	169 - 188
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: Tuesday 18 February 2020**



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

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

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE Wednesday 18 December 2019 at 6.00 pm

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

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

None.

#### 2. **Minutes of the previous meeting - 13 November 2019**

RESOLVED:

That the minutes of the previous meeting held on 13<sup>th</sup> November 2019 be approved as an accurate record of the meeting.

#### 3. **17/3059 Stadium Retail Park & 128 Wembley Park Drive (fountain studios), HA9**

PROPOSAL: Outline planning permission for demolition of existing buildings on site and provision of up to 85,000 sqm (Gross External Area, GEA) of new land use floorspace (across 1.679 ha) within a series of buildings, with the maximum quantum as follows:

- A1-A4 Retail and/or B1 Office and/or D1 (Non-Residential Institutions) and/or D2 Leisure and Assembly: up to 6,600 sqm; and
- C3 Residential: up to 78,400 sqm gross (approximately 995 units);

No occupied residential accommodation will be at ground level or below.

The development will also provide associated open space and landscaping; car parking spaces and cycle storage; pedestrian, cycle and vehicle access; associated highway works; and associated infrastructure including water attenuation tanks, and the diversion of any utilities and services to accommodate the development. Internal plant, refuse, cycle stores, residential lobbies, circulation and other ancillary space will comprise a maximum of 10,000 sqm gross external in addition to the 85,000 sqm total set out above.

RECOMMENDATION: Grant Planning permission subject to any Stage 2 direction by the London Mayor pursuant to the Mayor of London Order, any direction by the Secretary of State pursuant to the Consultation Direction and the prior completion of a legal agreement to secure the obligations set out within the Committee reports.

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

That the Head of Planning be granted delegated authority to issue the planning permission and impose conditions 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.

If the legal agreement has not been completed prior to the target determination date of this application 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 planning of trees as required by Section. 197 of the Town and Country Planning Act 1990.

Ms Hilary Seaton (Principal Planning Officer) introduced the report and answered Members' questions. Members heard that this was an outline planning application with reserve matters to come forward to Committee. She clarified that the height, mix of dwellings and the affordable housing (arrived at after a robust financial viability test) were acceptable. She then corrected a typographical error in the summary of the S106 legal agreement within the main report.

Messrs Brett Harbutt and Colin Veitch (agents) addressed the Committee, highlighting the following; high quality homes within an excellent PTAL rating site; compliance with tenure mix; affordable housing with further reviews in future. In response to Members' questions, the agents stated that the affordable housing provision followed a robust financial viability testing which would be enhanced should future reviews show an uplift in viability.

In the ensuing discussion, Members raised the following issues, including; consultation, affordable housing, height, the provision of the health centre and Environmental Impact Assessment. Officers confirmed that they would be consulted again at the reserve matters stage. They reiterated that the affordable housing was based on independent financial viability tests. Officers also drew attention to nearby consented schemes of similar height to the proposal. Members noted that the scheme that would deliver the health centre (Plot NW 9/10) would be completed within the next 2 years. Officers advised that an Environmental Impact Assessment was not required for this application.

DECISION: Granted planning permission as recommended.

(Voting on the decision was as follows: For 6; Against 0; Abstention 0)

Councillor Maurice was not present for the entire discussion for this application and therefore did not take part in the vote

**4. 19/0395 1 Olympic Way, Wembley, HA9 0NP**

PROPOSAL: Erection of up to 7 storey roof top extension to the existing building to create 90 flats; erection of a rear extension to existing building to create a new 15 storey block (including a 2 storey under-croft for vehicular and pedestrian access) to create 26 flats, conversion of existing 8th floor office space to create 3 flats, creating a total of 119 self-contained flats; infilling of ground floor undercroft of existing building to form new ground floor uses comprising retail floorspace (A1, A3, A4) and office floorspace (B1), creation of first floor podium above existing car parking space to provide a landscaped amenity space for residents with associated cycle and refuse storage, creation of public access alongside Wealdstone Brook and refurbishment of existing building facades to No. 1 Olympic Way (including replacement of windows) (Revised description)

Prior to the meeting, Members were advised that due to a technical issue with the external daylight and sunlight report not being publicly available to view on the website, officers would be carrying out a 21-day re-consultation on this matter. For this reason this application was deferred from consideration.

DECISION: Deferred.

**5. 19/2459 435 441 & 441A High Road, Wembley, HA9 7AB**

PROPOSAL: Demolition and redevelopment to provide a building of up to 8 storeys comprising 44 flats with basement level, retail space (Use Class A1) and community centre (Use Class D1) on ground and first floors, new vehicular access onto London Road, provision of car and cycle parking and refuse storage.

RECOMMENDATION: GRANT planning permission subject to the prior completion of a legal agreement to secure the planning obligations set out within the Committee report.

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

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

Ms Victoria McDonagh (Development Management Team Leader) introduced the report and answered Members' questions. She explained that through negotiations and robust testing, the applicant had agreed to provide 4 dwelling units at discounted market rent and a 2 stage review mechanism. She clarified that Environmental Health had agreed the air quality neutral assessment and the assessment of the potential impact of local air quality of future residents. In response to Members' questions, Mr John Fletcher (Highways) stated that he was not aware of any requests for a review of the hours of operation of the local CPZ nor changes to event day road closures.

DECISION: Granted planning permission as recommended.

Voting on the decision was as follows: For 6; Against 0; Abstention 1)

**6. 19/0834 162 Willesden Lane, Kilburn, London, NW6 7PQ**

**PROPOSAL:** Demolition of existing residential building comprising 10 flats and construction of a part 4-storey and part 5-storey residential block plus basement comprising 18 self-contained flats with associated car parking, cycle storage and landscaping.

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

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

That the Head of Planning be granted delegated authority to issue the planning permission and impose conditions 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.

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

Mr Damian Manhertz (Development Management Team Leader) introduced the report and answered Members' questions. He drew the attention of Members to the supplementary report which referenced changes to the proposed Section 106 legal agreement, including a financial contribution of £15,000 towards the planting of trees in the vicinity of the site and the removal of the Considerate Constructors Scheme obligation which would, instead, be secured through a condition. Mr Manhertz also recommended an additional condition that future residents will not be eligible to apply for on-street parking permits.

Mr Michael Law speaking on behalf of Willesden Lane Residents' Association raised objections to the proposal because it would result in the loss of an attractive Victorian building and change the character of the area. He also expressed concern regarding the loss of mature trees.

In responding to the above, Mr Manhertz reiterated the applicant's contribution to ensure no net loss of trees and added that the site was not within the

Conservation Area nor the building listed. He explained that there was no requirement to maintain the existing building and that the proposed scheme, in terms of its bulk and massing, would complement with the surrounding building lines without being out of character. He continued that in addition to the one-off on-site affordable housing, the applicant would contribute almost £100,000 to the Council for the provision of Affordable Housing, and would be subject to financial viability review.

DECISION: Granted planning permission as recommended with an additional condition that future residents will not be eligible to apply for parking permits, an additional condition to ensure the developer joins the Considerate Constructors Scheme throughout demolition and construction and an additional legal obligation to provide a contribution of £15,000 towards the provision of trees as set out within the supplementary report.

(Voting on the decision was as follows: For 6; Against 0; Abstention 1)

## **7. Any Other Urgent Business**

None.

The meeting closed at 7.25 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](http://www.brent.gov.uk).

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

**Further information**

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

**Public speaking**

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

**Recommendation**

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

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

22 January, 2020  
03  
19/0395

## SITE INFORMATION

<b>RECEIVED</b>	<b>4 February, 2019</b>
<b>WARD</b>	<b>Tokynghon</b>
<b>PLANNING AREA</b>	
<b>LOCATION</b>	<b>1 Olympic Way, Wembley, HA9 0NP</b>
<b>PROPOSAL</b>	Erection of upto 7 storey roof top extension to the existing building to create 90 flats; erection of a rear extension to existing building to create a new 15 storey block (including a 2 storey under-croft for vehicular and pedestrian access) to create 26 flats, conversion of existing 8th floor office space to create 3 flats, creating a total of 119 self-contained flats; infilling of ground floor undercroft of existing building to form new ground floor uses comprising retail floorspace (A1, A3, A4) and office floorspace (B1), creation of first floor podium above existing car parking space to provide a landscaped amenity space for residents with associated cycle and refuse storage, creation of public access alongside Wealdstone Brook and refurbishment of existing building facades to No. 1 Olympic Way (including replacement of windows) (Revised description)
<b>PLAN NO'S</b>	Refer to condition 2.
<b>LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION</b>	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_143760">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_143760</a></p> <p><b><u>When viewing this as a Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "19/0395" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## INTRODUCTION

This application was deferred from the 18 December Planning committee as it was found that, due to a technical issue, the daylight and sunlight report was not available on the Council's web site. This was discovered after the committee report was published but prior to the December committee meeting. As such, the application was not considered at that meeting and further consultation was undertaken.

### Additional letters of objection received after the publication of the December committee report

On the 17<sup>th</sup> December 2019, two additional letters of objection were received raising the following concerns:

Ground of objection	Officer response
<p>The daylight and sunlight report setting out the impact of the development on external properties has not been made publicly viewable, yet the daylight and sunlight impact forms a material planning consideration.</p>	<p>Officers acknowledge this and advise that an technical issue resulted in the report not being publicly viewable. It is agreed that the daylight and sunlight impact is a material consideration.. Re-consultation was accordingly undertaken.</p>
<p>The Council's committee report, published on w/c 9th December 2019, fails to give intelligible and adequate reasons as to why the development at 3 Olympic Way will not be compromised or prejudiced by the proposed development.</p>	<p>The Council's committee report clarifies that 3 Olympic House is a vacant office building which would reasonably be assigned more limited weight in the context of a daylight and sunlight assessment compared to extant residential accommodation. However, the report also acknowledges that there is an extant prior approval consent and that a demolition and rebuild approach to developing the site is also possible.</p> <p>Regardless of whether the site remains vacant, is converted to residential use or sees comprehensive re-development, the report confirms that the site is not considered to be unduly compromised from a future-development perspective through the following commentary:</p> <p><b>At para 37:</b> The report confirms that the new block proposed on the south-eastern corner of the site will sit along the boundary with 3 Olympic Way, but will not have any facing windows onto the site, thus not relying on this neighbouring site for outlook.</p> <p>Because of this, the 3 Olympic Way site will not be compromised in terms of its development potential compared to the existing situation on grounds of outlook/privacy, as defined by the expected criteria set out in Brent's SPD1 guidance.</p> <p><b>At para 37:</b> The report confirms that the south facing windows along the southern wing of the subject proposal (a) represent a vertical continuation of a relationship established through prior approval conversion and (b) are at least 9 metres from the boundary with 3 Olympic Way in all cases, thus not relying on this site for outlook. This</p>

	<p>would be as per the expected criteria for outlook and privacy as set out in Brent's SPD1 guidance.</p> <p><b>At para 40:</b> The report identifies the key headline data from the daylight and sunlight results in full in terms of how the existing layouts of 3 Olympic Way are affected by the subject proposal, including performance against VSC, DD/NSL and APSH criteria.</p> <p>The report also sets out that, subject to other considerations (i.e. the building currently being formed of vacant office space, but that it does benefit from prior approval consent with an option for comprehensive re-development also being possible) and the daylight and sunlight results of the other tested properties, it is considered that the impact is acceptable given the benefits of the scheme.</p>
<p>Linked to the above, the Council are wrong to reduce the weight afforded to daylight/sunlight impact on the basis that 3 Olympic Way is currently used as a vacant office and given there being an extant permitted development consent.</p>	<p>The prior approval has not been implemented yet and the existing use of the building is as an office. Nevertheless, the extant prior approval is acknowledged, as is the potential that the site may also be comprehensively redeveloped in the future. The benefits associated with the provision of new homes within this application, including the provision of Affordable housing, is considered to substantially outweigh the impacts on the daylight received by some of the prior approval flats, should they be implemented.</p>
<p>Linked to the above, the Council should have considered daylight and sunlight impact in the context of both the proposed development at 1 Olympic Way and the pre-application stage development proposal at 3 Olympic Way</p> <p>Members of the Planning Committee should be presented with the pre-application proposals for 3 Olympic Way to ensure a full understanding of the relationship between the proposed developments on both sites.</p>	<p>There is no formal application submission for re-development at 3 Olympic Way and the pre-application discussions can therefore only be given limited weight. Nevertheless, the potential impact of the proposal on the development potential of No. 3 Olympic Way has been considered. As discussed above, officers are satisfied that the proposal will not prejudice the deliverability of a redevelopment proposal at 3 Olympic Way.</p>
<p>Danes Court is not referred to in the daylight and sunlight analysis despite being formed of a residential property at first floor level.</p>	<p>The applicant's daylight and sunlight assessment makes an incorrect assumption about Danes Court, identifying the property as entirely commercial in nature. There is in fact a residential dwelling on the first floor of this property.</p> <p>Whilst the report does not identify this</p>

dwelling, a full daylight and sunlight assessment of this property is included within the report nonetheless. Officers have applied the numerical assessments included for the first floor of Danes Lodge to a residential dwelling and from this have re-considered the daylight and sunlight impact to ensure that impact to Danes Court forms of a part of the considerations for this proposal. The additional daylight and sunlight analysis is set out below.

### **Re-consultation**

As discussed in the above, following the submissions on the 17<sup>th</sup> December 2019, officers became aware that the daylight and sunlight report for the external impact of the proposal, which forms a material planning consideration, had not been visible on the Council's website owing to a technical error. The daylight and sunlight report was made public on the Council's website the following day.

On the 18<sup>th</sup> December 2019, consultation letters were sent to all originally consulted properties and those who commented on the proposal. The letter also confirmed that the daylight and sunlight external impact report was now visible on the Council's website. A new site notice was also erected outside of the subject site on this date.

No further comments were received following the December 2019 consultation.

### **Planning matters arising from the additional letters of objection received in December 2019**

#### **Consideration of Daylight and Sunlight impact to Danes Lodge**

As discussed within the above table, Danes Lodge has a residential dwelling within the first floor for which the impacts on the light received by windows was tested within the submitted Daylight and Sunlight Report, but was incorrectly specified as an office within that report.

The two main windows in the Danes Lodge flat facing the development fall marginally short of Vertical Sky Component (VSC) criteria as they would experience a VSC of 0.68 times (close to marginal fail) and 0.7 times (marginal fail) their original values respectively. Room 3 (as identified within the Daylight and Sunlight report) very marginally fails No Sky Line (NSL) testing as it has a 0.79 ratio with its former value whilst room 4 (also identified within the Daylight and Sunlight report) passes with a 0.81 ratio with its former value. The windows facing the development do not return results that meet the criteria for Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight House (WPSH) testing, with the starting values to both windows being above the 25%/5% acceptability benchmarks but in the proposed scenario being considerably lower than these benchmarks + about 0.46-0.5 times lower than the former values. The two side windows to the residential unit comfortably pass BRE criteria on all accounts though.

The full numerical values are summarised below. Numbers expressed in the 0.XX form represent the ratio between the existing scenario value and the proposed scenario value:

#### **Room 1 – Side**

**DD/NSL - (No change [pass])**

**APSH – N/A (north facing)**

**WPSH – N/A (north facing)**

**VSC:**

**Window 1 – 0.94 pass**

**Window 2 – 0.93 pass**

**Window 3 – 0.94 pass**

#### **Room 2 – Side**

**DD/NSL - (0.92 [pass])**

**APSH – N/A (north facing)**

**WPSH – N/A (north facing)**

VSC – 0.93 pass

**Room 3 – Front**

DD/NSL - (0.79 [marginal fail])

APSH – (30% to 14% [fail] & 0.46 [fail])

WPSH – (8% to 4% [fail] & 0.5 [fail])

VSC – 0.68 fail (0.02 outside 'marginal' range)

**Room 4 – Front**

DD/NSL – (0.81 [pass])

APSH – (28% to 14% [fail] & 0.5 [fail])

WPSH – (6% to 3% [fail] & 0.5 [fail])

VSC – 0.70 fail (although within 'marginal' range)

**N.B. None of the Danes Lodge windows have a starting VSC value of 27 or higher**

Overall, with full respect to the daylight and sunlight impact at Danes Lodge, and taken in the context of the daylight and sunlight impact to other surrounding properties, benefits of the proposed development, which include the provision of new homes (including Affordable Homes), are considered to outweigh the impacts on these windows discussed above.

**Consideration of privacy and outlook in the context of the extant prior approval consent at 3 Olympic Way**

In the event that 3 Olympic Way's extant prior approval consent is implemented, the majority of residential windows within the western block of that building (adjacent to Olympic Way) would face to the east and the west (not toward the subject site). The exception to this would be at ground floor level, where a one bedroom flat would have windows which face north towards a wall on the edge of the site (therefore not having a visual relationship with 1 Olympic Way), and at third to sixth floor level where windows would directly face into the site at 1 Olympic Way. However, these windows are secondary windows to a bedroom and living/kitchen area of a two bedroom flat on these floors, with the main windows of the associated rooms facing east or western. Outlook is still afforded to these flats in a east and west direction. These windows are located on the boundary with No. 1 Olympic Way, and thus rely on outlook over No. 1 Olympic Way.

There are direct facing windows across from these windows on the south elevation of 1 Olympic Way (at a distance of 9.4m), these windows have been in office use and already establish a relationship between facing windows which would not be materially worsened as part of this proposal. Consideration is also given to the secondary nature of the windows within 3 Olympic Way, should the prior approval be implemented.

The rear wing of 3 Olympic Way has north facing windows on the ground, 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors, serving two one-bedroom flats on each of those floors. The prior approval application shows these north facing windows to be set back 7.8m from the boundary with 1 Olympic Way and 18.3m from the south facing façade of 1 Olympic Way. The 1 Olympic Way application shows these facades to be 16.8 m apart, with 1 Olympic Way being 9.9 m from the boundary with 3 Olympic Way. The ground to sixth floor of 1 Olympic Way forms a part of the existing building which is being covered under prior approval. There are direct facing windows across this relationship which would not be materially worsened as part of this proposal in relation to privacy and outlook.

The new block which would be built on the southern boundary with 3 Olympic Way is not to be built adjacent to the windows in 3 Olympic Way and as such will not materially impact the outlook from these windows compared to the existing scenario.

As such, it is not considered that the proposal would introduce any relationships between windows which materially harm residential amenity forming part of the prior approval consent at 3 Olympic Way, nor is it considered that it would unduly prejudice the redevelopment of that site.

**Additional Information**

**Correction to original committee report**

Para 29: It is to be clarified that the entrance along the pedestrian path solely serves affordable accommodation (only being connected to the adjacent core through fire doors) and that the cores are

therefore tenure specific, contrary to what is reported in the committee report. For clarity, the North Western and South Western cores serve private tenure whilst the South Eastern core serves affordable tenure flats only. The entrances to each core are considered to have comparable prominence and would not result in a scheme where the entrance to affordable housing would be easily apparent, thus upholding the guidance aspiration within SPD1 for schemes to be tenure blind.

#### Changes to planning conditions

Condition 15 (construction method statement) is to be altered so as to secure the details of an updated construction method statement which has since been reviewed by Brent's Environmental Health officers and deemed acceptable. This will therefore require adherence to the submitted construction method statement rather than the submission of a further construction method statement.

Condition 19 (land contamination) is to be removed as sufficient information has since been submitted to the Council and reviewed by Environmental Health officers to confirm that no soil remediation would be necessary.

The following represents the original report that formed a part of the 18 December Planning Committee agenda.

## **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:

- Payment of Council's legal and professional costs
- Notification of commencement 28 days prior to material start
- Provision of 26% affordable housing by unit (36% affordable housing by habitable room) on a nil grant basis, broken down as:
  - 22 units for London Affordable Rent
  - 9 units for London Shared Ownership
- 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
- Early stage viability review to be submitted and approved in the event that commencement is not within 2 years of consent.
- Contribution towards carbon offsetting in line with GLA formula
- Parking permit restricted scheme
- The approval and implementation of details in relation to a car club, including free membership for new residents for a period of three year
- Council to adopt small parcel of land alongside North End Road to facilitate works to later deliver a vehicular connection between North End Road and Bridge Road
- Submission of an improved Travel Plan and its implementation and monitoring
- Submission, approval and implementation of a waste management plan including commitment to fund and arrange independent collections from the site. Collections for the private units must be entirely privately funded and arranged unless an alternative plan showing a revised layout is submitted and agreed with the LPA which meets Veolia's requirements in respect of carrying distances.
- The submission, approval and implementation of a Training and Employment Plan for Brent residents

(construction)

- 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. Pedestrian route to be kept public
4. No vehicular access to pedestrian route to/from Olympic Way, except emergency vehicles
5. 10% of homes to be wheelchair accessible
6. Disabled parking spaces and refuse storage to be provided
7. Water consumption to be limited in line with policy
8. Communal satellite to be provided
9. Flats to have C4 permitted development rights revoked
10. Non-road mobile machinery to be limited in terms of power output
11. Details of microclimate report secured
12. Details of ecology report secured
13. Details of drainage and flood reports secured
14. Submit construction logistics plan
15. Submit construction method statement
16. Submit air quality updated for scheme revisions
17. Submit formal tree survey
18. Submit land contamination assessment
19. Submit structural surveys of brook culvert
20. Submit details and samples of materials
21. Submit details of counter terrorism measures
22. Submit details of pedestrian route
23. Submit landscaping and play details
24. Submit details of extraction in event of retail units utilising commercial kitchen
25. Submit details of external lighting
26. Submit more details of bicycle storage, confirming compliance with LCDS
27. Submit parking management plan
28. Submit refuse management plan
29. Submit delivery and servicing plan

30. Submit details confirming boiler emissions suitably limited
31. Submit noise impact assessment updated for stadium concert events
32. Submit landscaping management plan for the 8m brook buffer zone for approval in consultation with EA

Informatives

- a) CIL liable approval
- b) Party Wall
- c) Building near boundary
- d) Environment Agency guidance notes
- e) Thames Water guidance notes
- f) London Living Wage
- g) Fire Safety

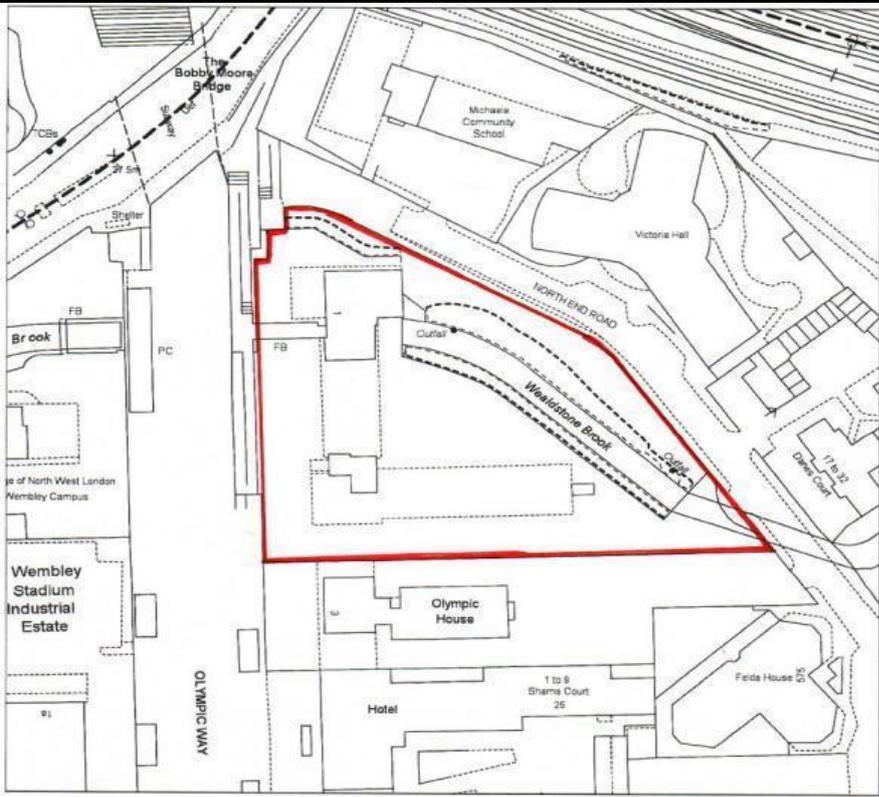
That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied 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

	<b>Planning Committee Map</b>
	Site address: 1 Olympic Way, Wembley, HA9 0NP
	© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

## EXISTING

The site contains an office building at the northern end of Olympic Way. The building is formed of 12 floors, all of which were previously used as office space. The site lies within a prominent location in the Wembley Park area and is accessed via Olympic Way and North End Road. The building is not listed nor is it in a conservation area.

## AMENDMENTS SINCE SUBMISSION

The scheme has been amended in the following ways since submission:

- The removal of a proposal for 92 car parking spaces at ground floor level and replacement of this ground floor area with proposals for two street fronting retail units, a street fronting office unit and internalised bin and bicycle storage.
- The addition of the podium garden atop the infilled ground floor space, and the establishment of on site play space.
- The reconfiguration of flats in the proposed floors in the southern wing of the existing building, to establish an open corridor and flats which have through dual aspect to the north and south.
- The addition of heat pumps as a low carbon energy source, reducing carbon emission rates relative to Part L of the Building Regulations from <50% improvement to an 80% improvement.
- Changed the use of projecting balconies to internalised winter gardens so as to ensure a cleaner and more uniform facade.
- Proposed an alternative facade treatment for the building which would see sandstone coloured cladding with a low gloss level in an effort to achieve a more natural appearance for the building's external facade.
- Proposed a series of improvements to the east-west route along the southern side of the site, including shared surfacing, lighting, use of an entrance canopy and tree planting.

## 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. Representations received: 355 properties were consulted. 9 objections were received. Objections were generally made on grounds of character, massing, overshadowing, privacy and crime.
2. Principle: The majority of the existing building (with the exception of floor 8) has prior approval for the conversion of the office floor space to residential use, comprising 227 flats. The conversion works are currently being undertaken. The principle of extending this building is accepted, subject to being in accordance with other policy and guidance. The site lies within the Wembley Growth Area and the boundaries of Wembley Town Centre. As such, the principle of residential extensions together with town centre uses at ground level, is in accordance with policy. The location adjacent to a station presents as an obvious location to increase density. The development will establish a new pedestrian route between Olympic Way and North End Road, in line with the aspirations of the Wembley Area Action Plan.
3. Residential provisions and affordable housing: - The development would provide 119 new residential units, 30% of which will be family sized units and 26% of which will be affordable units (36% when measured by habitable room), in line with Brent's target tenure split. This exceeds Brent's targets in respect of family unit provision and meets Brent's policies in respect of affordable housing as the amount of affordable housing as been scrutinised and agreed as the maximum reasonable. Early and late stage reviews will ensure commuted sums are paid where the development surplus is in excess of that projected.
4. Character and appearance: The proposal's design is considered to have regard to the character of its surroundings and to not inappropriately challenge or dominate surrounding development. Protected views of Wembley Stadium's arch will not be detrimentally affected by this development.
5. Standard of accommodation: The living conditions of future occupiers of the development would be acceptable and would meet the relevant standards, although some shortfall in the standard would be experienced in respect of onsite amenity space, with flats having access to a minimum 12sqm of amenity space, which is under the targets set out in DMP19. However, this is comparable with other consented high density schemes within the Wembley Growth Area. .

6. **Impact on neighbouring amenity:** The proposal is considered to have an acceptable impact on the surrounding properties in terms of loss of light and outlook, with largely positive results when tested under the BRE criteria on surrounding properties.
7. **Parking & servicing:** The development is car free, aside from 3% disabled parking provision. Cycle parking is provided to draft London Plan standards and servicing is provided on site. Minimal impact to the highway and wider transport network is anticipated.
8. **Trees & landscaping:** The site has two formally protected Oak Trees which will be protected and not damaged by the proposal. Comprehensive planting and tree planting is proposed with a condition securing more detail of this at a later stage. This aspect of the scheme is acceptable.
9. **Energy & sustainability:** Heat pumps are proposed as a low carbon energy solution and PV panels are proposed across the roof to improve the sustainability credentials of the building. This reduces the operational carbon emissions by 80% from the baseline requirement in Part L of the Building Regulations, far in excess of the 35% target. The remaining emissions are to be financially offset.
10. **Environmental Health:** The development is acceptable from noise impact, construction management, air quality and contaminated land perspectives, subject to conditions.
11. **Ecology & trees:** - The development proposes naturalisation of the brook side environment along the Wealdstone Brook and making this space accessible for residents. A first floor podium garden is also proposed. Tree planting alongside other ecology enhancements to improve the onsite landscaping value and biodiversity. The tree planting is also providing mitigation from a micro-climate perspective.
12. **Flooding and drainage:** The development includes SuDS measures and agreement with the Environment Agency has been reached on a number of matters, confirming that flood risk and drainage has been suitably addressed.

Officers recommend that Members approve this development, subject to conditions, s106 obligations and a stage 2 referral to the GLA.

## MONITORING

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

### Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
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### Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING ( Flats ú Market )										
PROPOSED ( Flats ú Market )	12	63	15	29						119

## RELEVANT SITE HISTORY

**19/1721:** Non-material amendment (car parking spaces) of Prior Approval - Office to Residential reference 17/4538 dated 19 December 2017 – Granted, 26/06/2019.

**17/4538:** Prior approval for change of use of floors 1-7 and 9-12 from offices (Use class B1) into residential (Use class C3) involving the creation of 68 one-bed flats and 159 studio flats – Prior approval required and granted, 19/12/2017.

## CONSULTATIONS

### External public consultation

This application was advertised in the local press in early 2019 and again on 08/08/2019, following substantial revisions to the scheme.

355 nearby properties were notified of this proposal by letter on 11/02/2019 and then again on 12/08/2019,

following substantial revisions to the scheme.

A site notice advertising this application was erected outside the building along Olympic Way on 05/04/2019 and then again on 10/09/2019, following substantial revisions to the scheme.

8 neighbouring properties and Quintain Ltd objected to the application. Neighbouring residents who objected resided in Empire Court (1 objector), Danes Court (6 objectors) and Danes Lodge (1 objector).

The objections received are summarised as follows:

Ground of objection	Officer response
Danes Court has been dwarfed by developments in Wembley Park and this would increase this effect	Notwithstanding the height difference between Danes Court and this proposal, the development is noticeably smaller in height compared to many of the neighbouring developments. The development is considered to be acceptable in this regard and this is discussed in more detail below.
Natural light to flats along North End Road has been reduced significantly – it has also resulted in waterlogging to gardens	A daylight and sunlight test has been carried out for this proposal, which shows a broadly positive result on the surrounding properties.  In respect of Danes Court, 79% of windows that were potentially affected complied with standards for daylight and all shortcomings in this respect were marginal. 100% of windows complied with internal daylight distribution standards and 6 rooms (facing North End Road at the north west end of the building) fell short of standards for sunlight. All garden spaces continued to comply with standards.
Local open spaces are used by new residents who don't have their own	This development will provide inset balconies for each flat and a large podium garden and brook-side garden together amounting to around 0.15 hectares in size. Other open spaces are being provided across the Wembley Park area as part of the wider regeneration.
An increase in local crime has been seen as a result of development in Wembley Park	There is no evidence to suggest that the proposal will increase crime within the area. This development will increase natural surveillance across North End Road and footfall on local roads, which could assist with crime prevention.
The development will not have a communal open space	The proposal was amended to now include a podium garden which addresses this concern.
The 15 storey block at the rear will block light significantly to 17-32 Danes Court and will breach privacy by establishing windows at a close distance	There will remain a significant distance between Danes Court and the new block (>40m) which far exceeds the Brent standards for private separations between facing windows. The buildings will also face each other at indirect angles.

The lack of light is of detriment to wildlife	The applicant has assessed local ecological impact and this is discussed below.
The new building will result in additional rubbish	The development contains suitable refuse storage to contain all likely refuse needs on site.
There will be additional disturbance associated with the building works	This is temporary and is a reality of all development. A construction management plan will ensure that disruption is kept to a minimum.
There will be an increase in local noise levels	Any extenuating noise disturbances would need to be referred to Brent's nuisance control team.
The proposal has poor quality design, appearance and materials which cause the increased scale, bulk and massing of the building to have a significant detrimental impact on the character and appearance of the area	The grey rainscreen cladding is to be replaced across the building façade which will likely result in a more pleasing appearance for the building than at present. Nonetheless, Brent agrees that the façade treatment should appear of a better quality in this location and an alternative, higher quality approach to the façade arrangement will be required through condition.
The ground floor commercial space is not deliverable as Quintain (who owns the ramps/steps in front of the façade) have no plans to remove the infrastructure as it provides a valuable step free means of movement between Bridge Road and Olympic Way	The proposal would be functional and deliverable with or without removal of the ramp/step infrastructure.

#### Further public comments

On 17th December 2019, following the publishing of a previous draft of this report, two further objections were received, one from the neighbouring owner at 3 Olympic Way and a follow up objection from a resident at Danes Lodge. Additional comments were raised as follows:

<b>Ground of objection</b>	<b>Officer response</b>
The daylight and sunlight report setting out the impact of the development on external properties has not been made publicly viewable, yet the daylight and sunlight impact forms a material planning consideration.	The Council agrees with this objection and notes that an administrative issue resulted in the report not being publicly viewable following the submission of the application.
The Council's committee report, published on w/c 9th December 2019, fails to give intelligible and adequate reasons as to why the development at 3 Olympic Way will not be compromised or prejudiced by the proposed development.	<p>The report clarifies that 3 Olympic House is a vacant office building which would be given more limited weight in D/S assessment compared to extant residential accommodation. However, the report also acknowledges that there is an extant prior approval consent but that a demolition and rebuild approach to developing the site is also possible.</p> <p>Regardless of whether the site remains vacant, is converted to residential use or</p>

	<p>sees comprehensive re-development, the report confirms that the site would not be compromised from a future-development perspective by:</p> <p>At para 40: Reporting the key headline data from the daylight and sunlight results in full in terms of how the existing layouts of 3 Olympic Way are affected, including VSC, DD/NSL and APSH passes and failures and setting out that, subject to other considerations (e.g. vacant office use thus given less weight, with prior approval consent but comp re-dev possible) and the results of the other tested properties, it is considered that the impact is acceptable given the benefits of the scheme.(Any desire for us to test a hypothetical re-developed site at 3 Olympic Way and give more weight to this would be above and beyond what's reasonable given the early stage and confidential nature of the current pre-application proposals for next door (incidentally the pre-app plans for 3 Olympic Way do not include north facing sole habitable room windows towards 1 Olympic Way anyway)).</p> <p>At para 37: Confirming that the new block proposed on the south-eastern corner of the site will sit along the boundary with 3 Olympic Way, but will not have any facing windows onto the site, thus not relying on the neighbouring site for outlook.</p> <p>At para 37: Confirming that the south facing windows along the southern wing of the 1 Olympic Way are (a) a continuation of a relationship established through prior approval conversion and (b) at least 9m from the boundary with 3 Olympic Way in all cases, thus not relying on their site for outlook.</p>
<p>Linked to the above, the Council are wrong to reduce the weight afforded to daylight/sunlight impact on the basis that 3 Olympic Way is currently used as a vacant office and given there being an extant permitted development consent.</p>	<p>This development will provide inset balconies for each flat and a large podium garden and brook-side garden together amounting to around 0.15 hectares in size. Other open spaces are being provided across the Wembley Park area as part of the wider regeneration.</p>
<p>Linked to the above, the Council should have considered daylight and sunlight impact in the context of both the proposed development at 1 Olympic Way and the pre-application stage development proposal at 3 Olympic Way</p>	
<p>Members of the Planning Committee should be presented with the pre-application proposals for 3 Olympic Way to ensure a full understanding of the relationship</p>	<p>There is no evidence to suggest that the proposal will increase crime within the area. This development will increase natural surveillance across North End Road and</p>

between the proposed developments on both sites.	footfall on local roads, which could assist with crime prevention.
Danes Court is not referred to in the daylight and sunlight analysis despite being formed of a residential property at first floor level.	The proposal was amended to now include a podium garden which addresses this concern.

Following receipt of the above comments, the external daylight and sunlight impact report was received in a publishable format and made publicly available on the 18th December 2019.

355 nearby properties were again notified of this proposal by letter on 18/12/2019 and a further site notice was also erected on this date.

The application was then advertised in the local press again on 26/12/2019.

#### Internal consultation

Environmental Health – No objections, conditions recommended in relation to noise, construction management, air quality, non-road mobile machinery and contaminated land.

Local Lead Flood Authority – No objections

#### External statutory and professional body consultation

The Greater London Authority (GLA) – No objections, conditions required in relation to parking design and management plan, delivery and servicing plan and s106 obligations in relation to improving the travel plan and securing the affordable housing and eligibility criteria as well as an early stage review, in the event construction does not commence within 2 years of consent.

Transport for London (TfL) – No objections, conditions/obligations required in relation to securing construction method statement, travel plan, detailed cycle parking.

The Environment Agency – No objections subject to conditions and informatives

Thames Water – No objections, although it is advised if any subsequent connection to the public network is sought by the development, a material amendment to the application would need to be applied for and Thames Water consulted. An informative is to advise the applicant of this. Two further informatives recommended in relation to property protection and groundwater discharge.

Metropolitan Police – Recommendations have been issued and the plans have been updated in respect of Secure by Design considerations.

London Fire Brigade – No objections

## **POLICY CONSIDERATIONS**

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies DPD, the 2015 Wembley Area Action Plan and the 2016 London Plan (Consolidated with Alterations since 2011).

Key relevant policies include:

### **Regional**

#### **The London Plan consolidated with alterations since 2011 (March 2016)**

- 3.3 - Increasing Housing Supply
- 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 Climate Change

5.6 - Decentralised Energy in Development Proposals  
5.12 - Flood Risk Management  
5.13 - Sustainable Drainage  
5.15 - Water Use and Supplies  
6.9 - Cycling  
7.2 - An inclusive environment  
7.7 - Location and Design of Tall and Large Buildings

## **Local**

### **Wembley Area Action Plan 2015**

WEM 1 – Urban Form  
WEM 2 – Gateways to Wembley  
WEM 3 – Public Realm  
WEM 5 – Tall Buildings  
WEM 6 – Protection of Stadium Views  
WEM 7 – Character of Olympic Way  
WEM 8 – Securing Design Quality  
WEM 9 – Offices  
WEM 14 – Car Parking Strategy  
WEM 15 – Car Parking Standards  
WEM 16 – Walking and Cycling  
WEM 18 – Housing Mix  
WEM 19 – Family Housing  
WEM 24 – New Retail Development  
WEM 33 – Flood Risk  
WEM 38 – Play Provision  
WEM 40 – River Brent and Wealdstone Brook

### **Brent Development Management Policies 2016**

DMP 1 – General Development Management Policy  
DMP 9 - Waterside Development  
DMP 9b – 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

### **Brent Local Development Framework Core Strategy 2010**

CP 1 - Spatial Development Strategy  
CP 2 - Population and Housing Growth  
CP 8 – Wembley Growth Area  
CP 15 - Infrastructure to Support Development  
CP 19 - Brent Strategic Climate Change Mitigation and Adaptation Measures  
CP 21 - A Balanced Housing Stock

The following are also relevant material considerations:

The National Planning Policy Framework 2019

Mayor of London's Affordable Housing and Viability SPG 2017  
Mayor of London's Housing SPG 2016

SPD1 Brent Design Guide 2018

All of these documents are adopted and therefore carry significant weight in the assessment of any planning application. In addition, the Consultation Draft of Brent's new Local Plan was published in November 2018, whilst the draft London Plan has recently been subject to an Examination in Public. These documents carry increasing weight in the assessment of planning applications as they progress through the statutory plan-making processes.

## 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 site is located within the Wembley Opportunity Area (as designated within the London Plan), and the Wembley Growth Area. Policy CP7 sets out a target of delivering at least 11,500 new homes within the Wembley Growth Area with this target set to increase to 15,000 new homes as part of policy BP1 of the emerging Local Plan. The increase in housing targets responds to the increase to up to around 2,900 per annum within Brent 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.
2. The site sits within an allocated development, W16 (1 Olympic Way) within the Wembley Area Action Plan. Key among the requirements of developments in this plot is a need to ensure that development continues to uphold Olympic Way as an internationally recognised processional route to Wembley Stadium and, critically, that development should re-provide office floor space. The site allocation does not specify other uses (such as residential) as being required and therefore anticipates the continued use of the plot as office space. However, given that prior approval works to implement residential have been undertaken, a precedent for residential use of this building has now been clearly established. Subject to an extension being consistent with other material planning considerations, expansion and intensification of that residential use is to be accepted in principle. The new homes would be a welcome addition to the borough's supply in a context of increasingly challenging targets for homes.
3. The site allocation identifies the flood risk status of the site, being within flood zones 1-3 by virtue of its proximity to the Wealdstone Brook at the rear. A detailed flood risk assessment and close working with the Environment Agency is therefore acknowledged as important to any redevelopment. A minimum 8 metres buffer zone for the waterway is required and development should contribute to re-naturalisation of the brook. The site allocation also requires development to contribute to an upgrading of the northern part of Olympic Way. Within the preferred options Draft Local Plan (2018), the site allocation has been discontinued. However, the site is acknowledged as being a 'major site with planning permission for housing'.
4. Floor 8 of the existing building does not have prior approval for use as residential space and remains as office space. It should be noted that an Article 4 Direction to remove permitted development rights from offices (B1a) to residential use (C3) was introduced within the Wembley Growth Area in August 2018, meaning that any future change of use from B1a to C3 would require the benefit of planning permission. The proposal seeks to convert the 8<sup>th</sup> floor from office space to residential use as part of this planning application. Given that the 8<sup>th</sup> floor stands out as a somewhat anomalous tract of office space in an otherwise residential building, there is logic in removing this office space from the building and taking the opportunity to maximise new housing provision. Policy WEM9 of the WAAP supports the provision of new office floorspace as part of mixed use development, and supports the loss of office floorspace where it can be demonstrated that there is no prospects of occupation in the medium term. The circa 250sqm of office space removed from the 8<sup>th</sup> floor would be re-provided to about the same amount on the ground floor, with a direct street facing frontage to the side of the building. It is considered that the re-provision of the office floorspace will meet the objectives of policy WEM9 and would provide office space of greater usability and desirability.
5. Overall, the principle of developing the site for residential purposes is accepted, given that the building now has a residential nature through permitted development rights. The intensification of the site to provide additional units would be supported subject to adherence to other material planning considerations.
6. The scheme also proposes to introduce retail floorspace (use classes A1 to A4) at ground floor level by infilling the existing undercroft car park. The principle of new retail floorspace at ground floor level is acceptable given the site's location within the boundaries of Wembley Town Centre, in line with policies CP7 and WEM24.

## **Design considerations for the proposal**

### **New ground floor**

7. The existing building at 1 Olympic Way has no internal ground floor, with the remainder of the building above sitting on stilts that extend across the ground floor space. The proposal seeks to infill the existing undercroft parking area to create a new internal ground floor for the building. The ground floor would extend not only under the L-shaped footprint of the existing building but also across all of the space in between these main building wings, which is currently an open air car park. This would ultimately result in the displacement of surplus parking spaces which would be welcomed and would present an opportunity to improve the building's relationship with its surrounding public realm and improve the vitality of Wembley town centre.
8. The proposed uses for the ground floor are two retail units, a larger unit at 581sqm along the western arm of the building alongside Olympic Way and a smaller retail unit at 178sqm located on the corner between the western arm and southern arm of the building plus a 241sqm B1 commercial space on the southern arm of the building. It is proposed that this B1 space on the southern side would front a new pedestrian thoroughfare linking Olympic Way and North End Road. This link between the two roads already exists but has a private and uninviting appearance at present. This route would clearly gain additional importance and footfall as a result of this development. This would be a positive development which would improve permeability in Wembley Park and help to establish more useable east-west routes through the district, identified in the WAAP as a weakness of the area.
9. The plans indicate that the existing boundary wall separating the car park within the site and Olympic Way would be retained. The retention of this boundary wall would amount to a significant missed opportunity to drastically improve the public realm along Olympic Way and would retain a severed relationship between Olympic Way and the 1 Olympic Way building. Nonetheless, officers acknowledge that the boundary wall and associated ramps/walkways does not fall within applicant ownership and therefore cannot be required as part of this development. These ramps and stairs fall outside of the development site although the Council aspires to remove this infrastructure, subject to an alternative means of disabled access between Olympic Way and Bridge Road being achievable. The proposal remains acceptable irrespective of if or when removal of the ramps and stairs is undertaken, however officers would note that the benefits of the scheme would be notably greater if and when this is achieved.
10. The plans indicate that the ground floor level along the Olympic Way fronting side would be extended outwards towards Olympic Way by 2.65m on the South Western corner and by 6m on the main frontage between the North Western and South Western cores. This will result in a flush western facade for the building at ground level which will still sit 9.5m from the boundary wall and associated stairs/ramp infrastructure on the edge of the site. The remaining floors of the building will retain the existing facade building lines.

### **New pedestrian thoroughfare between Olympic Way and North End Road**

11. A lack of east-west routes across the Wembley Park area has been identified as a weakness of the district and the principle of establishing an additional route on this axis to improve pedestrian permeability, whilst not required within the site specific allocation, is welcomed. Beyond the existence of the route itself, significant benefits could be brought about through the new active frontage proposed at ground level and the associated amenities, as the proposed B1 floorspace would directly front onto this new route.
12. The new thoroughfare will need to be subject to high quality design, which would clearly function as an inviting and safe pedestrian route but which would also accommodate emergency vehicle access when needed.
13. The plans indicate that a key feature of the pedestrian route would be its positioning within an undercroft of the proposed 15 storey building, which is proposed to sit atop the pedestrian walkway close to the southeastern edge of the site. Subject to good design and a good lighting solution, the undercroft could be a highly attractive feature of the development, rather than something that raises safety and security concerns. A double height undercroft would help to improve the attractiveness and sense of openness of the undercroft. A condition will require that specific details of undercroft treatment and lighting are provided to demonstrate how a high quality environment will be achieved atop the extended building.

Indicative drawings and CGIs have clearly shown how the proposed active commercial frontage, shared surface, street landscaping/tree planting, entrance canopy for the residential access and a schedule of lighting could achieve a good quality pedestrian environment in this location.

### **Vertical extension of the building**

#### **Massing**

14. The existing building sits with a 13 storey maximum height (+ plant) with a lower 8 storey part fronting Olympic Way. The proposal seeks to increase the height of the main 13 storey massing to 16 storeys and to remove the plant atop of it. The lower part of the frontage is to be increased from 8 storeys to 13 storeys, and the southern part of this lower frontage (which projects slightly forward) would see a greater increase in height from 8 storeys to 15 storeys. This would result in a U-shaped massing when viewed from the street. When the plant atop the tallest element is taken into account, the proposed building would be about 4 metres taller than the existing building at its highest point. Much of the extension would raise the lower levels of the building up to a height more similar to the current 13 storey component on the north side of the building. The building would therefore have a more uniform height across its width and appear noticeably larger than the existing building but in a way that relates comfortably and remains subservient to much of its surroundings. The building's height would appear comfortable in the context of the emerging growth area in which it sits, which is formed of a number of established and emerging buildings which are notably greater in height than that which is proposed. The site is also designated within the Wembley Area Action Plan as being appropriate for tall buildings.

#### **Protected Views**

15. Wire line drawings indicate how the building would impact on Brent's protected views of the Wembley Stadium Arch. From Barn Hill Open Space, the building would sit directly under the arch, although the building remains of a modest height and does not appear to compete with the arch for prominence nor come close to obscuring any part of the arch from this view. From the Bobby Moore Bridge and the Wembley Park Station steps, the massing of the extension would obscure parts of the northern flank of the Novotel building, however the building line of 1 Olympic Way would not be altered and the building remains sufficiently set back such that it would not obscure the visible extent of the arch. As such, officers are satisfied that relevant protected views would not be detrimentally affected by this proposal.

#### **Façade Treatment**

16. The addition of a large new component to this building has the potential to result in an incoherent façade treatment, with a newer cladding sitting above an older one. The applicants have therefore proposed to re-clad the whole building to establish a coherent uniform appearance for the extended building. The submitted CGIs indicate a light coloured appearance that is proposed for the building's external facades. The CGIs indicate a clear continuation of the building's existing window banding up to a greater height. The additional height and reinforced uniform banding would give the building a slenderer appearance from certain viewing points, such as from the junction of Bridge Road, Forty Lane and Barn Hill (CGI 1). This would also be enhanced by the loss of the existing visible plant atop the existing building, which is proposed to be removed as part of the proposal in favour of a cleaner, rectilinear finish.
17. The replacement of the existing cladding with a newer similar form will likely improve the appearance of the building although is thought to appear quite stark and basic given the prominence of this location. The applicants have ruled out the use of an alternative external material (e.g. brick slips) on the grounds of it not being viable structurally, however an alternative approach to the cladding in terms of materiality and colour has been put forward. The revised cladding is of M7758 Sandstone colour and has a minimal 15%-30% gloss which would result in a matt finish that would likely appear more natural than the shinier cladding shown within the submitted CGIs. Through means of a condition, the LPA would work with the applicants to agree an acceptable facade treatment and would review samples of this appropriately.
18. Another challenge in creating a uniform appearance for the building relates to the treatment of balconies/terraces within the new flats in the extended part of the building when the existing flats in the floors below are not equipped with balconies (outdoor amenity spaces are not a requirement of residential accommodation approved through permitted development). A solution which utilises winter gardens instead of balconies has been adopted. This would ensure that the proposed flats within the extension can still be provided with external amenity spaces, but in a way which interplays with the below

façade effectively.

### **New residential block at the south eastern edge of the site**

**19.** A separate residential block is proposed at the rear of the site, close to the boundary with Olympic House and close to the Wealdstone Brook. The plans indicate that this block would be 15 storeys in height, will sit atop the new pedestrian route along the southern side of the site and would provide solely affordable housing. The 15 storey height is a comfortable addition given the context and sits slightly below the 16 storey high point of the development. Once again, it lies within an area that is designated as appropriate for tall buildings within the Wembley Area Action Plan. The building will read as a coherent part of the existing building when seen from most perspectives and will utilise the same material treatment. The façade arrangement will be changed slightly with separate window openings and a stronger vertical emphasis, this will provide a suitable counterpoint to the horizontal banding seen across the rest of the building and would not erode the appearance of the building as a whole.

**20.** Unlike the remainder of the development, this part of the proposal is bound by some more acute constraints. The Site Specific Allocation specifies an 8 metre buffer zone, taken from the Wealdstone Brook, within which development is not permitted. This is to ensure that access to the brook is not reduced or cut off by new developments and would be an aspiration shared by the Environment Agency. The applicants have upheld this requirement through the use of a double height undercroft at ground floor level for the new block, which leaves the ground level within the buffer zone of the brook undeveloped (aside from and retains access to land surrounding all edges of the building. It is acknowledged that access to the brook at present is very limited and the creation of a new pedestrian route which intersects with the brook improves the public interaction with this waterway. In addition, the green space to the east of the brook is to be further naturalised and made accessible as communal amenity space for residents. Officers' acceptance of this approach would be contingent on a high quality public realm being delivered and a condition would require suitable detailing that demonstrates that the new public realm, within an undercroft environment would provide a positive pedestrian environment.

**21.** The building is located very close to the southern boundary of the site and it is important that none of the accommodation provided has sole habitable room windows facing south towards the neighbouring site at Olympic House, as this could prejudice the ability of the neighbouring site to deliver a scheme that sits close to its northern boundary in the future. The plans confirm that this is the case.

### **Unit Mix and Affordable housing**

**22.** The scheme provides a total of 119 new residential units. 90 of the new units will be in the vertical extension, 3 of the units converted from 8th floor office space and 26 of the new units in the new residential block on the south east side of the site.

**23.** A summary of the mix is set out below:

<b>Units</b>	<b>Private</b>	<b>London Affordable Rent</b>	<b>London Shared Ownership</b>	<b>Total</b>
<b>Studio</b>	16 (18% of pvt tenure)	0 (0% of LAR tenure)	0 (0% of LSO tenure)	16 (13%)
<b>1 bed</b>	54 (61% of pvt tenure)	0 (0% of LAR tenure)	0 (0% of LSO tenure)	54 (45%)
<b>2 bed</b>	0 (0% of pvt tenure)	11 (50% of LAR tenure)	2 (23% of LSO tenure)	13 (11%)
<b>3 bed</b>	18 (21% of pvt tenure)	11 (50% of LAR tenure)	7 (77% of LSO tenure)	36 (30%)
<b>Total</b>	88 (74% of scheme)	22 (18% of scheme)	9 (8% of scheme)	119 (100%)
<b>Total Private: 74% (88/119)</b>		<b>Total Affordable: 26% (31/119) weighted 71% (22) LAR and 29% (9) LSO</b>		

**24.** The scheme proposes 36 flats as 3 bedroom flats which equates to 30%. Brent's Core Strategy policy CP2 and WEM19 within the WAAP set a target of 25% family sized units (three bedrooms or more) being

delivered within the Borough. The proposal exceeds this target,

### *Affordable housing*

25. The scheme proposes 36% affordable housing measured by habitable room (26% when measured by unit), comprising a total of 31 dwellings out of 119 new residential units. 22 dwellings would be for London Affordable Rent (11 x 2 bedroom units and 11 x 3 bedroom units) and 4 dwellings would be for London Shared Ownership (2 x 2 bedroom units and 2 x 3 bedroom units), comprising all of the development within the new residential block. A further 5 London Shared Ownership dwellings would be provided in the vertical extension (5 x 3 bedroom units), with one flat per floor between levels 7 and 11. The affordable tenure split equates to 71% London Affordable Rent and 29% London Shared Ownership.
26. Adopted DMP policy DMP 15 confirms the Core Strategy target (policy CP2) that 50% of all new homes in the borough will 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.
27. London Plan policy 3.12 states that the maximum reasonable amount of affordable housing should be sought when negotiating on schemes and that negotiation on sites should take account of their individual circumstances including development viability.
28. A financial viability assessment (FVA) has been submitted with the application and has been assessed by external consultants for robustness. The above offer is agreed as the maximum reasonable amount of affordable housing as financial modelling agreed between the parties sees the development proposal generating a modest surplus for the scheme of approx. £30,000 under these assumptions, far less than the cost of converting an additional private unit to an affordable unit. The tenure split is welcomed and falls closely in line with target 70/30 split specified in Brent's DMP15 policy. Given the overall percentage falling short of policy DMP15's requirements and the small surplus that has been identified, a late stage review is to be applied and secured within the s106 agreement which would require payment of any surplus beyond the agreed reasonable profit level which would be used for the enablement of offsite affordable housing.
29. There would be no separate affordable entrance to the building, with residents of affordable tenures using the same accesses as other residents, and, in the case of the new block, accessing a dedicated core from within the building. This means there will be no 'poor doors' as such within the scheme and is strongly welcomed.

### **Quality of Accommodation**

- 30.** All flats are required to meet the London Plan's minimum space standards internally, as set out in Policy 3.5 of that document. All flats should also achieve a good outlook from all habitable rooms and a high percentage of the flats should achieve dual aspect outlook. Officers welcome the use of cross ventilated dual aspect units along the southern wing of the building, which will address issues which could have potentially arisen as a result of the flats being solely orientated to the north or south. All of the flats meet London Plan space standards and 71 of the flats (60%) will have dual or triple aspect which is considered to be an acceptable amount within this form of development. As a self-contained scheme, the development will generally provide 8 or fewer units per core per floor across the proposed floors, meeting the Mayor's guidelines, however on floor 8, two of the three cores will provide access to 9 units. This slightly exceeds the Mayor's guidance on limiting flats per core in the interests of close community cohesion although one of the 9 unit cores has its main corridor in an outdoor setting which helps to mitigate this shortcoming. Internal daylight and sunlight testing has been carried out which shows a good level of compliance with BRE standards across the development (307 habitable rooms in the development with 246 meeting BRE standards for the average daylight factor (80%)).
31. 10% of the proposed flats are to be provided as wheelchair accessible flats.
32. The development should provide 20sqm of external amenity space per flat and 50sqm of external amenity space for family units (three bedrooms or more), in accordance with the requirements of policy DMP18. The policy recognises that where the above targets can not be delivered solely through private

external amenity space, then the use of communal external space can be provided to achieve this target.

33. The approach to setting in the building massing and providing inset balconies on the edges of the building with winter garden style screening as proposed is a logical approach to achieving this, and ensures a coherent appearance with the lower parts of the building which do not have balconies/terraces. All flats proposed include a terrace, with terraces ranging between 5sqm and 12sqm in size and larger terraces being focussed on the flats with larger occupancies. The average private terrace size across the development is 7.4sqm.
34. The proposal includes two communal amenity spaces, one 563sqm podium garden space, which is to be built at first floor level and enclose the ground floor environment below it, and another 1,073sqm to a brook-side space, which sits on the east bank of the Wealdstone Brook across from the development itself. The provided landscaping plan indicates a good landscaped environment for both of these spaces and details of the landscaping will be required through condition. The establishment of space alongside the brook is especially positive and enhances the asset, in line with the aspirations of Brent policy DMP9. The two communal spaces together provide 1,636sqm of communal amenity space for residents and it is confirmed that these communal spaces will be shared with the residents of the 227 flats in the permitted development scheme. This means that the average amenity space provision for the proposed flats, including when sharing the communal spaces with all permitted development flats, will be 12.1sqm. This represents about 61% of the amenity space target set out in Brent's SPD1 guidance and is considered positive given the town centre location.
35. The London Plan calculator calculates that the housing mix (119 units) will accommodate 49.5 children (aged 0-17). On site play spaces for 0-3 and 4-10 year olds would amount to a requirement for 360sqm of on-site play. Given that the podium space is much closer to the flats than the brook-side garden, all of this play space is proposed to be contained within the podium. This will leave 203sqm of general podium amenity space around the edge of the play area. The larger brook-side garden will be a general space and could accommodate play for the 11+ groups. The 11+ groups would also be within close walking distance of public parks, including Elvin Square Gardens, the emerging Quintain delivered Northern Lawns and Southern Terraces open spaces and Chalkhill Park. Detailed plans of the play space design will be required by condition, as part of the detailed landscaping plan.
36. Given that the applicant is applying just for the 119 additional flats it wouldn't be a reasonable requirement to include the child yield anticipated for the flats delivered under permitted development in play space provisions; however given that these flats are smaller and all on the open market it is unlikely that their child yield would be significant. Officers therefore acknowledge that the play-space will fall short of the requirements for the total user base, but that the benefit of allowing access to the podium for everyone across the building outweighs the drawback of not providing a full play space quantum to address both schemes.

## **Amenity impact**

### *Privacy*

37. The site borders Olympic Way to the west, North End Road to the north and east and 3 Olympic Way (Olympic House) and associated pedestrian route separating these sites to the south. Since this proposal is for a vertical extension of an existing residential building, the proposal will not introduce windows in any new locations, instead new windows will only be introduced at greater heights. The exception to this is the new block being introduced to the south east of the existing building, which will introduce windows in a new location close to the rear of the site. The tower will introduce windows to the north and east, albeit at significant distances from other neighbouring sites. The closest site to the new east facing windows would be Danes Court, whose front garden area would sit more than 35m from these windows. A sensitive relationship exists with 3 Olympic Way; whose boundary the new tower element will sit along. However, there are no windows proposed in this façade and this site will therefore not be relied on for outlook. The 3 Olympic Way site is therefore not considered to be compromised in terms of its potential to be redeveloped. The development will sit 9m from the boundary with 3 Olympic Way to the south, and facing habitable windows will have outlook here. The 9m separation accords with SPD1 guidance for an appropriate separation to mitigate privacy issues. In addition, the lower floors, which have prior approval for residential use, already establish this relationship at the same distance.

### *Daylight and Sunlight*

38. The Impact of the proposal on daylight and sunlight has been considered by the applicant. The following properties were considered for impact:

- Shams Court
- 3 Olympic Way (Olympic House)
- Felda House
- 1-32 Danes Court
- Victoria Hall

**39. Shams Court**

- This is a residential buildings whose north elevation faces towards the site from the south. However, the north facing windows serve either communal flat access corridors, bathrooms or habitable rooms with a shared southern aspect. As such, limited weight is given to the results of daylight/sunlight testing at this property.
- 34 windows were tested and 8 passed the VSC requirements – the failed ones are spread across the floors. Of the 26 that do not pass, 18 achieve a marginal result between 0.7 and 0.8 times the former VSC value where 0.8 is the target for meeting VSC. This means that 9 windows out of 34 (26%) do not meet the VSC to a material extent. The lowest value is 0.62 times the former VSC.
- No windows within 90 degrees due south and do not require APSH testing.
- 3 rooms in the property do not meet NSL/DD testing, but they all have a score of 0.71 which is only a small margin short of the 0.8 target.
- There are no gardens or amenity spaces located north of the development proposal and thus no further imposition of overshadowing to garden spaces.

**40. 3 Olympic Way (Olympic House)**

- This building is an office building which is currently vacant. The building does benefit from an office to residential prior approval consent (17/3789) and as such may in the future have a residential use in its current form, although there is no existing standard of accommodation that is experienced at the property which would warrant consideration. It is understood that a more comprehensive re-development of this site involving demolition and rebuilding is likely.
- The applicants have still carried out a BRE assessment for this building as if it were a residential building. However, given the above observations, officers would afford more limited weight to this given the vacant office status of the building. The BRE assessment is included below for completeness.
- 79 windows were tested for impact and 35 passed VSC testing (44%) leaving 44 which did not pass. 6 of the windows that did not pass only fell marginally short, with a result between 0.7 and 0.8 times the former value. 6 further windows which did not pass serve rooms which have four windows, meaning that the internal daylight will likely be acceptable. This means that 32 of the 79 tested windows (40.5%) do not pass the VSC testing. The lowest value is 0.23 times the former VSC value and this window serves one of four windows to a habitable room.
- This building saw full compliance with BRE in terms of APSH testing.
- 22 rooms do not pass NSL/DD testing, with 2 of those rooms only seeing a marginal failure to do so, with a result of 0.73 times the former value.

**41. Felda House**

- This is a student accommodation block within close proximity to the south east of the development.
- 181 windows were tested for impact and 171 passed VSC testing (94%) leaving 10 (6%) which did not pass. All of those which did not pass achieve a result of no less than 0.77 times the former value, indicating that the shortness of standard is marginal versus the target (0.8).

- APSH testing was not required as windows within Felda House are not within 90 degrees due south of the development proposal.
  - 22 rooms do not pass NSL/DD testing, with 2 of these rooms achieving a value of no less than 0.7, within the marginal range.
- **1-32 Danes Court**
    - 42.** This is a lower scale residential context to the east and has the potential to be one of the more sensitively affected buildings.
      - 43 windows were tested for impact and 34 passed VSC testing (79%) leaving 9 (21%) which did not pass. All of those which did not pass achieve a result of no less than 0.77 times the former value, which is considered to be marginal compared to the benchmark.
      - APSH testing found that 6 windows to Danes Court would fall short of the benchmark Annual Probable Sunlight Hours.
      - With regard to NSL/DD testing, full compliance is reported for this property.
      - No gardens will be overshadowed unduly (i.e. all will retain at least 2 hours of daylight across 50% or more of their extents based on sunlight received on 21<sup>st</sup> March).
  - **Victoria Hall**
    - 43.** This is a student accommodation block nearby to the north east of the development.
      - 290 windows were tested for impact and 235 passed VSC testing (81%) leaving 55 (19%) which did not pass. All of the windows which did not pass serve rooms between ground and third floor, with all other windows passing. These windows which do not pass are considered to be very marginal in terms of non-compliance, given that their ratio with the existing scenario is at least 0.75 times the former VSC value in the majority of cases, with the exception of 2 windows at 0.2 times their former value.
      - Full compliance is achieved under APSH testing.
      - NSL/DD testing saw 171 rooms tested for compliance and 131 (77%) passed NSL/DD testing with the other 40 (23%) falling short. 15 out of the 40 rooms which did not pass achieved a result of at least 0.7, considered marginal against the benchmark, leaving 25 which fall short more noticeably.
    - Overall, given the urban setting of the site and the surroundings, and in knowledge that the BRE guidelines are accepted as a benchmark for low density environments and which warrant flexibility and judgement, especially in the context of dense town centre environments, the daylight and sunlight impact modelled is considered to be acceptable given the benefits of the proposal.

### **Highways considerations**

**44.** The existing vehicular access to the site is from North End Lane (with additional vehicle access for emergency vehicles only from Olympic Way), with pedestrian access from both Olympic Way and North End Lane. These arrangements will continue as part of this application. Fulton Road and North End Road are local commercial access roads with no waiting or loading at any time along most of Fulton Road and North End Road. The site lies within the Wembley Event Day zone whereby parking is restricted to permit holders only on Stadium event days. The site has excellent access to public transport services (PTAL 6a), with Wembley Park (Metropolitan and Jubilee lines) station nearby and 6 bus routes within walking distance.

### *Car parking*

**45.** The maximum car parking standards for this development are set out in policy WEM15 of the Wembley Area Action Plan (2015). Given the high local PTAL, 1-2 bed units are allowed 0.4 spaces each and 3 bed units are allowed 0.6 spaces each. When combining both the current scheme and the prior approval scheme, 145 car parking spaces would represent the maximum standard. Another core component of policy WEM15 is that the Council will promote minimal car parking where it can be associated with good public transport accessibility. Given the very close proximity of bus routes and Wembley Park Station, a

significant reduction levels of car parking for this site would be encouraged (provision of disabled parking spaces only). However, consideration also needs to be given to any potential impact of overspill parking. To address this, the scheme will be subject to applying a parking permit restriction on all units within the development (as has already been secured for the prior approval scheme). This will be secured within the legal agreement and will cover both the existing Wembley Event Day Parking Zone in addition to any future all year CPZ being introduced in the area. A CPZ on North End Road is soon to be implemented and has been fully funded (including its consultation process) through other development. As such, a financial contribution towards CPZ expansion cannot reasonably be sought in this instance.

46. The Draft London Plan sets out a requirement for car free developments to still provide between 3% and 10% of units with a car parking space for the use of blue badge holders. Eleven disabled car parking spaces for residential use are proposed along the east-west route, at the south side of the site. 5 are to be located close to the entrance to the route from North End Road, 2 are to be located on the north side of the route within the proposed undercroft, by the entrance to the south east residential core and 4 are to be located on the south side of the route directly across from the commercial unit frontage. These spaces will be sufficiently clear of the centre of the route so as not to contravene ease of deliveries and refuse collection and are minimal in number, meaning that the route would largely retain the feeling of pedestrian priority. A shared surface for cars and pedestrians is envisaged for this route and a condition will ensure that details of the route are submitted ahead of completion. The 11 spaces would represent parking provision for 3.2% of the flats across both the permitted development scheme and the proposed scheme and therefore accord with draft London Plan standards, which sets a minimum level of disabled parking at 3%.
47. The previous prior approval scheme and its non-material amendment approved under 19/1721 was approved with 13 disabled car parking spaces. In the context of the 227 flats proposed through the prior approval process this represented a 5.7% parking provision, also in line with the Draft London Plan guidance of between 3% and 10% disabled parking. Therefore, whilst disabled parking levels have reduced overall compared to the prior approval consent at this site, the proposal still meets relevant London Plan requirements. The approach to reasonably minimising onsite parking is welcomed given officers' desires to see the east-west route along which the parking is to be located as a route which encourages and prioritises pedestrian use.

#### *Cycle Parking*

48. With regard to cycle parking, the draft London Plan would require 198 long term cycle parking spaces, which, when added to the existing provision of 260 (for the permitted development flats) would equate would result in 455 spaces in total. Provision of the full cycle parking draft standards (455) has been provided which is positive and this is all to occupy a significant part of the ground floor of the development, underneath the podium space. The layout of the cycle storage area is considered to be acceptable by Brent's highways officers, however TfL have requested a condition for more detail to be submitted prior to occupation to confirm spacings and circulation in accordance with LCDS standards, which will form part of the consent. 17 of the bike spaces are accessible spaces and located within a separate room for this purpose with spacious individual storage areas. An additional 12 Sheffield stands are proposed as short stay cycle parking, located outside the western frontage of the building, close to the boundary with Olympic Way. 10 of these spaces are allocated for uses associated with the residential component and 2 of these spaces are allocated for uses associated with the commercial component. Finally, 16 long stay spaces for the commercial uses are provided in a separate store close to the rear of the B1 unit. The residential cycle parking will be accessible to the residents of the permitted development flats and the proposed flats. A parking design and management plan has been requested by the GLA for submission by condition.

#### *Vehicular Movement, Refuse and Servicing*

49. The proposal indicates that refuse and delivery/servicing vehicles would travel into the site from North End Road and would have an internal stationing area alongside the main bin store. The commercial floor space could also be serviced from this stationing area and suitable turning space is shown to ensure these vehicles can egress back on to North End Road in a forward gear. The delivery/servicing/refuse vehicles would only use a small extent of the east-west route, which is largely intended as a pedestrian link; the majority of this route would remain car free for most of the time. The east-west route is to remain a pedestrian route at all times, with the exception of refuse / servicing vehicles and disabled users (such

vehicles can access and egress the route from North End Road) and emergency vehicles (such vehicles can access and egress the route from both North End Road and Olympic Way). A condition will require that no vehicular access is to be made possible from/to Olympic Way, except for emergency vehicles. A schedule of enhancements to this route will be required by condition, in terms of establishing a suitable schedule of landscaping and resurfacing for the route.

50. The main refuse store is large enough to meet requirements for all residents in the block and a separate bin holding area is to be provided at the base of the building's north core to ensure that residents in the northern part of the building do not have to walk more than 30m to deposit their refuse. Management arrangements will ensure that the refuse held at the northern core is moved to the main bin store in time for collections and this can be firmed up through a refuse management plan. The applicants have confirmed that refuse collections will be privately arranged. A refuse management plan will be required by condition and the terms of the private refuse collection arrangement will need to be agreed and secured through a Section 106 obligation. In the event that a private refuse collection is not appropriate for the affordable flats, a separate bin store which is adjacent to the refuse vehicle loading bay already forms part of the proposal, housing appropriate refuse storage space for the affordable units. The entirety of the refuse store for affordable units is well within 10m of the stationing area for refuse collection vehicles and would meet the requirements for the Council's refuse service collections.
51. A delivery and servicing plan has been submitted up front but relates to the previous version of the scheme (without ground floor commercial). As such, a revised delivery and servicing plan is to be required and approved through condition.
52. A construction logistics plan has been requested for submission by the GLA and will be secured by condition.

#### *Travel Plan*

53. A Travel Plan has been submitted, however, some of it references 92 car parking spaces which are no longer proposed. It intends to carry out TRICS compliant travel plan monitoring in years 1, 3 & 5, which is acceptable. It also has acceptable targets for car drivers, although it is considered that both walking and cycling targets are too low. A commitment to improve the travel plan and to then implement it will be secured in the s106, as is often a standard requirement.
54. A car club operation will need to form part of the travel plan arrangements. Given the close proximity to existing car club bays (notably in Brent Civic Centre), funding of membership of residents for three years will be required but it may not be necessary for additional bays to be provided. If the car club confirms that an additional bay is not needed then membership funding will be the only obligation in relation to this. This will form part of the s106.

#### *Trip Generation, Modal Split and Highways Impact*

55. The applicant has carried out trip generation and modal split forecasting within their Transport Assessment which has been agreed as appropriate by TfL. The Transport Assessment indicates that the development will generate 28 additional tube journeys in the AM peak and 26 additional tube journeys in the PM peak, 8 additional rail journeys in the AM peak and 7 additional rail journeys in the PM peak and 11 additional local bus journeys in the AM peak and 10 additional local bus journeys in the PM peak. Given the car free nature of the scheme, it is not anticipated that any additional car movements will be experienced during the AM or PM peaks.
56. TfL have confirmed that they consider the net trip generation on the tube and bus networks to be too small to justify the payment of contributions to improving bus or tube capacity in this case.

#### **Sustainability and Energy**

**57.** An energy statement confirms the sustainability strategy for the proposal, in line with the Mayor's be lean, be clean, be green strategy set out in Policy 5.2 of the London Plan. The roof extension and new block have been treated separately for the purposes of this assessment, given the very different nature of the proposals. The three stages for each have been addressed as follows:

#### 58. *Be Lean*

The energy demand and efficiency has been reduced through improving insulation to external walls, doors and floors. The overall saving is:

-1% saving (1 tonne of CO2 per annum)

59. *Be Clean*

Heat Pumps are proposed as a low carbon technology to combined space and water heating This results in a substantial saving as follows:

- 59% saving (68 tonnes of CO2 per annum)

60. *Be Green*

PV panels have been deemed viable for inclusion and an array has been proposed across the majority of the roofscape of the development for maximisation of savings. This achieves the following savings:

- 20% saving (23 tonnes of CO2 per annum)

61. *Cumulative*

Combining the three stages, savings are as follows:

- Be lean: (1 tonne saving per annum, 1%) - 1% total improvement on building regulations target
- Be clean: (68 tonnes saving per annum, 59%) - 60% total improvement on building regulations target
- Be green: (23 tonnes saving per annum, 20%) - 80% total improvement on building regulations target

62. London Plan policy 5.2 requires a 35% reduction in the emissions standard required through Part L of the building regulations. A substantial reduction of 80%, far in excess of the policy requirement has been achieved. It is also acknowledged that the use of PV panels has been evidently maximised, with most rooftop space utilised for this purpose.

63. The second stage of applying LP policy 5.2 is ensuring that all of the remaining carbon following reduction is financially offset. The policy stipulates a carbon offsetting amount of £60 per tonne of carbon dioxide per year, covering a 30-year period. In the context of the remaining carbon emissions following 80% reduction, a payment of circa £42,000 would be required for this purpose and a s106 obligation will secure this.

64. Policy CP19 of Brent's core strategy stipulates a requirement for all major non-residential floorspace (where the cumulative non-residential floorspace exceeds 1000sqm) to achieve a BREEAM rating of 'Excellent'. The commercial floorspace falls below 1000sqm and is not subject to this requirement.

### **Drainage and Flooding**

65. The applicants have submitted a report outlining the strategy for the development in respect of surface water and foul drainage. The foul drainage strategy proposes to use the existing connections to the public foul sewer at 1 Olympic Way and it is noted that sufficient capacity is in the system for this to be achieved, with reductions in discharge proposed through the development. The surface water drainage strategy will achieve a reduction in surface water run-off rates on the site from 137.7 litres per second to 9.6 litres per second for an equivalent storm event. The reduction in run off rate is to be achieved through SuDS measures, namely through a stormwater attenuation tank with volume of 330 cubic metres to allow for an extreme storm event + 40% allowance for climate change and through the use of permeable paving. The details of this report will be secured through condition.

66. A flood risk assessment has also been submitted and reports that, subject to appropriate mitigation (including warning procedures), the proposed development is considered to have suitably managed flood risk for the lifetime of its development. The report notes that the existing building and proposed block are located in flood zone 2, there are no historic records of fluvial flooding on the site, there are no residential units on ground level and that safe refuge would be available on all proposed residential floors on the site with safe access/egress possible from the west of the site in the event of a flood event. The details of this report will be secured through condition.

67. Thames Water and Brent's Local Lead Flood Authority have reviewed these strategies and do not raise objections to them, confirming compliance with policies 5.12 and SI.12 in the London Plan. The GLA also agrees with this in respect of flood risk although has requested further information regarding consideration of the drainage hierarchy in confirming that these policy requirements have been met in

respect of the drainage strategy. This will be addressed by the applicant in advance of a Stage 2 referral.

68. A condition will require that required water consumption targets are met within the new development.
69. The Environment Agency (EA) has reviewed the proposal in depth, particularly given that the proposed block's undercroft would be constructed within 8m of the Wealdstone Brook culvert. The EA supports the scheme subject to conditions requiring the submission of:
70. A baseline structural survey of the brook culvert and, if necessary, an associated schedule of repair works should the survey report that the culvert's condition would not be structurally sound for the lifetime of the development.
- A verification structural survey within six months of completion of the works and a requirement to carry out repairs where the structural integrity of the culvert has been compromised.
  - A landscaping management plan showing landscaping improvements within the 8m wide buffer zone alongside the brook, details of its management and other details such as footpaths, fencing and lighting.
- The EA has also provided guidance notes for the applicant, including advisory notes in relation to Water Framework Directive improvements that could be made to the brook and in relation to the need to apply for a Flood Risk Activity Permit from the EA. Informatives will advise the applicant of this accordingly.

### **Noise Impact**

71. The applicant has submitted a noise impact assessment which has identified suitable mitigation for the residences in terms of glazing and ventilation based on noise conditions in the local environment. The noise level readings that informed this mitigation were taken when a football match was on at Wembley Stadium, representing among the greatest noise levels that are likely to be experienced in this environment. Based on these noise levels, it was reported that a robust glazing specification will ensure all internal flats will experience an internal noise environment which accords with relevant British Standards (BS8233).
72. Brent's Regulatory Services have reviewed this assessment and agree with its methodology. A query has been raised in relation to whether the testing would take into account the noise environment that would be experienced during times when music concert events are on at the Stadium. A condition will require that, prior to occupation, the noise impact assessment is revised to take into account this scenario and to update any mitigation recommendations accordingly. The condition will also secure the mitigation and require it to be implemented prior to occupation and maintained thereafter.

### **Construction Management**

73. A construction management plan has been submitted however this reflects proposals for an earlier iteration of the scheme which did not include the ground floor infill and the creation of a podium garden. Given the significant implications that this change to the scheme could have from a construction management perspective, a condition will require that details of construction are resubmitted and approved at a later date. The plan will need to account for the control of dust, noise and other environmental impacts of the development.

### **Air Quality**

74. The applicant has submitted an air quality assessment which sets out the predicted impact of the development with regard to this aspect. There is no anticipated change to current traffic flows as a result of the development and therefore air pollutant concentrations are not expected to worsen. This indicates an 'air quality neutral' impact, complying with the Mayor's guidance. The development, whilst not utilising low carbon technologies such as combined heat and power or air source heat pumps, will use CSH/BREEAM Ultra-Low NOx gas boilers to serve each flat.
75. Brent's Regulatory Services have reviewed the assessment and agree with the methodology. A condition is recommended securing the maximum emission rates of boilers, to ensure that the air quality objectives are delivered as proposed.
76. Given that the air quality report was submitted with the original version of this scheme (i.e. no ground floor commercial uses proposed), a separate condition will require that this report is updated to account

for any change in the air quality implications, the revised energy strategy and to ensure that the development has an appropriate air quality neutral strategy as required in the London Plan. This will need to include details of any relevant additional mitigation to meet standards and for these details to be approved by the LPA in consultation with Brent's Regulatory Services officers.

77. Separate from the air quality assessment, a condition will ensure that non-road mobile machinery complies with emissions standards so as to further limit the development's environmental and air quality impact.

### **Contaminated Land**

70. A contamination assessment has been submitted. The assessment found contamination to be an issue of minimal importance given that the proposal was for upper floor accommodation only at the point of submission. The proposal now includes the creation of ground floor commercial space and will involve digging into the soil below the site to a much greater extent. As such, a revised contamination study should be submitted and a condition will require that this is carried out and that any remediation required by the LPA is carried out and confirmed through an additional condition.

### **Ecology and Trees**

78. The applicants submitted a preliminary ecological assessment at the point of submission. The report establishes the existing ecological value of the site and sets out a strategy for protecting and enhancing existing biodiversity on site. Statutorily protected species (including badgers, bats, nesting birds, great crested newts and reptiles) were found to have negligible potential of being present on site (or low in the case of breeding birds). In addition, the Wealdstone Brook was identified as a non-statutory site of ecological value, being important as a possible bat commuting or foraging route.
79. The Wealdstone Brook passes through the site to the rear and this particular section is notable in that the banks are vegetated with semi-improved grassland. No aquatic vegetation was noted. There are also some trees on site, including Birch at the front of the site and shrubbery and Ash trees at the rear of the site, close to the boundary with North End Road.
80. Overall, site observations lead to a consideration that the development will not be of detriment to any statutory protected habitat. Biodiversity enhancements have been suggested including additional native planting of shrubs and trees close to the brook, provision of at least 3 nest boxes suitable for sparrows, away from windows and doors and facing vegetation and the provision of bat bricks within suitable locations within the fabric of the new building. These ecological enhancements will be secured through condition.
81. Brent's tree officer notes that no trees are intended to be removed as part of this development and that inter-planting between the existing trees is proposed to the rear of the building. This proposal is welcomed and will help to enhance the biodiversity and general amenity offer of the site. The tree officer requests a full tree report of the site in accordance with BS5837, including a tree impact assessment as well as a schedule of planting and landscaping proposals. As a result, two conditions, one relating to the tree survey and impact and another relating to the detailed landscaping proposals, will form part of the consent.

### **External Lighting**

82. A detailed plan of the proposed lighting has been submitted. This plan reflects the scenario of the original submission (i.e. no ground floor uses). Given the significant change to the scheme, a condition will require a revised external lighting plan to be submitted, with particular detail shown within the undercroft area, close to the North End Road end of the new east-west route, in the interests of establishing an inviting and safe environment in this location.

### **Wind and Microclimate**

83. A wind and microclimate report has been submitted. Two different analyses have been carried out, part 1 has looked at local wind data statistical analysis and part two has performed a wind microclimate model of the site against which the local wind data can be modelled. The results of the testing have found some areas of higher wind velocities which are proposed to be mitigated through new landscaping. Proposals for new trees planting will wind velocities and thus the wind impact on the building.

84. The results of the testing and associated mitigating landscaping result in a development that is designed to be a high-quality environment for the scope of use intended of each areas/building (i.e. comfortable and pleasant for potential pedestrians) and that the development does not introduce any critical impact on the surrounding areas and on the existing buildings.

### **Safety and Security**

85. The scheme has been designed to respond to safety and security guidance and has been reviewed and commented on by a counter terrorism advisor within the Metropolitan Police. It is understood that, in the interests of designing out the potential for crime, one of the recommendations from the Metropolitan Police has been to prevent the new route along the south side of the development from being publically accessible. However, officers would resist this suggestion, noting that this link already exists (although is unattractive for use and within private land) and that the WAAP strongly seeks the establishment of more public east-west routes within Wembley Park. This existing route between the two sites has the strong potential to be improved by this development and to become a welcoming and safe route with a largely active commercial frontage being provided which could be further enhanced through an appropriate scheme of lighting, clear definition, fob control access for the residential entrance and video intercom systems.

86. Conditions will require that clear details of improvements to the pedestrian route shall be submitted to and approved in writing by the Local Planning Authority. Another condition will require that details of proposed counter-terrorism measures are submitted to and approved by Brent, in consultation with the Metropolitan Police.

### **Television and Radio Reception Impact**

87. The applicant has submitted an assessment which has looked at the impact to Digital Terrestrial Television, Digital Satellite Television and VHF(FM) Radio. The study confirms that no interference with these signals is expected and thus no mitigation is required to retain the broadcast quality of these services.

### **Conclusion**

88. Officers consider that the development should be supported, subject to all planning obligations identified in the above discussions. The proposal accords with the development plan having regard to all material planning considerations.

89. Approval of the scheme is therefore recommended.

### **Equalities**

90. 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 **£3,889,691.52** \* 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): 11434 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)	1059		1059	£40.00	£0.00	£63,540.00	£0.00

Businesses and offices							
(Brent) Dwelling houses	10375		10375	£200.00	£0.00	£3,112,500.00	£0.00
(Mayoral) Businesses and offices	1059		1059	£0.00	£60.00	£0.00	£66,097.34
(Mayoral) Dwelling houses	10375		10375	£0.00	£60.00	£0.00	£647,554.18

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)	336	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£3,176,040.00</b>	<b>£713,651.52</b>

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

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

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



**DECISION NOTICE – APPROVAL**

Application No: 19/0395

To: Mr Tarzey  
Pegasus Group  
10 Albemarle Street  
London  
W1S 4HH

I refer to your application dated **04/02/2019** proposing the following:

Erection of upto 7 storey roof top extension to the existing building to create 90 flats; erection of a rear extension to existing building to create a new 15 storey block (including a 2 storey under-croft for vehicular and pedestrian access) to create 26 flats, conversion of existing 8th floor office space to create 3 flats, creating a total of 119 self-contained flats; infilling of ground floor undercroft of existing building to form new ground floor uses comprising retail floorspace (A1, A3, A4) and office floorspace (B1), creation of first floor podium above existing car parking space to provide a landscaped amenity space for residents with associated cycle and refuse storage, creation of public access alongside Wealdstone Brook and refurbishment of existing building facades to No. 1 Olympic Way (including replacement of windows)  
(Revised description)

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

at **1 Olympic Way, Wembley, HA9 0NP**

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: 14/01/2020

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 development is in general accordance with the following policy and guidance documents:

National Planning Policy Framework (2018)  
London Plan consolidate with alterations since 2011 (2016)  
Draft London Plan (2017)  
Wembley Area Action Plan (2015)  
Development Management Policies (2016)  
Core Strategy (2010)  
SPD1 - 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):

Unnumbered Location Plan

S00 – Existing Block Plan  
S01 – Existing Ground Floor  
S02 – Existing First to Fifth Floor  
S03 – Existing Sixth to Seventh Floor  
S04 – Existing Eighth to Twelfth Floor  
S05 – Existing Thirteenth Floor and Roof  
S10 – Existing Elevation 1 & 1A  
S11 – Existing Elevation 2 & 3  
S12 – Existing Elevation 4 & 5  
S20 – Existing Sections

P00 – Proposed Block Plan  
P01 Rev F – Proposed Ground Floor  
P02 Rev C – Proposed First to Fifth Floor  
P03 Rev B – Proposed Sixth to Seventh Floor  
P04 Rev B – Proposed Eighth Floor  
P05 – Proposed Twelfth to Thirteenth Floor  
P06 – Proposed Fourteenth to Fifteenth Floor  
P07 – Proposed Roof  
P10 Rev C – Proposed Elevation 1 & 1A  
P11 Rev B – Proposed Elevation 2 & 3  
P12 Rev D – Proposed Elevation 4 & 5, 6, 7, 8, 9  
P13 Rev C – Proposed Street Elevation  
P20 Rev A – Proposed Sections

100 P11 (Black & White) – Landscape Layout (B&W)  
100 P11 (Colour) – Landscape Layout (Colour)  
700 P06 – Landscape Cross Section

Supporting documents

Wind and microclimate modelling report (prepared by B-Fluid Ltd, dated February 2019)  
Preliminary Ecological Assessment (prepared by Green Shoots Ecology, dated February 2019)  
Flood Risk Assessment (prepared by Ambiental Environmental Assessment, dated January 2019) and in the Foul and Surface Water Drainage Strategy (prepared by Barrett Mahony Consulting Engineers, dated January 2019) ref: 18727-RP-01.  
Construction Method Statement - Sheen Lane Developments Ltd  
Phase 1 Contaminated Land Assessment (Ref: CB/CC/P19-1676 01 Rev A) (prepared by Create Consulting Engineers Ltd, Dated January 2019)

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

- 3 The pedestrian route between the building on the site and the southern boundary of the site shall remain unobstructed and publically accessible for pedestrians at all times for at least 364 (three hundred and sixty-four) days per calendar year, except during discrete temporary periods of footway maintenance.

Reason: To ensure the development improves local pedestrian permeability for the benefit of local residents and visitors.

- 4 With the exception of emergency vehicles, there shall be no means of vehicular access between Olympic Way and the pedestrian route between the building on the site and the southern boundary of the site.

Reason: To ensure that the pedestrianised environment along Olympic Way is retained.

- 5 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 achieve Building Regulations requirement M4(3) – ‘wheelchair user dwellings’ with the exception of the relevant disabled car parking spaces which shall provide a 1200mm space on one side of the parking space.

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

- 6 The 11 disabled car parking spaces and residential and commercial refuse stores shown on Plan P01 Rev E shall be provided and made available prior to the first occupation of the development hereby approved. These provisions shall thereafter be maintained for the lifetime of the development.

Reason: To ensure that the development complies with parking and refuse requirements.

- 7 The development hereby approved 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 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.

- 9 The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and

Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.

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

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

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

- 11 Unless alternative details are first approved in writing by the Local Planning Authority, the details of mitigation identified within the submitted wind and microclimate modelling report (prepared by B-Fluid Ltd, dated February 2019) shall be fully implemented prior to first occupation of the development hereby approved.

Reason: To ensure that the development mitigates microclimate impact.

- 12 Unless alternative details are first approved in writing by the Local Planning Authority, the biodiversity enhancements identified in section 7.13 of the submitted Preliminary Ecological Assessment (prepared by Green Shoots Ecology, dated February 2019) shall be implemented in full prior to first occupation of the development hereby approved.

Reason: To ensure that the development enhances local ecology and biodiversity.

- 13 Unless alternative details are first agreed in writing by the Local Planning Authority, the development shall be carried out in full accordance with the mitigation measures set out in the Flood Risk Assessment (prepared by Ambiental Environmental Assessment, dated January 2019) and in the Foul and Surface Water Drainage Strategy (prepared by Barrett Mahony Consulting Engineers, dated January 2019) ref: 18727-RP-01.

Reason: To ensure that the development appropriate mitigates drainage and flood risk.

- 14 The measures set out within the approved Construction Method Statement prepared by Sheen Lane Developments Ltd (dated December 2018) shall be implemented in full throughout any demolition and construction works, unless alternative measures are agreed in writing by the Local Planning Authority.

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

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

Reason: To ensure the development is constructed in an acceptable manner.

Pre-commencement Reason: The condition relates to details of construction, which need to be known before commencement of that construction.

- 16 Notwithstanding the details of the submitted air quality assessment (prepared by Aether, dated January 2019) Ref: AQ\_assessment/2019/Olympic Way, prior to the commencement of the development, an updated report shall be submitted outlining any changes to the air quality assessment, compliance with Air Quality Neutral criteria and any necessary additional mitigation measures that arise as a result of the revisions to the scheme, including the addition of commercial ground floor space and podium garden.

The development shall thereafter be implemented in accordance with the approved details.

Reason: to ensure an acceptable impact from the development.

Pre-commencement Reason: The air quality impact of the development could be impacted during construction and details should therefore be known up front.

- 17 Prior to commencement of the development hereby approved, a BS8537 Tree Survey and Impact Assessment for the site shall be submitted to and approved in writing by the Local Planning Authority. Any tree protection and/or mitigation measures identified within the report shall be adhered to in full throughout the development.

Reason: To ensure that existing trees can be retained or mitigated where it is shown that their retention is unviable.

Pre-commencement Reason: The impact assessment will look to assess impact caused during construction and will therefore need to be addressed prior to commencement.

- 18 a) No development shall take place until a structural survey of the culvert has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The structural survey should provide details on the current condition of the culvert in order to provide a baseline prior to the commencement of works. If the findings of the survey demonstrate the culvert condition is not sufficient to last the lifetime of the development, a scheme of repair works should be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency, demonstrating how the culvert will be repaired to a suitable standard prior to the commencement of works. The scheme shall then be implemented as agreed prior to commencement of works.

b) Within 6 months of the completion of works, a second structural survey shall be carried out, the findings of which shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. Any identified damage to, or deterioration in condition of, the culvert shall, within 12 months of the completion of works, be repaired to, at a minimum, the condition of the culvert as identified in the initial structural survey or to a sufficient standard to last the lifetime of the development, whichever is higher.

Reason: To protect the structural integrity of the existing culvert thereby ensuring the development does unacceptably increase the risk of flooding. In addition, this will ensure the culvert is safe for the lifetime of the development, as well as provide a baseline for, and ensure the completion of, any necessary repairs.

Pre-commencement Reason: To ensure that the proposed development does not commence without posing an unacceptable flood risk to future site residents/users and the local area.

- 19 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.

- 20 Details of any proposed counter-terrorism measures shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Metropolitan Police within three

months of the commencement of the development and the approved details shall be implemented in full prior to completion of the development hereby approved.

Reason: To ensure that the development accords with Policy 7.13 of the London Plan

- 21 Within six months of the commencement of the development, details of landscaping improvements, external lighting, surfacing materials and details of retractable bollards at the western end to be used along the east-west route between the building on site and the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall indicate a safe and high quality environment along the route, including within the undercroft area. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason: To ensure a safe and inviting environment is established along the new pedestrian route forming part of the proposal.

- 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 trees. The submitted scheme shall also show detailed plans of the podium play space.

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 In the event that one or more of the commercial units within red lines and annotated as 'Retail' on approved plan P01 Rev E are occupied by a business that makes use of a commercial kitchen, details of the extract ventilation system and odour control equipment for the commercial kitchen, including all details of any external or internal ducting, must be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed prior to the commencement of any use of the commercial kitchen. The development shall thereafter be operated at all times during the operating hours of the use and maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of nearby residents

- 24 Within six months of commencement of development, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior the installation of the lighting. This shall include details of the lighting fixtures, luminance levels within and adjoining the site. The lighting shall not unduly spill onto the Wealdstone Brook. 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.

- 25 Notwithstanding the details hereby approved, further details of the ground floor cycle parking shall be submitted to and approved in writing by the Local Planning Authority prior to first

occupation of the residential component of the development. The details shall show an acceptable level of compliance with London Cycling Design Standards (LCDS).

The approved details shall thereafter be implemented prior to first occupation of the residential component of the development and thereafter maintained for the lifetime of the development.

Reason: To ensure the development is fit for purpose and is suitably encouraging of sustainable transport modes.

- 26 Prior to occupation of the development hereby approved, a parking design and management plan be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved parking design and management plan.

Reason: To ensure the development provides a safe and efficient environment in respect of pedestrian and vehicular movement across and within the site.

- 27 Prior to occupation of the development hereby approved, a refuse management plan be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved refuse management plan

Reason: To ensure the development provides suitable waste facilities.

- 28 Prior to occupation of the development hereby approved, a delivery and servicing plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved delivery and servicing plan.

Reason: To ensure the development provides a safe and efficient environment in respect of the interplay between pedestrians and delivery/servicing vehicles.

- 29 Prior to the commencement of the residential use hereby approved, the applicant shall submit to and have approved in writing by the Local Planning Authority details of all domestic boilers installed demonstrating that the rated emissions of Oxides of Nitrogen (NOx) do not exceed 30 mg/kWh.

Reason: To protect local air quality.

- 30 Notwithstanding the details hereby approved, the noise impact assessment (prepared by KP Acoustics, dated January 2019) ref: 18402.NIA.02 Rev A shall be updated to consider the implications of noise impact when music concerts are taking place at Wembley Stadium. The updated noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved.

All of the mitigation measures set out within the original version of this report, as well as any additional measures set out within the revised approved report, shall be implemented in full prior to first occupation of the development hereby approved.

Reason: To ensure the development appropriately mitigates noise impact for future residents.

- 31 Within six months of the commencement of the development, a scheme for the provision and management of the 8 metre wide buffer zone alongside the Wealdstone Brook shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local

Planning Authority in consultation with the Environment Agency where relevant.

Aside from the structural works relating to the new residential block at the rear, the buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The scheme shall include, but not be limited to:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example demonstrating native species)
- details demonstrating how the buffer zone will be managed after the development has come into use
- details of any proposed footpaths, fencing, lighting, etc.

Reason: Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. This Condition is required to ensure the protection of wildlife and supporting habitat, and to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and Policy DMP 9 of the London Borough of Brent Local Plan November 2016.

## INFORMATIVES

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

### Water Framework Directive (WFD) mitigation

The Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote their recovery. We have concerns regarding the proposal's ecological impact as the development will extend the lifespan of the existing building and reduce future opportunities for opening up the culvert. This may prevent a water body quality element from attaining good status or potential in the Wealdstone Brook. We recommend the applicant completes a WFD assessment

This can be mitigated for through the implementation of WFD actions specific to this stretch of the Wealdstone Brook, with one such action being to improve fish passage downstream from Woodcock Park. The weir immediately downstream of the culvert does fall within the red-line boundary of the development and has been identified as an impounding structure. Consideration should be given for the weir to be modified or removed to provide improved fish passage.

### Surface water misconnections

There are additional WFD actions to investigate and rectify surface water misconnections into the Wealdstone Brook. We advise the applicant ensures as part of this development that any

such misconnections located within the site are identified and rectified prior to the development coming into use.

#### Flood Risk Activity Permit

Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Wealdstone Brook, designated as a 'main river'. Details of lower risk activities that may be Excluded or

Exempt from the Permitting Regulations can be found at [www.gov.uk/guidance/flood-risk-activities-environmental-permits](http://www.gov.uk/guidance/flood-risk-activities-environmental-permits). Please contact us at [PSO-Thames@environment-agency.gov.uk](mailto:PSO-Thames@environment-agency.gov.uk) for more information.

- 5 The applicant is advised of the following by Thames Water:

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_www.thameswater.co.uk\\_wastewaterquality&d=DwIFAw&c=OMjwGp47Ad5otWl0\\_\\_lpOg&r=G\\_hzVySAkixNxE\\_J\\_EjNJR\\_FDWFjexJLES8DRQ06qKk&m=MIDbTp00m\\_5IUe\\_fNMwwmISw7\\_-nGg\\_L6dJ4DHsN7Sc&s=P5S5DyOjsv n7gs6sl0Uz1Hjd72rOUmdRE1sMLQpAWmQ&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.thameswater.co.uk_wastewaterquality&d=DwIFAw&c=OMjwGp47Ad5otWl0__lpOg&r=G_hzVySAkixNxE_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=MIDbTp00m_5IUe_fNMwwmISw7_-nGg_L6dJ4DHsN7Sc&s=P5S5DyOjsv n7gs6sl0Uz1Hjd72rOUmdRE1sMLQpAWmQ&e=).

- 6 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.
- 7 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

## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

22 January, 2020  
04  
19/1305

## SITE INFORMATION

RECEIVED	4 April, 2019
WARD	Preston
PLANNING AREA	Brent Connects Wembley
LOCATION	Preston Library, Carlton Avenue East, Wembley, HA9 8PL
PROPOSAL	Redevelopment of Preston Library including erection of a part 2 to part 4 storey building comprising a library on ground floor and 12 self-contained flats, provision for private amenity space, parking, cycle and refuse storage, new access and associated landscaping.
PLAN NO'S	See Condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_144760">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_144760</a></p> <p><b><u>When viewing this as an Hard Copy</u></b></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "19/1305" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## **INTRODUCTION**

### **Background Information**

The planning committee resolved to grant planning permission on 21 August 2019 for the redevelopment of Preston Library including the provision of a new library and 12 new flats above and to the rear of the new library. Planning permission was granted on 30 August 2019.

An application for permission to challenge the decision (a Judicial Review) was submitted to the High Court on 11 October 2019.

A judicial review of a planning decision to the High Court can only consider the lawfulness of a decision and test whether it was legally right or wrong, such as where the decision-maker (i.e. the local authority) has misapplied the law or policy when determining a planning matter, and as a result, whether the decision-maker's mistake could have made any difference to the outcome of the decision. The High Court does not re-consider the planning merits of the scheme, and if quashed, the planning application is sent back to the local authority to re-determine. The High Court does not determine the application itself.

The claimant in the judicial review claim cited three grounds for their challenge, which are summarised below:

1. Failure to have regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA") and/or to give the development plan statutory primacy;
2. Failure to have regard to relevant development plan policy (mainly CP17) and failure to give reasons for taking an approach inconsistent with other previous relevant decisions;
3. Misconstruction and misapplication of policy DMP19 of the Brent Development Management Policies

The grounds for the challenge were reviewed by officers and a QC legal opinion was sought. The Council did not agree with the first two grounds and did not consider that there was a legal basis for a challenge on these grounds. However, it accepted that the report took an erroneous approach by misapplying policy DMP19 in relation to the assessment of the adequacy of the proposed external amenity space. The report assessed the adequacy of the amenity space on the basis of the average space available per unit rather than the amount of space actually available to each unit as required by policy DMP19. On the basis of this error the application was concluded to be policy compliant in terms of external amenity space when it was not.

In light of the above, the Council agreed that the decision to grant planning permission should be quashed. On that basis the Court allowed the claim for judicial review and quashed the decision to grant planning permission. The Court's decision is dated 28th November 2019.

This effectively means it is now a live planning application again, and is required to be reported back to Planning Committee to re-consider the application afresh and decide whether planning permission should be granted.

### **Update on representations**

Following the planning consent (which is now subsequently quashed), a further representation has been received from South Kenton and Preston Park Residents Association (SKPPRA). This set out a number of concerns with the assessment of the planning application which are summarised below:

- That the design was not properly considered
- That due regard was not given to the refusal of planning consent for the Twinstar (08/3173) and Preston Road (18/4800) planning application.
- Policy context not properly considered – namely no reference to CP17
- Failure to consider the loss of the community use at the site. Report only considers the loss of the library.
- Inconsistent approach to applying the London Plan small sites policy.
- Errors in calculating the amenity space
- Officers misled the committee on the provisions for parking, using a night time survey of on-street parking from 2013 to justify the amount of daytime off-street parking to be provided in 2019.

- Officers failed to accurately assess overlooking and the effects of privacy on adjoining residents
- Officers failed to accurately assess partial daylight and sunlight study which was not BRE compliant
- Issues raised regarding the construction logistics plan, impact on wider area and whether it is appropriate to secure it by condition

The above matters are expanded upon and discussed in more detail within the main body of the committee report below.

The SKPPRA also raised concerns regarding inaccuracies within the application form. Namely that:

- the applicant did not declare that they are a member of Brent Council (section 24),
- that the site is not within 20m of a watercourse (section 11)
- the application form misapplied part time employment numbers (section 18).

The SKPPRA are of the view that these errors are material and that the application should not have been determined. Reference to another application at 128 Windermere Avenue (13/0166) was sited where errors in the application form were considered to be material.

In response, the errors in the application form were noted. However, consideration was duly given to the materiality of those errors. Section 24 was clearly filled in correctly. However, the applicant was specified as "Brent Council" and it was clear that the proposal was put forward by the Council.

Section 11 relating to presence of a watercourse was not completed when it was subsequently found that a historical watercourse was located near to the site and a buried culvert may be located in the vicinity. However, the Thames Water and the Lead Local Flood Authority were notified of the development and the relevant bodies were therefore notified of the potential presence of a watercourse and could respond accordingly.

Within the application form it was specified that there are 5 part time staff members within the existing library and there will be 5 within the proposed library. Objectors consider this to be incorrect and have specified that the library will not offer any part time employment. However, the number of staff members is not considered to affect the validity of the application.

Objectors consider that the application should have been refused due to the errors within the application form. However, those errors are not considered to materially affect the determination.

### **Notification following the successful claim for judicial review.**

A letter was sent to those who made representations on the original planning application on 24 December 2019 to inform them that the application was subject to a Juridical Review and that the planning permission had been quashed.

The letter highlighted that the planning application is now back with the local planning authority to re-determine, and that the application will need to be reported back to Planning Committee to determine the application.

As the proposal is the same as that previously considered by the Planning Committee, i.e. there have been no changes to the proposal since it was previously determined, the notification set out that the Council would not be undertaking further public consultation, but any comments that have already been previously submitted will taken into consideration.

## **RECOMMENDATIONS**

### **Recommendation**

A. That the Committee resolve to GRANT planning permission.

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

#### **Conditions:**

1.    Time limit for commencement (3 years)

2. Approved Plans
3. Affordable Housing
4. Nominations Agreement
5. D1 use
6. Parking and Cycle Spaces
7. Water Consumption
8. No C4 use
9. Disabled Units
10. Considerate Constructors Scheme
11. Flood Risk Assessment
12. Ecological Assessment
13. Training and Employment details required
14. Construction Logistics Plan
15. Non-Road Mobile Machinery
16. Carbon Offsetting Contribution to be Paid through Agreement
17. Soil Contamination Assessments to be submitted
18. Piling Method Statement to be submitted
19. Details of Materials to be submitted
20. Details of Highway Works to be submitted
21. Car Park Management Plan to be submitted
22. CCTV details to be submitted
23. Landscaping Details to be submitted
24. Details of Photovoltaic Panel Arrays required
25. Details of Television Aerial and satellite Dish System
26. Details of any potential Plant Machinery to be submitted
27. Details of screening to the proposed terrace area and balconies
28. Details of Informal Play Area to be submitted
29. Opening Hours
30. Further details of the works to T4 to be submitted

#### Informatives

1. CIL liability
2. Party Wall Information
3. Building Near Boundary Information

4. Notify Highways Service of Intent to Commence Works
5. Guidance Notes from Thames Water
6. London Living Wage Note
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 the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

## SITE MAP

	<p><b>Planning Committee Map</b></p> <p>Site address: Preston Library, Carlton Avenue East, Wembley, HA9 8PL</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>
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This map is  
indicative only.

## PROPOSAL IN DETAIL

The application is seeking permission to demolish the existing library building to replace it with a development comprising a new library and 12 homes. The proposed replacement would be a part 2, part 4 storey building positioned towards the centre of the site. The library would be located on the ground floor while the rear portion of the ground floor would comprise a two bedroom home. The upper floors would accommodate the remainder of the homes. The proposed residential mix will comprise of 6 x 1bed, 2 x 2bed, and 4 x 3bed homes. All will be affordable rented units.

An undercroft access point would be located towards the south eastern portion of the site and this would provide vehicle access to the proposed parking area. The car park would be reconfigured to provide 6 car parking spaces (5 spaces for residential use with one of these spaces marked for accessible space and 1 for library use). The single storey projection towards the western segment of the development would facilitate a bin and cycle storage. A garden terrace area will be provided at second floor level and would occupy the eastern portion of the new build.

## EXISTING

The application site comprises a single storey building in use as a library (known as Preston Library) located on Carlton Avenue East. It is registered as a community asset by the Council.

The site is not subject to any planning designations but is located within land that is liable to surface water flooding. The site sits just outside the boundaries of Preston Road Town Centre.

To the west and south are existing residential properties and to the east is a car sales garage on Preston Road. The north of the site adjoins rear garden and the service road to the commercial units on Preston Road.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below within the context of the statutory duty contained in section 38(6) of the Planning and Compulsory Purchase Act 2004.

- 1. Representations received:** A number of local representees (67 objections) have been made to this application for a variety of reasons. Officers consider that the proposal is acceptable for the reasons set out in this report.
- 2. Proposed Library:** The proposal results in the redevelopment of the library, but a new library would be provided. The new facility will be smaller than the existing facility in terms of footprint, but will be far more usable and formed of one large space rather than the existing segregated library layout.
- 3. Design, layout and height:** The proposed contextual design and height of the development would provide an appropriate transition between the properties along Preston Road and the traditional two storey dwellings west of the application site.
- 4. 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 is in accordance with the Core Strategy target mix. The flats would have a satisfactory outlook and acceptable light. The amount of external private/communal space complies with DMP19 CHECK and site is also within walking distance from Preston Park.
- 5. Neighbouring amenity:** The proposal would not result in an unduly harmful impact to neighbouring residential properties, having regard to BRE and Council guidance. The overall impact of the development is considered acceptable.
- 6. Highways and transportation:** The scheme would provide suitable provision of car and cycle parking and will encourage sustainable travel patterns. Additional highway improvements will be secured to ensure

the development would not have a negative impact on the existing highway.

**7. Trees and landscaping:** The Tree Officer was satisfied with the relevant tree reports submitted with the application. The loss of the trees on site is considered satisfactory and replacement planting is acceptable.

**8. Environmental impact, sustainability and energy:** The measures outlined by the applicant achieve the required improvement on carbon savings. Conditions will require further consideration with regards to the carbon off set payment to achieve the zero carbon policy requirement.

## RELEVANT SITE HISTORY

No relevant planning history.

## CONSULTATIONS

### Public Consultation

188 individual properties were consulted on the application on 30 April 2019. In addition, a site notice was displayed on 30 April 2019 and the application was advertised in the local press on 9 May 2019.

Objections were received from 67 individual properties, together with an objection from the South Kenton and Preston Park Residents Association (SKPPRA).

A summary of the objections and officer response is discussed below:

### Summary of Objections:

Topic Area	Point of Objection	Officer Response
Parking and related transport concerns	6 parking spaces not sufficient and this will result in on street parking within the area.	See paragraphs 64-69
	The development will result in traffic issues at the junction	See paragraphs 62-84
	The development will result in congestion along the nearby highway	See paragraphs 62-84
	The proposal will result in the removal of the existing bus stop.	The proposal is not expected interfere with the existing bus stop.
	Building works always tend to overrun the stipulated period leading to more misery for the residents. Bus diversions will cause inconvenience to the residents who rely on the bus service quite a lot.	Bus diversions are not expected to occur. An updated Construction Management Plan has been requested via a condition.
	The new library will only have 1 parking space. This will be inadequate most of the time, but particularly when there are events at Wembley stadium.	See paragraphs 64-69
	A CPZ should be introduced in the area to off set the impact of this proposal and existing residents have their permits funded by the Council for a	See paragraphs 64-69. It is not considered necessary to introduce a CPZ to mitigate impacts of this proposal.

	3-year period.	
Design	The proposed is not appropriate within the area.	See paragraphs 22-36
	Scale, bulk and massing of the proposed development is not in keeping with the character of the existing street scene.	See paragraphs 22-36
	Scale and design of the development will be entirely out of keeping.	See paragraphs 22-36
	The proposal allows very little space for landscaping and we believe that it would lead to gross over-development of the site.	Elements of soft landscaping will be provided throughout the site.
	The development would lead to the loss of valuable green space.	The existing site currently occupies very little green space and mainly comprises of hardstanding.
	Concerns raised regarding crime linked to the development	The development is considered well designed to ensure high standards of safety.
	The proposed development also affects future development to the neighbouring site.	The eastern flank elevation adjacent to the boundary would not incorporate any flank glazing and as such development would not be hindered at this site.
	The proposal fails to comply with the objectives of SPG17.	SPG17 has been superseded and SPD1 is used by officers for design guidance throughout the Borough.
	Area was originally a conservation area. No regard had to special character of the area	The site is not situated within a Conservation Area.
Library Concerns	Library would incorporate less floorspace when compared to the existing library.	See paragraphs 1-12
	Will the library be available to the Preston Community Library for as long as the Library can run (i.e. indefinite) and that this will be at an agreed peppercorn rent	The planning statement verifies that Preston Community Library will occupy the library.
	Proposed library replacement is simply not fit for purpose, too small, not enough natural light	See paragraphs 1-12

	What provisions have been put in place for temporary accommodation for a library.	Whilst the redevelopment of the library is underway, the library will be temporarily relocated to an interim accommodation (off site) at Ashley Gardens.
	The overall layout and quality of the proposed library is poor.	See paragraphs 1 - 12
	Library should be naturally ventilated as air conditioning not environmentally friendly and would result in noise and disturbance to neighbouring properties.	The library would be fixed glazing and mechanically ventilated with high efficiency heat recovery and summer bypass, please see the Energy Strategy for more information. The plant will be conditioned to ensure that its will not result in excessive noise and disturbance.
	Loss of community facility could lead to increased levels of crime for youth population	Proposal would not result in the loss of existing library.
Impact on Residential Amenities	The additional units will result in an increase in noise levels.	The introduction of the residential units and library use are not considered to result in significant noise levels given the site proximity to the commercial units along Preston Road.
	The proposal would result in overlooking and a loss of light with regards to the rear gardens adjacent to the site	See paragraphs 41-46
	Residents will be disturbed during the construction period, and school children would be at risk when walking pass the construction site.	Refer to Environmental Considerations section of the report.
	Roof terrace provides no natural surveillance of the space (see requirements inSD1). This means that the terrace is susceptible to anti-social activities.	Natural surveillance would be provided from the side facing windows of flat 3.1 (albeit from an oblique angle). Nevertheless, the use of the roof terrace is limited to a relatively small number of homes, and it is considered that a lower level of natural surveillance would be required compared to that required for publicly accessible spaces.

	Proposal would have a negative impact on the rear gardens of the nearby neighbouring properties, including proximity of bin and bike shed.	See paragraphs 37-46. The bin a bike store is adjacent to the boundary, but is under the building and enclosed, with entrances facing the street or the internal vehicle access.
	The development does not comply with the 30 degree and 45 degree angle	See paragraphs 37-46
	Privacy screens should be confirmed to be 1.8m if not higher.	A condition has been recommended by Officers requesting these details prior to occupation.
	The development would result in light pollution to the neighbouring residential properties.	Given the nature of the proposed uses it is not considered that the light generated from the development would have a negative impact on the residents in the area. Preston Road which contains high levels of illumination is situated within close proximity to the residential dwellings along Carlton Avenue East.
Other Matters	There is no clear statement about the type of housing that will be built and who will be moving to the area.	The proposed development seeks to deliver a scheme where 100% of the units will be affordable through onsite provision and the Planning Statement submitted with the application refers to this within point 7.20
	Adjoining businesses will experience loss of light and privacy and are at higher risk of crime	The development would allow for appropriate separation distance with regards to the local businesses east of the site.
	Issues raised with regard to trees on site and within the vicinity of the site.	See paragraphs 85-87
	The consultation has not been satisfactory and not advertised to the public in the correct manner.	The correct consultation has occurred in accordance with legislation and the Brent Statement of Community Involvement.
	Strain on local services such as schools, GPs and dental surgeries	Funding for infrastructure is provided via the Community Infrastructure Levy charged on all new developments
	When building works are carried out, there is the danger	If rodents are an issue during construction then the

	that the rat population might move.	Council's pest control team should be contacted.
	Proposed development construction safety plan showing hording is taking over public footpath and 2 cabins on the highway.	A condition has been recommended by officers requested amendments to this arrangement.
	Amenity space and size of flats provides very poor quality housing which the Council should not be building	See Standard of Accommodation section of the report.
	Issues were raised with regards to a nearby watercourse.	This is would be covered under other legislation raises no material planning implications for the proposed development.
	The development will cause disruption to neighbours.	The Construction Method Statement, Air Quality Assessment and Noise Assessment have outline measures to prevent disruption to nearby residents.
	Matters raised regarding a restrictive convant on the land	This is not a material planning consideration and is a legal matter.
Other	The flood risk assessment does not indicate the location of the soakaway and the impact on the existing surface water systems, nor existing culverts under the site.	Refer to Flood Risk and Drainage section of the report.
	The air quality assessment refers to a different address.	During the course of the application the agent explained that this was typo. Officer's agreed as the main elements of the report make reference to the application site. A revised document was therefore provided during the course of the application.
	The Community Involvement proceedings were not satisfactory.	Officers are of the opinion that the Community Involvement was satisfactory, meeting national and local requirements.
	Reference was made to the previous refusal at the site east of the site. (Ref: 08/3173)	Each application must be considered on its merits having regard to current planning policy and guidance.. The Twinstar proposal (ref: 08/3173) is considered to be materially

		different from this proposal and was considered under different planning policies. This is discussed later in this report.
	The proposal would harm emergency service along the adjacent highways.	Officers consider that the development would not affect emergency service access on the highway.
	Reference was made to refusal at 176 – 188 Preston Road (application 18/4800)	The characteristics of this site are different to that of the application site. Furthermore each site is assessed on its own individual merits. This is discussed in more detail later in this report.
	No details of costs associated with build available for public to view	The submission of a Financial Viability Assessment was not required for this application as 100 % Affordable Housing is proposed.
	Why is council building more housing when Strathcona School is being closed	Planning policy sets out the requirement for additional homes in the borough and the proposal accords with this policy.

An additional objection from the SKPPRA was received following the previous decision. This was discussed within the introduction to this report.

Representations have also received from Cllr Kennelly. These are summarised below:

- The Councillor recognised the benefits of re-providing the library facility to allow its continued operation in the long term,
- The Councillor raises concerns regarding the impact of the proposal upon the privacy of the properties on Longfield Avenue and the need to remove windows/balconies facing onto these properties,
- The Councillor raises concerns that the design of the building is not in keeping with the character of the area and could set a precedent.

These matters have been discussed above, or are covered in the main body of this report.

3 comments from individual properties supporting the proposal was made. A summary of the reasons for supporting the proposal is set out below:

- Proposal will provide much needed affordable housing within the borough in a decent

standard of accommodation

- Site is in a sustainable location close to local amenities, transport links and schools
- Proposal will allow the long term operation of the library to take place on the site in a modernised building

### **Consultee Comments**

#### Thames Water:

No objections raised and recommended a condition to be included to any consent requesting a piling method statement.

#### Environmental Health:

Raised no objections.

Updated noise report and air quality reports were provided during the course of the application with additional mitigation measures and the Environmental Health Officer was satisfied with these. The Officer requested conditions regarding additional reports in relation to soil investigations studies.

#### Flood Risk Consultee:

The officer raised no objections to the proposal.

#### Secure by Design Comments:

A number of matters have been highlighted in relation to the refuse arrangements, undercroft will require CCTV cameras, issues raised with regards to the fire exit strategy, Library roof lights need to be LPS 1175 certified with laminated glass on the external side, landscaping plan of the external area in front of the building needs to maximise surveillance from the street both pedestrian and vehicles and a Lighting Strategy is important.

These are discussed within the remarks section.

#### Tree Officer:

The Officer was satisfied with the removal and replacement of Trees T1, T2, T3 and T5. With regards to T4 False Acacia, more information was requested in relation to its removal. The Tree Officer was satisfied with the further information and recommended conditions which are detailed below in the list of conditions.

### **Community Involvement**

The NPPF paragraph 40 encourages applicants to engage with the local community before submitting their applications, and Brent's Statement of Community Involvement (SCI) sets out the level of pre-application engagement recommended according to the size of the scheme.

A Statement of Community Involvement was submitted, detailing the activities carried out by the applicant. Meetings were arranged to discuss the scheme with the Local and Ward Councillors and members of Preston Community Library. A one-day public consultation event was held on 18th September 2018 between the hours of 3pm and 8pm. The event was published with a leaflet that was distributed to week commencing 10th September. A total of 375 leaflets were posted to local residents. The leaflet was also available at the Public Consultation, and feedback closed on Friday 5th October 2018.

The outcome of the public consultation was substantially negative.

Preston Community Library were satisfied with the layout of the proposed library.

## **POLICY CONSIDERATIONS**

**As indicated above, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.**

**The development plan is comprised of the London Plan 2016, Brent Core Strategy 2010 and Brent Development Management Policies 2016.**

**Material Considerations include the NPPF, the PPG and the Council's Supplementary Planning Guidance.**

### **London Plan 2016**

- 3.3 - Increasing Housing Supply
- 3.4 - Optimising housing potential
- 3.5 – Quality and Design of Housing Development
- 3.6 - Children and young person's play and informal recreation facilities
- 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

### **Brent's Core Strategy 2010**

- CP1: Spatial Development Strategy
- CP2: Population and Housing Growth
- 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's Development Management Policies 2016**

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

### **The National Planning Policy Framework**

#### **Supplementary Planning Guidance 1 - Brent Design Guide**

Brent Waste Planning Guide 2013

The Draft London Plan

In addition, the Examination in Public for the Draft New London Plan has been completed and the Panel

Report has been received by the GLA. The GLA have now released a "Intend to publish" version dated December 2019. This carries substantial weight as an emerging document that will supersede the London Plan 2016 once adopted.

The Regulation 19 consultation for Brent's draft Local Plan has also recently completed and comments of the policies have been assessed. It can only be given limited weight at this stage of its preparation.

## DETAILED CONSIDERATIONS

### Principle

#### Replacement Library building:

1. The site currently comprises of a single storey building that is currently utilised as a community library. It has a floor area of 250sqm. The building was constructed in the 1960s and was purpose built for use as a library. The library was closed in 2011 by the Council and was subsequently used as a temporary school in order to provide sufficient primary school places while the authority developed permanent arrangements.
2. During the period of September 2012 and April 2015, and September 2015 and April 2016 the building was used by Preston Park Primary School and Wembley High Technology College (respectively), to provide 60 reception places, in advance of the permanent expansion of the main school buildings being completed. It should be noted that as both education and library uses fall within use class D1 use, planning permission was not required to use the building for education purposes.
3. The building has more recently been used by Preston Community Library, with a short term license agreed by the Council. The library is open four days a week (Monday, Wednesday, Friday and Saturday), and has up to 5 volunteers who help support the running of the community library depending on the number of activities that are taking place on any given day.
4. The SKPPRA have highlighted that the building and associated external space within the site is used for wider community purposes including occasional community events within the open space areas and the use of the building for a dementia memory lounge
5. The proposal would result in the demolition of the existing library and the redevelopment of the site to include a new library with the introduction of 12 new residential units. The existing building does not have any specific architectural merit and does not have any formal, statutory or local heritage designation that would merit its retention, and as such the Local Planning Authority raises no in principle objection to its demolition.
6. Policy CP23 of the Brent Core Strategy seeks to protect community uses within the Borough. Emerging policy BSI1 also seeks to protect and retain existing community facilities. It includes criteria for replacement facilities that better meet the needs of existing users. It is recognised that opportunities for new community facilities are generally limited as they are unable to compete financially, on equal terms, with the higher land value uses such as commercial, residential or mixed use developments.
7. The proposed development would result in the provision of a new, fit for purpose community use in the form of a new library building, designed and constructed to contemporary standards. The new library would be situated at ground floor level measuring approximately 206sqm. Whilst it is acknowledged that there would be a net loss in floorspace for the proposed library (by 44sqm) over the existing arrangement, consideration needs to be given to the layout and usability of the proposed space. It is

considered that the proposed development would provide an improved and enhanced library and community facility in terms of quality via flexible and adaptable D1 space, which will better meet the needs of the library users. The proposed layout has been designed taking into consideration Preston Community Library's long-term service delivery needs and spatial requirements, along with having contemporary services and facilities. A series of design workshops in collaboration with Preston Community Library were conducted ensuring the layout is suitable and meets their needs. It is considered that the existing library building is of a low quality, and the design and layout of the building does not deliver floorspace of a high enough quality to deliver a successful contemporary library.

8. The new design approach would provide a space that would be better designed, more efficient and more engaging for library users and it is considered that the small decrease in floorspace over the existing library building is considered acceptable in this instance. The re-provision of a modern building with the facilities purpose designed to meet both adopted policy requirements, and floorspace suitable for the local community to use the flexible room for a variety group based activities with scope host activities and events in a more effective and flexible way is a significant benefit of the proposal. Overall it is considered that the new library would provide a new, high quality modern library for the local community.

Library breakdown:

Existing Library	Proposed Library
4000 books	6000 books
IT Space, Main Library and Cinema Area = 103sqm	Main Library, Adaptable Space, Quiet Zone, Adaptable Space = 84sqm
Flexible Space = 51sqm	Flexible Space = 72sqm
Office Space, Kitchen + Welfare = 29sqm	Office Space, Kitchen + Welfare = 17sqm

9. The new library would be able to hold more people given the ability to adapt these spaces in line with requirements. As a result of this space flexibility/adaptability, the library could also accommodate more events being undertaken at the same time. The proposed library would also be mechanically ventilated for its users, and would be a more comfortable environment.
10. The existing library is a designated Asset of Community Value ("ACV"), a designation that recognises the importance of the use to the community and its wellbeing. It is important to note that the designation does not mean that the site cannot be redeveloped but that the local community is given a six-month period to make a bid for the asset should it be sold. Policy CP23 has the overriding aim of protecting existing community facilities. Although the development proposal does involve the loss of the existing library building, and objections to this are noted, it is proposed to re-provide a library on the ground floor. Designation as an ACV does not prohibit any potential redevelopment of the site but instead requires an owner wishing to sell the ACV to give the community six months to raise funds and make an offer - a community right to bid. The application site is not being sold and the re-provision of the library (with the benefit of a more flexible community space) accords with the aforementioned policies.
11. The SKPPRA have commented that they consider that the proposal would result in a loss of community facilities that go beyond the use of the building as a library. They consider that the whole site is a part of the library use, and that the whole site is therefore used for as a community facility. They highlight that community events were held in the open spaces within the site on 6 August 2017 and 12 August 2018. Similarly, the SKPPRA also refer to the use of the existing library by other groups, with reference to the use as a dementia memory lounge, including the use of the car park by dementia sufferers and their carers. The SKPPRA contend that the proposal would result in the loss of more than 800 sqm of community facilities. The permitted use of a site does apply to the whole site, with the outside spaces considered to be ancillary to the main use of the building as a library. They fall within the same use class (D1). However, while the D1 use applies to the whole site, the intermittent use of the open spaces for events is not considered to result in a requirement to re-provide those open spaces or parking spaces in order to accord with Policy CP23. Even if the loss of the ancillary outside spaces could be said to result in the loss of community facility for the purposes of the policy, that loss would be very substantially outweighed by the greater community benefits delivered by the new library when compared with the existing facilities. Further, the re-provided library would also facilitate use by other community groups, such as the dementia memory lounge. Objectors have referenced the need for parking by such users.

However, the reduction in the level of off-street parking for the library use is also not considered to result in a development that would fail to accord with Policy CP23. Parking is discussed in more detail later in this report.

12. The proposal is considered to materially accord with policy CP23 and emerging policy BS11 and is considered to appropriately re-provide community and cultural facilities within the site to compensate for the loss of the existing facilities.

#### Introduction of Residential Uses on the Site

13. London Plan Policy 3.3, in seeking to increase the supply of housing in London, sets borough housing targets, and in Table 3.1 puts the minimum annual monitoring target for the London Borough of Brent at 1,525 additional homes per year between 2015 and 2025. Policy H1 (Increasing housing supply) states that Brent must deliver 2,915 homes per year between 2019/20 to 2028/29. The draft London Plan looks to increase this target to 2,335 new homes per annum and introduces a target of 433 new homes per year on small sites. The draft London Plan has been amended in response to the Panel Report and carries substantial weight

14. In order to deliver sufficient homes, boroughs are expected to optimise the potential for housing delivery on all suitable and available brownfield sites, particularly where sites have a PTAL of 3 or higher or are located within 800 metres of a station. The application site is previously developed land and is situated in an area with good access to local public transport services (PTAL 3). It is also located in close proximity to Preston Road Town Centre. As such given the site's location to public transport and local services the principle of incorporating higher density residential uses at the site is acceptable, and also materially accords with emerging policy BH4.

15. The SKPPRA have commented that the Council objected to the Mayor's proposed small sites housing target due to the effect on local character of high density developments on small sites, and that they consider that these are the exactly the same ground on which objectors oppose the Library development.

16. The Council did object to the Mayor of London's proposed small sites housing target. The proposed housing target was not adequately tested and in the view of the Council, was likely to be unrealistic and unachievable. However, as discussed later in this report, , the proposed development is considered to have an appropriate relationship with its context, and is not considered to be out of scale or character.

17. The general principle of redevelopment the site for mixed use development which includes the re-provision of community facilities and residential units, is considered to be acceptable in line with policy 3.3 of the London Plan and policy CP23.

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

18. CP2 of the Core Strategy outlines that 50% of new homes should be affordable at least 25% should be family sized dwellings. The proposal would result in four x three bedroom properties which is considered to be satisfactory and complies with the above policy.

19. Policy CP2 of Brent's Core Strategy sets a strategic target that 50% of new homes to be delivered in the borough are affordable. Development Management Policy DMP 15 reinforces the 50% target set by policy CP2 and the need to seek the maximum reasonable amount of affordable housing.

20. The proposal would provide 100% affordable housing, with all 12 units as affordable rent, specific to the Council's needs. The affordable housing offer does not include intermediate housing, however officers do appreciate that the housing mix is Council led and responds to the specific needs of the Council's

tenants. Whilst no intermediate affordable housing is provided, officers consider that the 100% provision of affordable housing more than meets the requirements of policy DMP15 and no scrutiny of scheme viability is justified in supporting the proposal.

21. Policy CP21 seeks to provide 25% of units within schemes of 10 or more units as three bedroom units. Four of the units will be three bedroom units, accounting for 33%, and thus complying with CP21, and emerging policy BH6.

### **Design, Character and Impact on Street Scene**

22. The NPPF emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials, while not discouraging appropriate innovation, and Policy DMP1 requires the scale, type and design of development to complement the locality. This is reinforced within emerging policy BD1.
23. SKPPRA have specified that the Council has failed to consider the proposal in relation to Policy CP17 (Protecting and Enhancing the Suburban Character of Brent), and highlight that this policy was not referred to within the original committee report.
24. The principal objective of policy CP17 is to preserve the character of suburban housing that is distinctive of Brent. The policy makes reference to design guidance to provide a means to protect the suburban character. Furthermore, regard should be given to policy DMP1 as set out above.. Supplementary Planning Guidance 1 - Brent Design Guide, is the adopted Design Guide., and is entitled to be given significant weight in the assessment of the application.
25. The application does not propose development which would either erode the character of suburban housing, the use of garden space or an infill plot, which policy CP17 is directed at. As such, there is no conflict with the policy. Policy DMP1 of Brent's Development Management Policies 2016, states that development will be acceptable provided it is:  
"(a) of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality".  
As such, the development involves no conflict with the design policies of the development plan.

### Height, Bulk and Mass

26. The proposed height (varying from two to four storeys) is considered to be acceptable and the stepped design approach along the western segment of the development would respect the traditional two storey built form further west of the application site. The fourth storey would also be set back to an appropriate level which would break up the overall bulk and mass of the development. It is considered that the proposal would result in a building that would act as suitable transition between the larger built form along Preston Road and the traditional two storey dwellings along Carlton Avenue East.
27. It is considered that the introduction of balconies with the stepped design and set back elements would further break up the bulk and mass of the building, while also providing private outdoor amenity space for residents. It is considered that the proposed building would also respect the established building line to the west of the site and would be set back from the highway by a satisfactory distance. The properties within the area contain varied rear building lines and therefore it is considered that the depth of the development would not appear out of character. The use of contrasting materials would also break up the visual appearance of the building. This design approach would provide a clear distinction and definition between the library element and residential uses.
28. The new building would be constructed using contextual and traditional materials. The material palette has been inspired by the existing red brick library building and the surrounding buildings. The material palette proposed consists of warm red stock brick, metal cladding façade panels, metal windows and glazed terraces. It is recommended that a condition (Condition 19) is secured to provide samples of external materials as part of any forthcoming consent.

### Layout

29. The proposal would include entrances to the residential units and the library to the front which would be welcoming for users. The entrances would be differentiated due to the façade treatment and contrasting materials. In addition to this an access ramp would be provided to the front elevation to provide disabled access, and access for those with mobility impairments. It is considered that the entrances would provide a clear and distinct entry point to the community and residential uses and would provide access for all users.
30. The gated access to the bin storage area would ensure that both storage areas are as secure as possible. The gates, both for the pedestrians and the vehicles, would be managed by the users of the building: operated via a fob from the resident's vehicle to open and close or by the library staff using the manual or fob controls. The flank glazing along the eastern flank elevation of the ground floor would contain fenestration which would provide natural surveillance to users of the car park area.
31. In response to feedback provided by the Secure by Design Officer, it is recommended that conditions are secured for details of CCTV within the undercroft area, an external lighting strategy for the site, and a defensive planting strip provided in front of the ground floor residential unit facing onto the car park area.

#### Comparison of scheme to other planning applications in proximity to application site

32. The SKPPRA have highlighted concerns that due regard has not been given to the refusal of planning consent for the Twinstar (08/3173) and Preston Road (18/4800) planning application. They consider that the schemes are comparable to the library in that they have similar design features including blank gable wall, top floor set back (Twinstars) and the buildings step down to the surrounding context. They contend that the Preston Library should have also been found to be unacceptable on design grounds.
33. The Twinstar application included a large flank façade with limited articulation to the west. While the element adjacent to the library is lower by one floor, the relationship is abrupt and accentuated by the lack of architectural detail within that wall. The approach to design, detailing and materials differs significantly from the library proposal. Likewise, the Preston Road scheme was refused in part due to its poor design. The relevant reason for refusal cites the "contrived and excessively prominent appearance of the gable end feature".
34. Whilst the Preston Library Scheme does include flank walls without fenestration, this elevation is visually articulated through the use of recessed brickwork, steps in the façade, fenestration and varied materials, including the varied use of brickwork together with contrasting materials.
35. The design and elevational treatment of the two proposals is considered to be materially different in comparison to the Preston Library scheme. As discussed above, the massing, layout, design and detailing of the proposal building is considered to be acceptable in the context of the townscape and having regard to policy.
36. The proposed development is considered to be well designed, paying an appropriate regard and relate well to the surrounding context, in accordance with Policy DMP1

#### **Impact on Existing Residential Amenities**

##### Outlook and Overbearing Appearance

37. The Councils SPD1 outlines that the building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from a height of two metres above floor level. Furthermore where a proposed development adjoins private amenity / garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of two metres. This is to ensure that a development does not appear overbearing from neighbouring rear habitable room windows and gardens.
38. The closest residential properties are "The Corner House" and "Henrietta" located on Longfield Avenue. Section plans have been provided that demonstrate that the proposed building will not infringe the 30 degree line taken from the rear windows of these properties.

39. The proposal does not infringe on 45 degree line from the edge of the western flank elevation of garage directly west of the application site adjacent to "The Corner House" but slightly infringes on 45 degree line from the edge of the rear garden of "Henrietta" (by approximately 1m and 1.5m). However, this slight infringement is not considered a justified reason for refusal given the substantial separation distance between this neighbouring property and the proposed development.
40. Whilst the application site does not directly adjoin the rear garden of No. 2 Longfield Avenue (separated by a passageway), the section plans demonstrate that the building would comply with the 45 degree angle measured from the side boundary of this neighbouring property.

#### Privacy

41. To maintain acceptable levels of privacy to adjoining occupiers, a minimum distance of 9m should be maintained from habitable room windows to the boundary with adjoining rear gardens, and a distance of 18m between directly facing habitable room windows. This is set out in SPD1. The upper floor windows would maintain a minimum separate distance of approx. 14m to the boundary with the rear gardens on Longfield Avenue (Henrietta) and a minimum distance of approx. 25.5m between directly windows (i.e. to rear of Henrietta). A distance of approx. 17m would be maintained to the boundary with the rear garden of No. 2 Longfield Avenue.
42. The balconies located towards the north western portion of the site (i.e. closest to No. 2 Longfield Avenue) would be directed towards the rear portion of the rear garden of the neighbour directly north of the site. Whilst there is a degree of overlooking at an oblique angle into the bottom of the rear garden of No. 2 Longfield Avenue, an alleyway separates the sites and the oblique nature of overlooking is typical of that experienced between houses at upper floor levels. As such, it is not considered that unduly harmful overlooking would occur.
43. Officers have recommended a condition (Condition 27) requiring that screening is provided to prevent any potential overlooking linked to the proposed terrace amenity area. Overall it is considered that the development would allow for sufficient separation distances between neighbouring properties and would not appear overbearing or result in a substantial loss of light to properties within close proximity of the application site.
44. SKPPRA have raised concerns that the original committee report has failed to accurately assess overlooking and the effects of privacy on adjoining residents. However, officers consider that the potential impact on privacy has been appropriately assessed and that the proposal will not result in an unacceptable effect.

#### Daylight and Sunlight

45. All nearby existing residential units (including "Corner House", "Henrietta", Nos. 2 to 8 Longfield Avenue, 131 - 137 Carlton Avenue East and flats above commercial units on Preston Road) will maintain acceptable levels of daylight and sunlight. The submitted BRE guidance based Daylight and Sunlight report demonstrates that levels of "Vertical Sky Component" will continue to be at least 0.8 times their former value and that sunlight will accord with BRE guidance. The Daylight Distribution test (also known as "No Sky Line") has not been run. However, having evaluated the submitted plans and elevations, officers consider that the scheme will fall below the 25 degree line (taken from the mid-point of nearby windows) and further testing of daylight is not required in these instances to meet BRE guidance. Two windows of the adjoining car sales premises will not pass the 25 degree test. However, in this instance, officers consider that a greater level of impact on the light received by these windows was acceptable given the use of the adjoining site (for car sales) and further testing of daylight distribution was not considered to be warranted. The proposed development is likely to project above the windows and glazed doors in the rear elevation of the single storey extension to an adjoining dwelling (Henrietta). Both the Vertical Sky Component and the No Sky Line tests have been run on these windows. The Level of Vertical Sky Component comfortably meets the standards (levels between 34.65 and 35.54 % compared to a standard of 27, and variation factors of 0.87 to 0.88 compared to a target of 80 % of its former value). The No Sky Line test also accords with BRE guidance, with levels modelled at 0.89 times the former value. The submission demonstrates that the proposal will accord with BRE guidance in terms of potential impact on gardens / open spaces.
46. On balance, the proposal is not considered to have an unduly adverse impact on levels of daylight and sunlight to surrounding properties.

## Standard of Accommodation

### Residential Living Standards:

47. 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 Mayor's Housing SPG also requires 90% of units to meet Building Regulations M4(2) 'accessible and adaptable homes' standards and 10% to meet M4(3) 'wheelchair accessible homes' standards.
48. The proposed units would meet required floorspace standard requirements. It is noted that a high proportion of the proposed residential units would indeed exceed the minimum floorspace requirements. Based on the layout of the units and the stacking proposed it is considered that the proposed flats would have adequate outlook and access to both daylight and sunlight. The majority of homes would be dual aspect, with 4 of the 12 units being single aspect units. The single aspect units would face in a southerly direction and are smaller units (one bedroom units only), with large opening windows and terraces. It is considered that the single aspect units would receive good levels of outlook, along with an acceptable level of natural ventilation.
49. The Energy Statement submitted with the application outlines that dynamic overheating modelling was undertaken in line with the guidance and data sets in CIBSE TM59 and TM49 respectively. Methods to mitigate overheating, including natural ventilation, solar control and standard extract ventilation were tested, leading to all bedrooms and most living/kitchen rooms passing. Overall on this occasion the south facing single aspect units are considered acceptable.
50. The Sunlight and Daylight assessment outlines that the majority of windows tested are shown to have VSC values greater than the 27% guidance threshold for good daylight. It is noted the windows located within inset balconies would not meet the required standards however this is considered acceptable as the balconies provide the benefit of private external amenity space to any occupants of the flats, and without the balconies the windows would easily meet the BRE guidance. There are some windows which do not meet the BR 209 recommendations for sunlight but these windows serve rooms which benefit from an additional window which does meet the recommendations.
51. The Mayor's Housing SPG advises that no more than eight units per floor should be accessed from a single core, to prevent an impersonal and unneighbourly character from developing. The proposed development complies with this and the general layout is considered satisfactory for future residents.

### Accessible and Adaptable Units

52. The proposed residential units would accord with Building Regulations requirement M4(2) for 'Accessible and adaptable dwellings', and 10% would meet M4(3), to be wheelchair accessible, or easily adaptable. The agent has outlined that unit 1.0 will be an easily adaptable unit. A condition is recommended ensuring that this is adhered to.

### Amenity Space

53. Policy DMP19 states the following:  
*"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 will normally be expected to be 20sqm per flat and 50sqm for family housing (including ground floor flats)."*
54. The policy requirement in relation to external private amenity space is for it to be "sufficiency of size". Whilst there is a normal "expectation" for 20sqm per flat and 50sqm for family housing (including ground floor flats), that is not an absolute policy requirement in all cases. This is reinforced by the supporting text to the policy which provides that:  
*"10.39 New development should provide private amenity space to all dwellings, accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight. Where sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space".*
55. The wording of the policy means that there is more than one means by which the policy requirement for

sufficiency may be met and this includes, where necessary and appropriate, the use of communal amenity space. Furthermore, the reference to "normally" within the policy, allows for a departure from the target of 20sqm and 50sqm respectively, without giving rise to a policy conflict.

56. The SKPPRA have raised concern with the external amenity space being miscalculated within the original committee report. The committee report made reference to 24sqm per unit and being in line with DMP19. However, this represented an average and not the amount available to each home. It is accepted that the committee report had incorrectly concluded that the proposal would result in amenity space provision of 24sqm per unit, which would suggest that it exceeds the levels set out in policy.

57. This has been recalculated and it is recognised that there would be an overall deficit of 39sqm of amenity space below Policy DMP19 levels for the proposed development. This is also materially in accordance with emerging policy BH13.

58. A table breaking down the amenity space per flat is set out below:

Unit	Floor	No. beds	Standard	Private amenity	Shortfall
1	Ground	3	50	105	
1.1	1st	3	20	10	10
1.2	1st	2	20	7	13
1.3	1st	1	20	5	15
1.4	1st	1	20	5	15
1.5	1st	1	20	5	15
2.1	2nd	3	20	10	10
2.2	2nd	1	20	5	15
2.3	2nd	1	20	5	15
2.4	2nd	1	20	5	15
3.1	3rd	2	20	18	2
3.2	3rd	3	20	58	
Total					125
Communal space					86
Shortfall					39

59. It should be noted that the family housing amenity space requirement makes specific reference to "including ground floor flats". As such, it is considered that the 50 sqm standard relates to ground floor flats only. However, should one interpret this policy to include all provision of family homes, the shortfall would increase to 99 sqm.

60. Objectors also question the quality of the amenity space for the ground floor flat, which has a fire exit (from the library) which opens onto it. The presence of a fire exit is not considered to result in a poor quality of external amenity space given the likely (low) intensity of use of this exit.

61. While there is a shortfall below the level set out in policy, all units have private external amenity space of at least 5 sqm, have access to the communal roof terrace. The site is also approximately 430 m from the entrance to Preston Park which will supplement the on-site amenity space. As such, the quality of accommodation is considered to be good and the shortfall below Policy DMP levels is considered to be acceptable.

### Transport Considerations

62. Carton Avenue East has traffic calming measures, including a speed table along the front of the site. It is designated as a local residential access road, but also serves one bus route.

63. Carlton Avenue East does not generally have parking restrictions, but it is within the Wembley Stadium event day zone, whereby parking is restricted to residents' permit holders only on event days. There is a marked parking bay with four spaces along the site frontage. It is not noted as being a heavily parked street at night, although this part of the street is likely to experience some parking pressure during the day due to its proximity to the Preston Road neighbourhood centre and Preston Road station. The site

has a PTAL rating of 3.

### Car Parking

64. The existing library falls under use class D1 and under the parking standards set out at Appendix 1 of the Council's adopted DMP, the maximum car parking allowable is 1 space per 10 visitors/staff at any one time. It is not likely to result in a significant allowance of car parking. The library currently has 5 marked bays to the rear and there is little evidence that these are currently much used for parking. Objectors have said that some library users, such as the Memory Lounge, require higher levels of parking. The Council recommends and supports the use of non-car modes of access to facilities such as libraries instead of car access. This is consistent with emerging policy BT1. However, it is recognised that some library users and other visitors to the town centre may need to drive. One parking space is proposed for the library. However, there are other on-street spaces, including pay-and-display spaces in the vicinity of the site. Additional spaces could be changed to pay-and-display spaces should these be required in the future. This could be undertaken by the Council as Local Highway Authority should the need arise.
65. The maximum car parking allowances for residential units are 1 space per 1-1/2-bed flats and 1.5 spaces for 3-bed units. However, it should be noted that as the proposal is for affordable rented housing. It is generally assumed that affordable housing generates parking demand at only 50% of the maximum parking allowance, which would suggest that seven cars would be owned by residents of these 12 proposed flats. Emerging policy BT2 (and Appendix 4) seeks to further reduce parking allowance to be consistent with the emerging London Plan and provide a maximum of 0.75 spaces per unit.
66. The submitted plans indicate that 6 car parking spaces would be provided. This is within maximum standards. Consideration nevertheless needs to be given to the potential impact from overspill parking. It is considered that the proposed provision of 6 spaces within the site for the 12 flats, plus up to four spaces on-street along the street frontage, would be sufficient to meet likely demand.
67. Overnight parking surveys indicate that Carlton Avenue East is not a heavily parked street, with the car parking occupancy at night observed at 35% of the available space for the street as a whole, falling to just 11% in the vicinity of this proposed development (i.e. only one car was observed parked in the 9 available bays along the length of street between Preston Road and Longfield Avenue fronting the library at the time of the survey).
68. Whilst the above overnight parking time survey of on-street parking was taken from 2013 (rather than more recently), officers are of the view that this information is sufficiently robust given that levels of parking were low within 2013 surveys and are unlikely to have increased to levels that would warrant further night time parking surveys to evaluate the potential impacts of overspill parking associated with the residential dwellings that are proposed.
69. It is not therefore considered that the development would be likely to create any significant parking problems on-street in the vicinity of the site.

### Access Arrangements

70. The proposed access to the car parking area would be relocated from the east of the site to the west of the site and would entail an undercroft passage through the building to the car parking area at the rear. The width of the access would allow cars to pass one another and suitable headroom is shown for cars and small delivery vehicles to access the parking area.
71. The submitted Transport Assessment includes tracking diagrams demonstrating how vehicles can access the parking spaces. The adjoining pedestrian access to the proposed secondary entrance to the flats is proposed to be at the same level as the driveway, but demarcated with contrasting materials to highlight its use by pedestrians, which is acceptable.
72. The new access arrangements will require a new crossover towards the western end of the site. This will slightly overlap with the speed table on Carlton Avenue East, so minor accommodation works to the table or adjustments to the design of the crossover such as reducing the radii may be required to ensure they do not compromise one another
73. The existing crossover will become redundant as a result of these works and will need to be reinstated to footway and verge at the developer's expense. In addition, the parking bay fronting the site will need to

be reduced in length to accommodate the new access. All crossover and parking bay works would need to be undertaken prior to occupation of the development.

74. The above highway works are recommended to be secured by condition.

#### Cycle Parking

75. The residential cycle parking would also be accessed through the vehicular access, within a covered and secure store. The store has provision of 24 bicycles (through double stacked arrangement), which exceeds the minimum requirement for 18 spaces associated with 12 flats.

76. Two 'Sheffield' stands providing space for 4 cycles would be provided for visitors to the Library and this is considered to be an acceptable provision. These are shown on the footway of Carlton Avenue East though and should be repositioned within the site boundary. Such details are recommended to be conditioned to any forthcoming consent.

#### Refuse Facilities

77. Brent's Waste Guidance Document requires a scheme of this size to provide 1,320l for residual waste, 1,320l for dry recycling and 276l for food waste for the residential units. The bin store is located next to the car park and has sufficient capacity to accommodate the required number of bins. The bin store is also located within 30m from the flat entrances and would comply with the waste guidance. Whilst the bin store marginally exceeds 10m carrying distance for 1100l bins, the scheme has been reviewed by the waste officer who has confirmed that it will be situated within suitable distance from Carlton Avenue East kerbside where refuse vehicles can stop, so would be acceptable. Amendments were provided during the course of the application demonstrating separate areas provided for the residential and library refuse. A lock will be provided for the bins allocated for the library to prevent residents using these bins.

#### Servicing Arrangements

78. The proposed vehicle access to the car parking area at 4.8m width, would allow for a vehicle servicing the flats (perhaps making a home delivery of groceries) to temporarily park and still allow cars to pass. The DfT in 2009 in a report on internet shopping assessed that this would result in trip rate level of 0.075. A trip rate of 0.1 per residential unit for service vehicles would result in 1.2 vehicles per day and it is considered the site could comfortably cope with this demand.

#### *Trip Generation and Accident Records*

79. Based on surveys of other residential and library developments, the residential flats and library are estimated to together generate a total of 7 two-way vehicle movements in the AM peak and 11 two-way vehicle movements in the PM peak, which is not considered to be significant enough to have any noticeable impact on the local road network. Overall the estimates of the predicted vehicle trip generation are considered to be robust.

80. The Transport Assessment includes traffic collision and personal injury data. No collisions have been identified on the 300m stretch of Carlton Avenue East between Preston Road and College Road during the latest 5 year period available, although Preston Road has experienced a number of personal injury collisions during this period. Given the nature, intensity and location of the proposed development, it is not considered that the proposals would have a detrimental impact on the safety of the adjoining highway network.

#### *Arrangements During Construction Works*

81. A draft Construction Logistics Plan has been submitted and reviewed by highways officers. They have raised concerns relating to the proposed site set up plan which would result in the erection of hoardings extending onto the highway including the positioning of portacabins on carriageway. The proposed arrangement would have a highway safety impact, would have an impact on the operation of the highway by reducing the width of the road to an extent which would require more traffic management than they are proposing and potentially restrictive vehicle access to residential properties on the south side of Carlton Avenue East.

82. SKPPRA argue that in light of the above concerns, the National Planning Practice Guidance (NPPG)

specifies that a condition requiring the re-submission and approval of details that have already been submitted as part of the planning application is unlikely to pass the test of necessity. They go on to specify that the proposal should have been refused as it cannot be constructed within the confines of the site and would cause unreasonable disruption. They also say that the case officer was advised that the crane would be erected on top of the culvert and would be a danger, but that this has not been taken into consideration.

83. The Construction Logistics Plan (CLP), incorporated within the Construction Method Statement (CMS) that was submitted as part of the planning application, was found to be unacceptable. While the NPPG specifies that a condition requiring the re-submission and approval of details that have already been submitted as part of the application is unlikely to pass the test of necessity, that will principally be where the submitted details are acceptable.
84. Implementation of the original CLP would be likely to have an unacceptable impact. However, there is sufficient basis to conclude that an acceptable CLP can be devised and, as such, it is both appropriate and necessary to require the submission of a revised CLP (as recommended within condition 14) prior to the commencement of works in order to allow the planning benefits associated with the scheme to be achieved whilst ensuring that unacceptable impacts do not occur. This is considered to meet the relevant tests.

### **Tree Considerations**

85. The Tree Officer was consulted during the course of the application and raised no concerns with the removal of and replacement of Trees T1, T2, T3 and T5. Replacements for T1, T2 and T3 are recommended to be native species offering a range of attributes and seasonal interest such as attractive flower, bark and foliage. With regard to T4 False Acacia additional information was requested with regards to the crown spreads. This was due to the proximity of the tree to a retaining wall, and the need to accurately assess the root survey of the tree in relation to this retaining wall, in the unlikely event that the roots have passed under this wall. An updated Tree Report was submitted to take this into account and set out the methodology to check for any roots in the form of either root radar, air spade or hand dig excavation. In the event that any roots are found on the far side of the retaining wall, the 'no dig construction' paving and tree protective fencing would be extended to cover this extended area. The Tree officer also requested further information on the extent of the pruning of T4 including the height to which the reduction would be required together with some annotated photos of branches to be cut back.
86. The tree officer has reviewed the updated report and found it to be generally acceptable. This included further information on the pruning works to T4 as set out above, the tree officer recommended a further condition for the results of the trial pit within the RPA of Tree 4 and supervision works for the removal and replacement of surfacing around T4 to be secured as a pre-commencement condition.
87. Protection for the remaining street Lime (T6) is acceptable although more comprehensive specification would be secured by condition including the hand dig spec to remove paving and replacing this with grass. The scheme is considered to materially accord with emerging policy BG12.

### **Environmental Health Considerations**

#### Noise

88. A noise report has been provided with the application and reviewed by officers in Environmental Health. The Environmental Health Officer was satisfied with the information provided, and mitigation measures for the proposed residential uses are sufficient.

#### Air Quality

89. London Plan Policy 7.14 requires development to make provision to address local air quality problems particularly within Air Quality Management Areas, to promote sustainable design and construction, to be at least 'air quality neutral'. The air quality assessment has been reviewed by Environmental Health and considered to be acceptable. It highlights that the scheme will be air quality neutral.

#### Construction Noise and Dust

90. Environmental Health have requested that a condition is secured for details of a Construction Method Statement (CMS) to include details of measures to control dust, noise and other environmental impacts of the development. The CMS shall include details of a dust monitoring plan, to be implemented during

construction and demolition works.

### Contaminated Land

91. The Environmental Health Officer reviewed the submitted desk top contaminated land assessment. The conclusion of this report is that a Phase 2 assessment is required and the conditions are recommended for additional studies to be provided once the existing building on site has been demolished.

### **Energy and Sustainability**

92. Major residential developments are expected to achieve zero carbon standards in accordance with London Plan Policy 5.2, which requires an Energy Assessment setting out how these standards are to be achieved. Specifically, a 35% reduction in carbon emissions compared to the 2013 Building Regulations baseline should be achieved on site and any shortfall in achieving zero carbon emissions would need to be compensated for by a financial contribution to the Council's Carbon Offsetting Fund, based on the notional price per tonne of carbon of £60, payable over 30 years. The corresponding target for non-residential floorspace is a 35% reduction including off-site financial contributions.

93. The design adopts passive design measures to reduce energy demand. This includes using high performance building fabric with low U-values and low design air permeability, and natural ventilation for the residential elements. Energy efficient mechanical and electrical services have been designed into the scheme including low energy light fittings, high efficiency heating and ventilation systems with low specific fan power. The proposed passive design and energy efficiency measures would reduce the emissions by approximately 1.3% reduction using SAP 2012 carbon factors.

94. All available renewable energy technologies were also considered. Photovoltaic (PV) modules were found to be the most feasible technologies. It is proposed that 17.9 KWP of PV will provide a further 34% reduction in carbon dioxide emissions, leading to a total carbon emissions reduction of 7.59 tonnes of CO<sub>2</sub> savings which is equivalent to a 35.3% reduction in carbon dioxide across the whole development. This includes a 4.65 tonnes of carbon dioxide savings equivalent to a 35.4% carbon emissions for the residential elements, and a 2.9 tonnes of carbon dioxide savings for the library equivalent to a 35.2% carbon emissions reduction. The shortfall in zero carbon for the residential units will be offset through the Council's carbon offsetting fund. For the non-domestic element (the communal library), no cash in-lieu contribution is required.

95. The Energy Strategy Report demonstrates that active cooling was tested on the Library which allows it to pass the TM52 overheating criteria, hence allowing comfortable conditions in extreme hot summer weather. Therefore the ventilation arrangements for the library would be acceptable for a potential library users.

### **Ecological Considerations**

96. A preliminary Ecological Appraisal was submitted to support this application. This included a desk study and a Phase 1 Habitat Survey. The appraisal identified that there are no sites with statutory protection within 1 km of the site, and no sites with non-statutory protection within or adjoining the site. It highlighted that there are eight Sites of Importance for Nature Conservation within 1 km of the site and 1 Local Nature Reserve. It also noted that the Natural England Magic website indicates that there are isolated areas of Priority Habitat inventory 'Deciduous Woodland' and similar areas listed as National Forest Inventory – Broadleaved within 1 km. All designated areas are over 350 m from the site. Records of habitats, flora and fauna within 1 km were evaluated, and the tree species that are on site were noted.

97. The appraisal evaluated records of species within a 1 km radius of the site and the presence of species or habitats on site. Two bat species records were noted in the search area, with the closest being 600 m

from the site. A bat survey was also submitted and is discussed later in this report. No records of badgers were present on the GiGL database, and no evidence of badger was noted during the site survey. There were no records of Water Vole in the vicinity, and no opportunities for Water Vole on site. There was 1 protected species mammal record (Hedgehogs) within 1 km, with the most recent record from 2002. 6 protected species of birds were recorded in the 1 km search area, with no records on site. The appraisal noted that a single mature tree on-site and larger ornamental shrubs provided some limited foraging and nesting habitat, but no nests were recorded. The appraisal recorded two protected species within the 1 km area, but no ponds or other suitable features on site. With regard to reptiles, the appraisal notes two protected species within 1 km, but no evidence of presence on site and no suitable locations for hibernation. With regard to invertebrates, the appraisal notes that habitats on-site provide limited opportunities for a range of invertebrate species, but that it is unlikely that the site supports a diverse or notable invertebrate population.

98. The following avoidance / mitigation and/or compensation measures were recommended:

99. The retention of the False Acacia tree if possible;

- Construction works that would disturb nesting birds should not be undertaken during the breeding season (March – August);
- New shrub and tree planting should incorporate species which offer foraging and nesting opportunities;
- A preliminary bat roost assessment was also recommended, which was undertaken and is discussed subsequently in this report.

Some ecological enhancements were also recommended within the ecological appraisal, including: tree and shrub planting including a diverse mix of species, bat roosting opportunities, external lighting to be designed to angle downwards with relatively low night time levels, bird nesting opportunities and that boundaries should remain permeable for hedgehogs with suitable access holes.

- A preliminary bat roost assessment was submitted with the application and it was noted that the building was well sealed throughout with no potential entry points for roost features. Therefore the building does not have the capacity to support bat roost. Therefore no further survey work will be required prior to any works. The assessment concluded suggesting that tubes should be fitted in suitable locations to enhance the roosting habitats available to bats. It also recommended that any new external lighting should be designed to ensure that lights are angled downwards and night time levels are relatively low. It also specified that green or brown roofs should be incorporated if possible to improve invertebrate habitat and therefore the foraging resource of the site for bats. With regard to the latter, the Design and Access Statement details a green roof above the bike/bin store. The assessment demonstrated that the site is predominantly covered by hardstanding and the onsite habitats are not rare or irreplaceable and provide limited value for ecology. The report concluded that no further survey work will be required prior to any works or demolition.

100. The proposed development is considered to be acceptable in relation to ecological impact subject to the implementation of the mitigation and enhancement measures identified within the submitted reports. Conditions are recommended to secure the implementation of these measures. However, it is noted that the permeability of boundaries may be outside of the control of the applicant, so the enhancement measure to increase permeability for hedgehogs should only be required if feasible and the development would continue to be acceptable in the absence of this enhancement.

## **Flood and Drainage**

101. Whilst the site is located within Flood Zone 1 area with a low risk of flooding (as defined by the Environment Agency), it is within land that is liable to surface water flooding. In response, resilience flood measures are outlined within the report and will be adopted as part of the scheme. The document has been reviewed by Brent's Local Lead Flood Authority who notes that the proposal includes permeable paving and a storage tanks within the site to regulate surface water discharge from the site.

The proposed surface water discharge will be restricted to 2 litres per second and this will reduce the flow into the existing surface water sewer network and will drastically reduce the existing flood risk of the site. The details of the report shall be secured by condition.

**Thames Water**

102. Thames Water raised no objections to the proposed development. It was requested by Thames Water to include a condition requesting a piling method statement and additional informatives.

**Fire Safety**

103. Fire Safety is formally considered at Building Regulation stage. However the applicants have provided a fire safety strategy within their planning submission. The main entrance to the library area from Carlton Avenue is the primary means of escape and a secondary means of escape is also provided from the northeast elevation. These exits are fully autonomous from the residential unit's escape route.

**Density**

104. London Plan Policy 3.4 requires development to optimise housing output for different locations taking into account local context and character, design principles set out in London Plan Chapter 7 and public transport capacity. Draft London Plan Policy D6 seeks a design-led approach to density, based on an assessment against the housing standards within Policy D4 and the long-term management proposals for higher density developments. The application site has PTAL of 3 and the proposed density of 330 habitable rooms per hectare occupying the site is considered acceptable for this site.

**Equalities**

105. 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**

106. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions. The levels of external amenity space within the proposed development do not accord with those specified within Policy DMP19. However, given the level and quality of amenity space proposed and the proximity to nearby public open space (Preston Park), the quality of accommodation for future residents is considered to be good. The limited conflict is substantially outweighed by the very considerably benefits of the proposed development.

**CIL DETAILS**

\*\*\*\*\* Check figure with CIL Team tomorrow, include existing 250sqm in calculation or not? Proposed resi floorspace = 1026sqm \*\*\*\*\*

This application is liable to pay **£305,720.95** \* 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): 250 sq. m.

Total amount of floorspace on completion (G): 1232 sq. m.

Use	Floorspace on completion	Eligible* retained floorspace	Net area chargeable at rate R	Rate R: Brent multiplier	Rate R: Mayoral multiplier	Brent sub-total	Mayoral sub-total
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	(Gr)	(Kr)	(A)	used	used		
(Brent) Dwelling houses	1026		817.8	£200.00	£0.00	£246,800.95	£0.00
(Brent) Non-residential institutions	206		164.2	£0.00	£0.00	£0.00	£0.00
(Mayoral) Dwelling houses	1026		817.8	£0.00	£60.00	£0.00	£49,068.12
(Mayoral) Non-residential institutions	206		164.2	£0.00	£60.00	£0.00	£9,851.88

BCIS figure for year in which the charging schedule took effect (Ic)	224	338
BCIS figure for year in which the planning permission was granted (Ip)	338	
<b>TOTAL CHARGEABLE AMOUNT</b>	£246,800.95	£58,920.00

\*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: 19/1305

To: Meyer  
GL Hearn  
Vantage Point  
Hardman Street  
Spinningfields  
Spinningfields  
M3 3HF

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

Redevelopment of Preston Library including erection of a part 2 to part 4 storey building comprising a library on ground floor and 12 self-contained flats, provision for private amenity space, parking, cycle and refuse storage, new access and associated landscaping.

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

at **Preston Library, Carlton Avenue East, Wembley, HA9 8PL**

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: 14/01/2020

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:-

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

CONDITIONS

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):

Approved Plans:

A10005454-01

A10005454-02

B1 02 2200 Rev. 01\*

B1 02 2201

B1 02 2202

B1 02 2203

B1 02 2204

B1 04 2200

B1 04 2201

B1 04 2202

B1 04 2203

B1 05 2200

MP 00 1200

MP 00 0200 Rev. 01

MP 00 0002

PPW 02 Rev. A (Tree Survey Drawing)

PPW 03 Rev. A (Tree Survey Drawing)

PPW 04 Rev A (Tree Survey Drawing)

Approved Documents:

Sustainable Checklist

Statement of Community Involvement

Ecological Appraisal prepared by Weddle Landscape Design

Bat Assessment prepared by Weddle Landscape Design

Noise Report conducted by Stroma

Transport Assessment prepared by Local Transport Projects

Utilities Assessment Report prepared by Pinnacle ESP

Planning Statement prepared by GL Hearn

Energy Assessment prepared by Pinnacle ESP

Flood Risk Assessment conducted by PEP Civil & Structures Ltd

Design and Access Statement prepared by 5plus Architects

BREEAM Pre-Assessment Report prepared by Stroma

Air Quality Assessment prepared by HRS Services Ltd

Aboriginal Impact Assessment and Aboriginal Method Statement (Rev. A July 2019) prepared by Weddle Landscape Design

Geo-Environmental Risk Assessment prepared by Delta Simons

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

- 3 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 proposed D1 library use shall occupy the ground floor as per the approved ground floor plan and 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.

- 5 The approved parking spaces, 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.

- 6 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.

- 7 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.

- 8 Units 1.0 shall be constructed/easily adaptable 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 4.5.

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

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

Pre-commencement reason: The considerate constructors scheme is designed to govern practices during the construction and therefore needs to be arranged prior to the construction works being carried out.

- 10 The development hereby approved shall be carried out in full accordance with the details submitted within the Flood Risk Assessment prepared by PEP Civil and Structures Ltd dated February 2018 and shall be adhered prior to occupation of the development.

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

- 11 All mitigation measures contained within the submitted Preliminary Ecological Assessment conducted by Weddle Landscape Design and dated March 2019 shall be adhered to throughout the construction of development.

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

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

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

- 13 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.

- 14 The opening hours for the use hereby approved shall be between 9:00 – 23:00 from Mondays to Sundays.

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

- 15 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 Day Controlled Parking Zone or any future 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 this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development.

Details of the wording to be included in the licence transfer lease or tenancy agreement shall be submitted and approved in writing by the local planning authority prior to the licence lease or tenancy agreement being entered in to and the approved details shall thereafter be used in all such licence lease or tenancy agreements.

For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In the interest of highway flow and safety.

- 16 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.

- 17 (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.

(b) The development 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.

- 18 Prior to commencement of the development hereby approved, a construction logistics plan shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved construction logistics plan.

Reason: To ensure construction processes do not unduly prejudice the free and safe flow of local highways.

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.

- 19 (a) 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 per the approved Energy Assessment or any future amended Energy Statement approved in writing by the Local Planning Authority.

(b) 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.

- 20 (a) Following the demolition of the buildings 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.

- 21 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.

- 22 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.

- 23 Within three months of commencement of the development, the developer shall enter into an agreement with the Local Highways Authority to carry out the following works.

(i) Adjustments to the either the proposed crossover or existing speed table to ensure they don't compromise one another.

(ii) The construction of the new access and reinstatement of the redundant crossover to footway and verge, along with alterations to waiting restrictions along the site frontage, at the developer's expense prior to occupation of the development.

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

- 24 Prior to the first occupation of the development hereby approved, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be adhered to in full.

Reason: To ensure an appropriate parking arrangement and system of parking management for the development.

- 25 Within six months of commencement of the development, details of external lighting and CCTV within the site (to include the undercroft area) shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the lighting and CCTV fixtures, luminance levels within and adjoining the site. The lighting shall be designed to angle downwards and light levels shall be limited wherever

possible to mitigate the potential to impact bats. The lighting and CCTV shall not be installed other than in accordance with the approved details.

Reason: In the interests of safety and the amenities of the area and in the interest of ecological protection and enhancement.

- 26 Within six months of commencement of development, further details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- (a) Details of proposed soft landscaping including species, locations and numbers, including a diverse mix of native and non-native species
- (b) Details of the material treatment of the surfaces delineating the separation of pedestrian and vehicle movement areas within the proposed highways
- (c) Details of hardsurfaced areas and materials
- (d) Details of green roof(s)
- (e) Details of bat and bird boxes
- (f) Details of boundary treatments within the site and along its boundaries, including permeable boundaries with suitable holes for hedgehogs if feasible
- (g) Details of a management plan for a minimum of 5 year period
- (h) Landscape buffer in front of the ground floor residential unit

The hard and soft landscaping shall be completed prior to first occupation of the development hereby approved (or other timescales to be agreed in writing by the Local Planning Authority). Any planting that is part of the approved scheme that within 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: In the interest of visual amenity, neighbouring amenity and ecology.

- 27 Prior to topping out at roof level, detailed drawings showing the photovoltaic panel arrays on the roofs of the proposed building 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.

- 28 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.

- 29 Within six months of commencement of works, details of screening to the proposed

terrace area and balconies shall be submitted to and approved in writing. The scheme shall thereafter be implemented in accordance with the approved details and retained throughout the lifetime of the development.

Reason: To protect the residential amenities of the nearby neighbours.

- 30 Prior to the first occupation of the residential units hereby approved details of an informal play area located at terrace area shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory levels of playspace is provided for future residents.

- 31 Prior to commencement of any works on site, further details on the methodology for the digging of the trial trench within the Root Protection Zone of T4 and the methodology for the removal and replacement surfacing within the root protection of T4 together with supervision for these works and results of the supervision in proximity to T4 shall be submitted to approved in writing by the Local Planning Authority, and thereafter carried out in accordance with the approved methodology and supervision works.

Reason: To ensure the protection of trees within the vicinity of the application site.

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.

## INFORMATIVES

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

- 5 Thames Water advise the applicant of the following: 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](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
- 6 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.
- 7 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 8 The quality of imported soil must be verified by means of in-situ soil sampling and analysis. We do not accept soil quality certificates from the soil supplier as proof of soil quality.

Any person wishing to inspect the above papers should contact Denis Toomey, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1620

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

22 January, 2020  
05  
19/2378

## SITE INFORMATION

<b>RECEIVED</b>	<b>1 July, 2019</b>
<b>WARD</b>	<b>Kilburn</b>
<b>PLANNING AREA</b>	
<b>LOCATION</b>	<b>Granville Centre, 80 Granville Road, London, NW6 5RA</b>
<b>PROPOSAL</b>	<p>Partial demolition of existing structures on site including part of the Granville building, refurbishment of the Granville and Carlton Centres and construction of 3 buildings ranging from one to eight storeys in height, to facilitate the provision of a mixed use development comprising 18 self-contained flats at part 1st - 8th floors and community facilities, offices and workshops at lower ground, ground and part first floors. Works include creation of play areas for the children's centre, nursery and school; additional community and event workspaces, outdoor amenity areas, secure cycle and refuse storage.</p>
<b>PLAN NO'S</b>	<p>Heritage Assessment            Planning Statement            Design and Access Statement            Daylight/Sunlight Report            Air Quality Assessment            Arboricultural Impact Assessment            Preliminary Ecology Appraisal            Ecology Bat Emergence Survey            Ecology Bat Roost Assessment            Noise Impact Assessment            Drainage Strategy            Energy Statement            Planting Schedule            Statement of Community Involvement            Statement of Consultation            Sustainability Report            Transport Statement            3D visuals            AKA-070-P_A_600 REV P0 - BUILDINGS B &amp; C TYPICAL DETAILS            AKA-070-P_A_601 REV P0 BUILDINGS B &amp; C TYPICAL DETAILS            AKA_070_P_A_602 REV P0 BUILDINGS B &amp; C TYPICAL DETAILS            AKA_070_P_L_001 REV P0 PROPOSED SITE LOCATION PLAN            AKA_070_P_L_009 REV P0 EXISTING BASEMENT AND LOWER GROUND FLOOR PLAN            AKA_070_P_L_010 REV P0 EXISTING GROUND AND UPPER GROUND FLOOR PLAN            AKA_070_P_L_010M REV P0 EXISTING GROUND FLOOR AND MEZZANINE PLAN            AKA_070_P_L_011 REV P0 EXISTING FIRST FLOOR PLAN            AKA_070_P_L_011M REV P0 EXISTING FIRST FLOOR MEZZANINE PLAN            AKA_070_P_L_012 REV P0 EXISTING SECOND FLOOR PLAN            AKA_070_P_L_013 REV P0 EXISTING ROOF PLAN            AKA_070_P_L_020 REV P0 EXISTING SITE SHORT SECTIONS</p>

AKA\_070\_P\_L\_020 REV P0 EXISTING SITE LONG SECTIONS  
AKA\_070\_P\_L\_030 REV P0 EXISTING SITE ELEVATIONS  
AKA\_070\_P\_L\_099 BASEMENT AND LOWER GROUND FLOOR PLANS  
AKA\_070\_P\_L\_100 REV P0 GROUND AND UPPER GROUND FLOOR PLANS  
AKA\_070\_P\_L\_101 REV P0 FIRST FLOOR PLAN  
AKA\_070\_P\_L\_101M REV P0 FIRST FLOOR MEZZANINE PLAN  
AKA\_070\_P\_L\_102 REV P0 SECOND FLOOR PLAN  
AKA\_070\_P\_L\_107 REV P0 ROOF PLAN  
AKA\_070\_P\_L\_200 REV P0 SITE LONG SECTIONS  
AKA\_070\_P\_L\_201 REV P0 SITE SHORT SECTIONS  
AKA\_070\_P\_L\_300 REV P0 SITE ELEVATIONS  
AKA\_070\_P\_L\_400 REV P0 FLAT LAYOUT 1B2P TYPE A  
AKA\_070\_P\_L\_401 FLAT LAYOUT 1B2P TYPE B  
AKA\_070\_P\_L\_403 FLAT LAYOUT 2B4P TYPE B  
AKA\_070\_P\_L\_404 REV P0 FLAT LAYOUT 3B6P TYPE A  
AKA\_070\_P\_L\_405 REV P0 FLAT LAYOUT 3B6P TYPE B  
AKA\_070\_P\_L\_406 REV P0 FLAT LAYOUT 4B8P WCH TYPE A  
AKA\_070\_P\_L\_408 REV P0 FLAT LAYOUT 2B4P TYPE C  
AKA\_070\_P\_L\_410 FLAT LAYOUT 3B6P TYPE C  
AKA\_070\_P\_L\_500 REV P0 PHASING STRATEGY  
AKA\_070\_P\_L\_800 EXISTING LANDSCAPE SITE PLAN  
AKA\_070\_P\_L\_810 LANDSCAPE SITE PLAN  
AKA\_070\_P\_L\_802 EXISTING WEST SIDE LANDSCAPE PLAN  
AKA\_070\_P\_L\_803 EXISTING EAST SIDE LANDSCAPE PLAN  
AKA\_070\_P\_L\_810 LANDSCAPE SITE PLAN  
AKA\_070\_P\_L\_811 WEST SIDE LANDSCAPE PLAN LOWER GROUND FLOOR PLAN  
AKA\_070\_P\_L\_812 WEST SIDE LANDSCAPE PLAN GROUND FLOOR PLAN  
AKA\_070\_P\_L\_813 EAST SIDE LANDSCAPE PLAN  
AKA\_070\_P\_L\_850 LANDSCAPING DETAILS  
AKA\_070\_P\_L\_851 LANDSCAPING DETAILS  
AKA\_070\_P\_L\_A100 BUILDING A: GROUND FLOOR PLAN  
AKA\_070\_P\_L\_A101 BUILDING A: FIRST FLOOR PLAN - CARLTON WORKSPACE  
AKA\_070\_P\_L\_A102 BUILDING A: SECOND FLOOR PLAN - CARLTON WORKSHOP  
AKA\_070\_P\_L\_A103 BUILDING A: ROOF PLAN  
AKA\_070\_P\_L\_A300 BUILDING A: ELEVATIONS  
AKA\_070\_P\_L\_A301 REV P0 BUILDING A: ELEVATIONS  
AKA\_070\_P\_L\_B100 BUILDING B: GROUND TO THIRD FLOOR PLANS  
AKA\_070\_P\_L\_B200 REV P0 BUILDING B: SECTIONS  
AKA\_070\_P\_L\_B300 BUILDING B: ELEVATIONS  
AKA\_070\_P\_L\_C100 REV P0 BUILDING C: LOWER GROUND/GROUND FLOOR PLANS  
AKA\_070\_P\_L\_C101 BUILDING C: FIRST TO FOURTH FLOOR PLANS  
AKA\_070\_P\_L\_C200 BUILDING C: SECTIONS  
AKA\_070\_P\_L\_C300 BUILDING C: ELEVATIONS  
AKA\_070\_P\_L\_C301 BUILDING C: ELEVATIONS  
AKA\_070\_P\_L\_D100 BUILDING D: FLOOR PLANS  
AKA\_070\_P\_L\_D300 BUILDING D ELEVATIONS  
AKA\_070\_P\_L\_E100 REV P0 BUILDING E: FLOOR PLANS  
AKA\_070\_P\_L\_E200 BUILDING E: SECTIONS  
AKA\_070\_P\_L\_E300 REV P0 BUILDING E: ELEVATIONS  
CG099.3.01 TREE REMOVALS PLAN  
CG099.3.02.LPG LANDSCAPE PLAN  
CG099.3.03.LPR ROOF LANDSCAPE PLAN  
CG099.3.05.PA1 PLANTING AREA 1: NURSERY PLAYGROUND  
CG099.3.05.PA2 PLANTING AREA 2: THE WOODS  
CG099.3.05.PA3 PLANTING AREA 3: CENTRAL FORECOURT  
CG099.3.05.PA4 PLANTING AREA 4: COMMUNITY GARDEN  
CG099.3.05.PA5 PLANTING AREA 5: CASCADING GARDEN  
CG099.3.05.PA6 PLANTING AREA 6: GRANVILLE ROAD  
CG099.3.05.PA7 PLANTING AREA 7: PRIVATE TERRACES

CG099.3.05.PA8 PLANTING AREA 8: COMMUNITY ROOF TERRACE  
CG099.3.D01.TTP TEMPORARY TREE PROTECTION\_P1  
CG099.3.D02.STP STANDARD PROPOSED TREE PIT  
CG099.3.D03.TP TYPICAL PLANTING DETAILS  
AKA-070--P\_L\_402 REVP0 FLAT LAYOUTS 4B7P TYPE A  
AKA-070--P\_L\_407 REVP0 FLAT LAYOUTS 4B8P TYPE A  
AKA-070--P\_L\_409 REVP0 FLAT LAYOUTS 4B7P TYPE B  
AKA-070-P\_L\_103 REVP0 THIRD FLOOR PLAN  
AKA-070-P\_L\_104 REVP0 FOURTH FLOOR PLAN  
AKA-070-P\_L\_105 REVP0 FIFTH FLOOR PLAN  
AKA-070-P\_L\_106 REVP0 SIXTH FLOOR PLAN  
AKA-070-P\_L\_B101 REVP0 BUILDING B: 4TH FLOOR - ROOF PLAN  
AKA-070-P\_L\_C102 REVP0 BUILDING C: 5TH FLOOR - ROOF PLAN

**LINK TO DOCUMENTS  
ASSOCIATED WITH  
THIS PLANNING  
APPLICATION**

**When viewing this on an Electronic Device**

**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\\_145986](https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_145986)

**When viewing this as an Hard Copy \_**

**Please use the following steps**

1. Please go to [pa.brent.gov.uk](https://pa.brent.gov.uk)
2. Select Planning and conduct a search tying "19/2378" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

## RECOMMENDATIONS

Resolve to **grant** planning permission subject to conditions.

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

### Conditions

1. 3 Years to commence development
2. Development to be built in accordance with approved plans
3. Details of SUDs/Drainage secured
4. Management Plan for affordable workspace, enterprise hub and Community Halls
5. Affordable housing
6. Restriction of community centre facility in D1 use.
7. Restriction on housing to be within C3 use (no C4 use)
8. Bike storage to be provided
9. Details of water consumption
10. Requirement for 10% wheelchair accessible units
11. Submission of employment and training plan
12. Submission of construction management plan
13. Submission of energy assessment
14. Non-road mobile machinery to be limited in terms of power output
15. Contaminated land site investigation
16. Contaminated Land remediation
17. Submit details of materials
18. Submit details of overheating mitigation
19. Submit details of Highway works agreement
20. Submit details of external lighting
21. Details of tree works and protection secured
22. Details of nominations agreement for affordable housing
23. Restrict parking permits – car free agreement
24. Submit details of communal satellite/telecoms equipment
25. Submit details of sound insulation between premises
26. Submit verification of Air quality mitigation
27. Submit air quality neutral assessment
28. Hours of use for non-residential uses
29. Submit details of obscure glazing
30. Restriction of doors/gates opening out over the highway
31. Submit details of sustainable development
32. Submit Biodiversity action/management plan
33. Submit details of recording of historic details
34. Submit landscaping and play details
35. Submit details of extraction in event of retail units utilising commercial kitchen
36. Submit details of Considerate Constructor Scheme

### Informatives

1. Quality of imported soil
2. CIL liable approval
3. Party Wall
4. Building near boundary
5. London living Wage
6. Fire safety
7. Contact Highways
8. contact Thames Water
9. Thames Water – minimum water pressure
10. Highways licence required to oversail footpath

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision

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

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

**SITE MAP**

	<b>Planning Committee Map</b>
	Site address: Granville Centre, 80 Granville Road, London, NW6 5RA
	© Crown copyright and database rights 2011 Ordnance Survey 100025260



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This map is indicative only.

## PROPOSAL IN DETAIL

Partial demolition of existing structures on site including part of the Granville building, refurbishment of the Granville and Carlton Centres and construction of 3 buildings ranging from one to eight storeys in height, to facilitate the provision of a mixed use development comprising 18 self-contained flats (4 x 1-bed, 3 x 2-bed, 4 x 3-bed and 7 x 4-bed) at part 1st - 8th floors and community facilities, offices and workshops at lower ground, ground and part first floors. Works include creation of play areas for the children's centre, nursery and school; additional community and event workspaces, outdoor amenity areas, secure cycle and refuse storage.

The existing and proposed floorspace can be summarised as follows:

	<b>Existing net internal area (NIA) (sq.m)</b>	<b>Proposed NIA (sq.m)</b>	<b>Difference (sq.m)</b>
Workspace (SKT)	431	1061	630
Community/Event Space	289	420	131
Nursery School	408	503	95
Children's Centre	222	272	50
Temporary tenants (community type use)	1032	0	-1032
<b>Sub Total</b>	<b>2382</b>	<b>2256</b>	<b>-126</b>
Shared Plant	110	330	220
Housing	0	1687	1687
<b>Total</b>	<b>2382</b>	<b>3943</b>	<b>1561</b>

The majority of structures considered to be non-designated heritage assets on site are to be retained and three new structures are proposed to be constructed. This includes a more contemporary building up to 8 storeys high fronting Granville Road, punctuating the retained existing buildings accommodating residential use on upper floors and a Children's Centre on the Ground floor and first floor. A second predominantly residential block up to 6 storeys high is proposed fronting Carlton Vale with community/event space on the ground floor. A predominantly two storey building is proposed in the south east corner of the site fronting Carlton Vale for community / event space with roof garden. An extension to the existing nursery and improved outdoor play area is proposed on the south of the site with the retained structures fronting Granville Road to be used for community/workspace/enterprise hub uses.

The internal layout of retained buildings is to be rationalised and refurbished.

The development seeks to incorporate the more prominent elements of the existing buildings and amalgamate them with new development upon the site. It would involve the removal of some modern additions to the existing buildings including the lift tower and a two storey south projection of the Granville Children's Centre. The proposals would result in a redistribution of outdoor amenity space which is to be reconfigured and improved upon including a central courtyard area, community garden and nursery play area and roof garden on the community / event space building proposed in the south east of the site.

## EXISTING

The site comprises former church mission buildings of the late Victorian/Edwardian era at the Carlton and Granville Centres with modern extensions used for community type facilities incorporating a number of occupiers including a children's centre and nursery school.

The site sits within the South Kilburn Masterplan area and forms part of Phase 4 of the South Kilburn

Regeneration Programme. It is approximately 0.4 hectares in area and situated between Granville Road to the north and Carlton Vale to the south and South Kilburn open space beyond.

The site comprises the Carlton Centre, the Granville Centre and various modern extensions - along with a garden and playground space to the south of both buildings.

The Carlton and Granville Centres house a number of different community type uses. These include:

- Granville Plus Children Centre
- Granville Plus Nursery School
- South Kilburn Trust (SKT) Offices
- The Granville Centre: Community and Enterprise Hub run by SKT
- Granville Community Kitchen
- The Otherwise Club
- New business and employment advice
- South Kilburn Studios
- ULFA/Rumi's Cave (meanwhile use in former adult education centre)

The Carlton and Granville Centres have some historic and architectural interest and can be considered non-designated heritage assets. To the north east of the site lies the South Kilburn Conservation area.

Both buildings are designated as assets of community value.

The site has a Public Transport Accessibility Level of 5 (PTAL 5).

The site is within Air Quality Management Area.

## SUMMARY OF KEY ISSUES

- The key planning issues for Members to consider are set out below. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. 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** an online petition which had 2,064 signatories at the time of submission and upon last review had 2,199 signatories. A paper based pro-forma petition of 623 signatories objecting to the scheme and 52 individual submissions objecting to the scheme. The material planning considerations within these comments form part of the application's assessment.
- **Re-provision of community facilities/Assets of community value** – The development would refurbish and reformat existing community facilities, with improved provision for educational uses, workspaces and a community enterprise hub, a new community hall is also to be provided and outdoor amenity space is to be reprovided across the site. There is to be a small overall loss of community floorspace (approximately 126 sqm / 5% of the exiting net floorspace). Some objectors consider the Affordable Workspace to be community space and therefore consider the loss to be greater. However, the workspace is considered to represent a community facility that would benefit the community and assist in the delivery of the wider objectives of the South Kilburn Masterplan SPD,

and the proposed workspace is subject to an appropriate management plan to secure this. It should be noted that floorspace does not have to be in the D1 use class to be considered a community facility within the terms of Core Strategy Policy CP23.

- **Affordable homes / unit mix** – 100% provision of affordable homes in affordable rent tenure. 18 units are to be provided 11 of which would be family sized dwellings, which meets acute need in the borough.
- **Design/Heritage impacts** – The Carlton and Granville buildings are deemed to be non-designated heritage assets. Whilst there is some impact to the non-designated heritage asset in that a section of an historic building would be removed, replacement building would be of a high quality design and the overall impact on the scheme is not considered to be significant. Furthermore, the harm noted to this element of design is outweighed by the overall benefits of the scheme including modernised community facilities which assist with regeneration plans of the South Kilburn Masterplan SPD and the provision of 100% affordable rented social homes with large proportion as family housing. The overall design approach is considered appropriate to the locality.
- **Quality of accommodation** – The proposed accommodation would be of good quality size and layout, consistent with London plan and Brent local plan standards, with good access to light, outlook and amenity space overall. Levels of external amenity space meet Mayoral standards but fall below Brent standards as set out within Policy DMP19. However, given the proximity to open spaces, a good standard of accommodation is considered to be provided.
- **Neighbour amenity** – Some harm to daylight/sunlight is identified to windows of 111-149 Granville Road, however the scale of harm considered in the context of the Mayor's guidance and the growth and regeneration of the wider South Kilburn Masterplan area is within tolerance and on balance the overall living conditions of these properties would not be significantly harmed and the impacts are considered acceptable.
- **Highways** – No significant harm is considered to the highway network and site accessibility is considered to be improved. The proposal is to be subject to a parking permit restriction secured by legal agreement and disabled parking can be applied for on street if required.
- **Trees, landscaping and public realm** – Whilst some trees are to be removed from the site, overall improvements to the public realm can still be delivered with appropriate landscaping and improved built environment.
- **Environment and sustainability** – Consideration has been given to ecology and the sustainable development of the proposals. Subject to appropriate conditions net gains for biodiversity can be secured for the site. The development is subject to requirements to secure 35% reduction over Part L building regulation requirements, net zero emissions target and BREEAM rating of excellent.

## RELEVANT SITE HISTORY

The following is a summary of relevant planning history:

(Granville)

17/2914 - Refurbishment of community centre (Use Class D1) to facilitate the change of use to a mixed use community centre (Sui Generis) with associated external alterations to the south elevation including a new entrance, lift platform, roof terrace and associated landscaping. Approved 23/08/2017

## CONSULTATIONS

The following consultation was undertaken for a period exceeding the minimum statutory requirement of 21 days:

Four site notices were placed outside the site to north and south.

Neighbour notification letters were sent to 229 nearby addresses.

A press notice was placed in the local paper.

The applicants also undertook local consultations prior to the application which informed the design and layout of the application and meetings with key stakeholders. Consultation has also been undertaken with the Stephen Lawrence Charitable Trust.

### Summary of responses

A digital petition at the time of the submission to council held 2,064 signatories, latest review of the petition found 2199 signatories. Signatories come from across the world, the majority outside of the South Kilburn area.

The petition was titled: Would you like to see Rumi's Cave continue?

The petition web page describes how the community centre is to be closed down and turned into flats. The stated aim of the petition is *"it is vital that we save our building or are given an alternative building to continue all of the work we do."*

Rumi's Cave is described as providing the following services:

Food bank, Soup Kitchens and community lunches, Breakfast Clubs for school children and local residents, Night Shelter for the homeless, Tea & Chat sessions for the elderly, IT support for the elderly, Martial Arts and Yoga (Children & Adults), Language Courses, Music Lessons, Knitting & Crochet club, Mental Health support groups, Open mic and poetry sessions, Free Community movie nights, Interfaith music nights, Herbal medicine Training, Alternative Medicine Treatments.

No planning reasons are suggested in addition to the stated objection. It is clear there is objection to loss of space for use by Rumi's Cave/ULFA Aid, this seems to be based on the suggestion the Carlton building is to be turned into flats which is not the case. The space which Rumi's Cave/Ulfa Aid currently occupies on a temporary short term lease is to be refurbished to primarily serve as an enterprise hub to serve the local community and was formerly an adult education centre. A full discussion regarding the consideration of community facilities can be found from paragraph 9 onwards.

623 pro-forma objection letters. The pro-forma letter asks the signatory to declare their stance on the application (Object in all cases), fill in name and address and offers a comment box which some signatories have provided comment.

Summary of pro-forma comments:

Keep community centre open, object to loss of facility as currently operated	See principle section
Existing facilities prevents isolation and	See principle section

promotes wellbeing	
Existing facilities aids social interaction and sense of community	See principle section

52 letters of objection have been received from individuals and organisations

Summary of comments

Comment	Officers Response
Loss of multi-purpose community space, reprovided space won't serve same purpose	See principle section
Loss of community use space by 77%	Net loss has been identified in proposal in detail section, floorspace to be secured for community benefit by condition
Loss of local resident events, proposed community hall is not sufficient to meet community with such diverse needs	Range of spaces provided considered to meet a range of differing needs of the community, with more flexible and efficient space
Loss of employment, partnership and volunteers, currently facilities have 50 staff and volunteers and work in partnership with other organisations. Brent would be at a loss if activities ceased.  Flats can be built elsewhere	Employment opportunities will arise throughout the development with community workspace and enterprise hub as well jobs in the running of other community spaces
Increase in anti-social behaviour, lack of real engagement with locals and lack free events support for community could result in violence and anti-social behaviour. 705 reports of Anti-social behaviour in South Kilburn area in last year. No outlet or support for residents	There is no conclusive evidence of this claim. Community facilities are to be re-provided as well as provide learning and work opportunities as well as what ever community event space is utilised for by the local community themselves.
Reprovided community facility and 18 flats would not outweigh loss of existing facility	See principle section
Proposed office space not D1 use class or community space	See principle section
Charity do excellent work in local community and need to remain in the community, local community does not need other types of community space.	See principle section

Community consultation events does not reflect what community wants	Extensive consultation has been undertaken and local referendum on South Kilburn SPD of which this site is identified for a mix of uses was voted for, 84% in favour on 72% turnout.
Rumi's cave helps all segments of the community, improves interfaith dialogue and is a safe space for Muslim's	The community will be able to avail of the re-developed community space.
Loss of space for Rumi's cave will have negative consequences for everyone.	See principle section
Rumi's cave is of cultural and social significance on regional and international level.	See principle section
Prevents isolation and mental health issues	The proposed scheme is for the benefit of the community and will offer opportunities for community interaction which should help prevent such issues
Short term economic benefits outweighed by social costs of the scheme	The entire planning balance has been considered, see report.
Increased need for community space given nearby development	Although there is a small loss of net internal area the reconfigured space is to be of a more efficient and useable layout enabling greater use.

### Consultees:

Thames Water – No objection.

Metropolitan Police – no comment

London Fire Brigade – no comment

NHS – no comment

Lead Local Flood Authority – The site is within a fluvial flood zone 1, presents no sign of surface water flooding on our hydraulic model which is also a zone 1.

The site also indicates a low probability of groundwater flooding and the discharge rates are restricted to 5/l/s which is acceptable. The response is considered and assessed against the relevant Local Plan Policies below.

Highway Authority – no objection, subject to conditions.

## POLICY CONSIDERATIONS

The following planning policy documents and guidance are considered to be of relevance to the determination of the current application with some of the key policies referenced below relevant document, although the whole document is considered:

## **National Planning Policy Framework**

### **The London Plan consolidated with alterations since 2011 (March 2016)**

2.18 Green infrastructure

3.1 Life Chances for All

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

3.8 Housing Choice

3.9 Mixed and Balanced Communities

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

3.16 Protection and Enhancement of Social Infrastructure

3.18 Education Facilities

5.2 Minimising Climate Change

5.3 Sustainable Design and Construction

5.6 Decentralised Energy in Development Proposals

5.7 Renewable Energy

5.10 Urban Greening

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

7.2 An Inclusive Environment

7.3 Designing Out Crime

7.4 Local Character

7.5 Public Realm

7.6 Architecture

7.7 Location and Design of Tall and Large Buildings

7.8 Heritage Assets and Archaeology

7.14 Improving Air

7.15 reducing and Managing Noise

7.19 Biodiversity and Access to Nature

7.21 Trees and Woodlands

## **Draft London Plan**

GG1 Building Strong and inclusive communities

GG2 Making the best use of land

GG3 Creating a healthy city

GG4 Delivering New Homes Londoners need

GG5 Growing a Good Economy

GG6 Increasing Efficiency and Resilience

D1 London's Form and Characteristics

D2 Delivering Good Design

D3 Inclusive Design

D4 Housing Quality and Standards

D5 Accessible Housing

D6 Optimising Housing Density

D7 Public Realm

D10 Safety, Security and Resilience to Emergency

D11 Fire Safety

D12 Agent of Change

D13 Noise

G1 Green Infrastructure

G5 Urban Greening

G6 Biodiversity and Access to Nature

G7 Trees and Woodlands

H1 Increasing Housing Supply

H5 Delivering affordable housing

H6 Threshold approach to applications

H7 Affordable housing tenure

H12 Housing size mix

S1 Developing London's Social Infrastructure

S3 Education and Childcare Facilities

S4 Play and Informal Recreation

E1 Offices

E2 Low-cost Business space

E3 Affordable Workspace

HC1 Heritage and Culture

HC5 Supporting London's Culture and Creative Industries

SI1 Improving Air Quality

SI2 Minimising Green house Emissions

SI3 Energy infrastructure

SI4 Managing Heat Risk

SI5 Water Infrastructure

SI7 Reducing Waste and Supporting the Circular Economy

SI12 Flood Risk Management

SI13 Sustainable Drainage

T4 Assessing and Mitigating Transport Impacts

T5 Cycling

T6 Car Parking

T7 Deliveries, servicing and construction

DF1 Delivery of the Plan and Planning Obligations

**Brent Core Strategy (2010)**

CP1: Spatial Development Strategy

CP2: Population and Housing Growth

CP5: Placemaking

CP6: Design & Density in Place Shaping

CP9: South Kilburn Growth Area

CP17: Protecting and enhancing the suburban character of Brent

CP18: Protection and Enhancement of Open Space, Sports and Biodiversity

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 7: Heritage Assets

DMP 9A: Managing Flood Risk

DMP 9B: 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

### **Brent Draft Local Plan**

BD1: Leading the Way in Good Urban Design

BSI1: Social Infrastructure and Community Facilities

BE1: Economic Growth and Opportunities For All

BGI1: Green and Blue Infrastructure in Brent

BH1: Increasing Housing Supply in Brent

BHC1: Brent Heritage Assets

BH5: Affordable Housing

BH6: Housing Size Mix

BG12: Trees and Woodlands

BSUI2: Air Quality

BSUI4: On Site Water Management and Surface Water Attenuation

BT1: Sustainable Travel Choice

BT2: Parking and Car Free Development

BT3: Freight and Servicing

### **Site Specific Allocations (2011)**

### **West London Waste Plan (2015)**

### **Supplementary Planning Documents/Guidance (SPD/SPG)**

Brent SPD1: Design Guide for New Development (2018)

Brent s106 Planning Obligations SPD (2013)

Brent South Kilburn Masterplan SPD (2017)

Brent Waste Planning Guide

South Kilburn Conservation Area Character Appraisal

Mayor's Affordable Housing and Viability SPG

Mayor's Housing SPG

Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG

Mayor's Sustainable Design and Construction SPG

Mayor's Social Infrastructure SPG

Mayor's All London Grid SPG

National Planning Practice Guidance

National Design Guide

## DETAILED CONSIDERATIONS

### Principle

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise'.
2. The application site has a varied history starting as a Christian mission in the Victorian era. The overall site is now used for variety of uses and the permission 17/2914 affirms a mixed use of the Granville Building.
3. The South Kilburn Masterplan SPD identifies the site as one capable of delivering mixed of uses including an Enterprise Hub, education, community space and residential development. A redevelopment of the site with such a range of use supports the objectives of the plan and the wider regeneration of the South Kilburn area.
4. The site is located in the South Kilburn Growth Area and therefore Core Strategy (CS) Policy CP9 is relevant encouraging a series of commercial uses, community facilities, improved recreation spaces and delivery of housing. In addition, CS Policy CP1 encourages mixed use development in growth areas such as South Kilburn and is an area CS Policy CP2 expects significant delivery of housing.
5. London Plan policy 3.16 states: *“B - Development proposals which provide high quality social infrastructure will be supported in light of local and strategic social infrastructure needs assessments. Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.”*
6. London plan paragraph 2.14 includes South Kilburn as an area for regeneration. The South Kilburn Masterplan SPD has identified the Carlton and Granville Site as one capable of delivering a mix of uses as part of the broader regeneration of the South Kilburn area, which has traditionally suffered from high unemployment rates (p.14 of South Kilburn Masterplan SPD). The community enterprise hub is considered to serve a community appropriate need subject to [submitted?] management plan securing benefits to the local community in the form of subsidised space for events/meetings, employment, and training opportunities improving community interaction.
7. The Infrastructure Delivery Plan forms part of the evidence base for the emerging Brent Local plan and sets out the Council’s understanding of what infrastructure will be required to meet the levels of growth outlined in the plan. In relation to South Kilburn it sets out the need for a social enterprise hub delivering training and affordable business opportunities, the provision of a new multi-use community centre and the refurbishment of existing centres. The community provision within this application would respond to those needs.
8. The South Kilburn Masterplan SPD as the adopted document forming part of the current Local Plan. The Masterplan specifies the retention or replacement (at an equivalent or better quality and in an appropriate location) of a number of community centres, with specific reference to the Carlton and Granville Centres. It is specified that new centres should include rooms with a range of sizes, be flexible in their design to cater for a wide range of activities and include sufficient storage space, toilet and kitchen facilities.
9. CS Policy CP23 seeks to protect existing community facilities. Whilst there is some overall loss of floorspace in community type uses, a range of facilities is proposed, and those facilities are to be redeveloped and improved. Overall the small scale loss is considered to be mitigated by the rationalised and modernised facilities. The proposals would offer significant improvement in layout, access and

usability enabling much more efficient use of the community type uses on site and is considered a significant benefit of the proposals. It is therefore considered that the community facilities would be significantly improved despite the reduction in floorspace.

10. Some public comment has been concerned with the net loss of community type floorspace. However, it is important to note the specific policy wording. Policy CP23 refers to the protection of community and cultural facilities or their loss mitigated where necessary. The policy does not specify that there should not be a net loss of floorspace and it is important to consider the type and nature of facilities that are proposed. In this instance there is a comparatively small scale loss of net floorspace within the new community facility provision. Some of the floorspace is changing. For example, the multi-use community floorspace and the community focused affordable workspace is increasing in size. The nursery and children's centres are also increasing in size. The space that was used as an adult education centre and has been used by Rumi's cave in 2018 and 2019 is not being reprovided. However, overall there the community facilities are considered to be improved, benefitting the community as well as supporting the wider regeneration benefits of the South Kilburn masterplan area.
11. The petitions received by the Council centred on the potential loss of space for the Rumi's cave organisation. Rumi's cave entered the site on a temporary arrangement in 2018. This part of the site was formerly used as an adult education centre. The South Kilburn masterplan clearly identifies the site for a range of uses including an enterprise hub, education, community space and residential development and the proposal looks to deliver those uses. The South Kilburn masterplan SPD was recently endorsed by a significant majority in a local referendum (72% of eligible residents voted, 84% voted in favour of the masterplan).
12. Whilst some limited weight can be given to the charitable work and benefit to the community Rumi's cave provides as a community facility use, planning decisions are informed by the proposed land use and the development plan rather than a particular occupier of a building at the time of an application. The development plan should be given significant weight by the decision maker.
13. Some objection comments cite that office space demonstrated as part of the proposals fall outside the scope of community type uses. While this would be the case for standard office space let on the private market, the office space is proposed to serve a community function, with a management plan submitted which sets out how the space will be operated. A condition is proposed to secure a management plan which would ensure this space continues to serve and support the community and improve local engagement, employment and enterprise opportunities which is consistent with the objectives of the South Kilburn Masterplan SPD for this site and the Local Plan.
14. Whilst some objections have focussed upon the specific parameters of the D1 use class, the policy is not referenced in terms of D1 use class. It is possible for buildings to serve a community/social infrastructure purpose without strictly being within the D1 use class as defined by The Town and Country Planning (Use Classes) Order 1987. The broader site has a mix of uses present currently and flexibility in the specific uses is considered to be appropriate.
15. CS policy CP2 requires to plan for additional housing, which this development would contribute towards, in particular affordable housing, all units are to be affordable (affordable rent) units, which is a significant benefit of the proposals.
16. Whilst officers do sincerely empathise with the challenges of finding space for charitable organisations, planning decisions are required by law to be based upon the adopted development plan unless material considerations indicate otherwise.
17. It is notable Rumi's cave have a short term lease arrangement, understood to expire in 2021. The Local Planning Authority (as a distinct authority from the Council, although sits within the Council) has a legal requirement to objectively assess the application on its planning merits.
18. Whilst some material weight can be given to the charitable work and benefit to the community Rumi's Cave and other organisations utilising the existing space offer, planning decisions are generally informed

by the proposed land use and the development plan rather than a particular occupier of a building/land at the time of an application. The development plan should be given significant weight by the decision maker.

19. Given the retention of a mix of community and social infrastructure based uses on site, plus delivery of housing the principle of development is considered acceptable and in accordance with the objectives of the development plan.

#### *Asset of Community Value*

20. The Carlton and Granville buildings are designated as Assets of Community Value. The proposals seek to enhance the community benefit of the broader site in addition to providing much needed affordable housing.
21. There is no loss of Asset of community Value and the proposals is considered to enhance the community value of the site.

#### **Character and Appearance**

- 22.** London Plan policy 7.1 (“Lifetime Neighbourhoods”) advises that the design of new buildings and the spaces created by them should “*help to reinforce or enhance the character, permeability, and accessibility of the neighbourhood*” while policies 7.4, 7.5 and 7.6 confirm the requirement for achieving the highest architectural quality, taking into consideration the local context and its contribution to that context. Design should respond to contributing towards “a positive relationship between urban structure and natural landscape features...” Additional design guidance can be found in DMP1 (“Development Management General Policy”) and within the Councils SPD1 (“Design Guide for New Development”).
23. Core Strategy Policy CP17 states that the distinctive suburban character of Brent will be protected from inappropriate development. Local Plan Policy DMP1 states that development will be acceptable provided it is of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design and complements the local area.

#### *Granville Road*

24. The proposals seek to create a level central arrival point to the broader site via the Granville Road entrance and seeks to replace part of the frontage with a new building (Block C) of a larger and more contemporary contrast to the buildings of Victorian/Edwardian heritage proposed to be retained either side. The additional height of Block C responds to the broader context of the broader South Kilburn estate which has buildings of significant height.
25. The design of the predominantly residential block in Granville Road would read as a modern addition rather than seek to mimic or pastiche the older Victorian/Edwardian buildings of which it would sit alongside. The design does sensitively borrow the materiality of red brick from existing buildings and seeks to utilise high design detail at ground floor levels to enhance pedestrian experience of the buildings.
26. A small scale improved entrance is proposed for the nursery.
27. Although there is an overall increase in scale and mass over existing, this does not appear out of context of in wider South Kilburn area, which has several taller structures.

#### *Carlton Vale*

28. The south of the site is much more open in character with play spaces and amenity land, with some modern extensions extruding from the principal buildings fronting Granville Road. There is the opportunity

to improve local character with the removal of some modern extension with sensitively designed buildings, and improved landscaping.

29. The extension to the nursery projects southwards from the principle Carlton building and is single storey structure with a sweeping pitched roof with gable end fronting Carlton Vale, landscape improvements to the playground are also proposed as is canopy projecting off the south elevation of the nursery. The extension would enable improved use of the nursery, the design is considered appropriate to its context.
30. A 6 storey predominantly residential block (Block B) is proposed in the middle of the site fronting Carlton Vale, it is stepped on the west side at 3 storey of modest design with window detailing adding some visual interest to the building. The height, scale and siting responds to other developments in the Carlton Vale streetscene such as the 8 storey Merle Court which abuts the road frontage.
31. Further to the east a community garden and cascading garden is proposed on the existing community garden with landscape enhancements. This area is to be integrated in function integrated with access route through the site and a central courtyard setting which is to improve permeability and accessibility between the different uses on site and between Granville Road and Carlton Vale.
32. A small playground is proposed for the Granville Plus Children's Centre, which is to be located in the lower storeys of the 8 storey block which is to merge with the existing buildings. The mass of this structure is broken up with recessed and protruding balconies, roof gardens and steps in the elevations. There is appropriate architectural merit in the scheme which is considered to be a design sensitive to its wider context.
33. A part two, part three storey community/events building is proposed for the east side of the site with an innovative design which contributes the character of the locality in both form and design detail with use of intricate tile cladding and v shaped roof form. A roof garden on this building is to also form part of the community garden.
34. The landscaping strategy is considered to be of an appropriate quality. The applicant has taken prominent trees in the public footpath and within the site into consideration in the layout of proposals. There would be scope to formalise appropriate landscaping which would help to soften the and integrate the development further into the streetscene, details of which can be secured by condition.
35. The improved legibility through the site and potential pedestrian link between Granville Road and Carlton Vale is positive aspect of the scheme.
36. Overall the proposals are considered to represent visually attractive, good quality architecture which would help to improve the function and overall quality of the area, with sympathetic and innovative design and effective landscape and appropriate mix of uses and improved accessibility and community facilities, consistent with the objectives of the development plan.

## **Heritage**

37. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("Listed Buildings Act") confirm that special attention shall be paid to the desirability of preserving a listed building or its setting (s.66) and preserving or enhancing the character or appearance of that area (s.72).
38. Paragraph 196 of the NPPF advises where a development proposal would amount to less than substantial harm to the significance of a heritage asset this harm should be weighed against the public benefits of the proposals.
39. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset requires a balanced judgement having regard to the scale of any harm or loss of the significance of the asset.
40. The proposals predominantly affect the Granville Road elevation of the site where there is strongly

defined frontage with historic and decorative facades. The development would retain the historic façade for the most part but the façade would be punctuated with contemporary development to improve the access into and through the site at ground level but also provide additional residential accommodation in upper floors. At the street edge this building would visually read as 4 storey with additional storeys recessed away from the building frontage. The building to be demolished forms the poor quality section of the historic group and is an appropriate place for change. It should be noted most of the existing buildings will remain and will be restored as well as the front boundary. This is a significant benefit to the scheme and the area. Although the scheme will include the demolition of the earliest part of the building on the Granville Road elevation, this part of the building has been altered and not described as any greater heritage significance than the other buildings in the Heritage Statement. Its loss is mainly because of the level changes needed to modernise the building. The replacement infill, although somewhat taller, does not dominate the overall façade. It has been designed to reflect the existing character of the building with brick and terracotta elements.

41. When considering the effect on the significant of the non-designated heritage asset, the proposals impact would be minor in that the replacement would be of a high quality design and not harm the overall appearance of the streetscene and its character. Therefore, although modern this addition would be appropriate and remove the poor quality section of the buildings on this side of the site.
42. The demolition of the later structures on the site that are described as 'no heritage significance' in the Heritage Statement is of clear benefit. The new Community Hall that faces Carlton Vale has been carefully designed for its prominent location and will be constructed of traditional patterned clay hung tiles.
43. It is noted that new buildings will obscure the Granville buildings. However, the elevation of these buildings are already partially obscured by modern extensions. Furthermore, the new construction is entirely necessary for the regeneration and the much needed restoration and adaption of the remaining buildings on the site. Much of the new construction is in traditional brickwork and, on balance, can be seen as better than exists.
44. A historical records condition is proposed to record anything of heritage value and interest in the buildings prior to commencement of works.
45. The proposals would not significantly impact upon the character or setting of the South Kilburn Conservation Area, with glimpses of the development that may be possible from the Conservation Area not inconsistent with the broader form of development visible in the locality. The proposals are a sufficient distance from any other heritage assets in the locality and not considered to unduly impact upon their setting or significance. Therefore although visible from the conservation area the harm would be very limited and not have a bearing on the significance of the heritage asset. Therefore when considered against the requirements of the NPPF there would be harm to the Conservation Area.
46. On balance, the proposals overall are considered to preserve the historic character of the buildings and locality. No harm is considered to arise to the Conservation Area. The proposed replacement building would be of an appropriate high quality modern design and the public benefits of 18 affordable homes with high proportion of family homes and improved accessible community facilities are considered to clearly outweigh any harm identified to heritage assets.

## **Affordable Housing**

47. London Plan policy 3.12 requires borough's 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. The policy requires borough's to take account of economic viability when negotiating on affordable housing. DMP15 – Affordable Housing, and Core Strategy CP2 require that 50% of new homes should be affordable with a tenure split of 70% affordable rented housing and 30% intermediate housing at affordability levels meeting local needs.

48. The residential units are to be 100% affordable rent and this is a significant planning gain and benefit of the scheme. There is currently acute affordable housing need in the borough especially for affordable rent units therefore 100% affordable rented offer is considered a significant improvement over the policy requirement and a significant public benefit.

### Unit Mix/Family sized dwellings

49. CS Policy CP2 of Brent's Core Strategy 2010 seeks for 25% of new homes within the borough to be family sized (three bedrooms or more). The proposal achieves 61%% (11 out of 18 units) family sized units, which is a significant improvement over the policy target and positive aspect of the scheme. In addition there 7 x 4bed units delivered as affordable rent and helps meets acute need in this area.

### Density

50. CS Policy CP6 supports high densities in areas of good public transport accessibility, subject to the quality of the design, location of the site and the need to provide family housing. Given the site is predominantly within community type uses the amount of housing is considered proportionate to the wider context of the site.

### Quality of Residential Accommodation

51. Local Plan Policy DMP1 and DMP18 state that it is important that development provide high levels of internal amenity and create a high quality environment, and should be consistent with London Plan Policy 3.5, Table 3.3 'Minimum Space Standards for New Dwellings'.

52. The size of the units and amenity areas are set out in the tables below:

#### Block B (southern residential block fronting Carlton Vale)

Building	Level	Unit type	No. of unit type	Net Internal area (NIA) of each unit (sq.m)	Private amenity Space of each unit (sq.m)
Block B	1-2	3b6p Type B	2	97.9	9.0
Block B	1-2	2b4p Type C	2	72.1	8.3
Block B	3	4b8p Type A	1	128.1	15.3
Block B	4-5	4b7p Type B	2	121.0	14.3

Total Number of units in Block B = 7

Total private amenity space in Block B= 78.5 sq.m

Additional communal amenity space Block B = 44 sq.m

Total amenity space in Block B = 122.5sq.m

#### Block C (Northern residential block fronting Granville Road)

Building	Level	Unit type	No. of unit type	Net Internal area (NIA) of each unit (sq.m)	Private amenity Space of each unit (sq.m)
Block C	1	3b6p Type C	1	98.8	9.0
Block C	1-2	4b8p Type A (wheelchair accessible)	2	133.1	9.4
Block C	2	3b6p Type A	1	95.0	8.3
Block C	3	2b4p Type B	1	74.6	7.0
Block C	3-4	1b2p Type B	2	50.3	6.7
Block C	3-4	1b2p Type A	2	50.6	5.0
Block C	5-6	4b7p Type A	2	120.6	15.1

Total Number of units in Block C = 11

Total private amenity space in Block C = 87.4 sq.m

Additional communal amenity space Block C = 69 sq.m

Total amenity space in Block C = 156.4 sq.m

Total number of Units = 18

Total Amenity space = 278.9 sq.m .

53. All of the residential units would exceed the minimum floorspace standards as required by DMP policy DMP18 and London Plan policy 3.5 with efficient layout and generally good aspect, outlook and light.
54. DMP policy DMP19 provides guidance for outdoor residential amenity space of 20sqm per flat and 50sqm per family unit the expected amount. Of a unit mix of proposed the development would generate a requirement of 690 sq.m.
55. Each residential unit has access to private amenity space ranging from 5 sq.m to 15.3 sq.m in addition communal roof gardens are provided on both residential buildings offering additional outdoor amenity.
56. Consideration has been given to the fact that the site is quite constrained and larger balconies may result in increased overlooking to neighbouring residential properties as well as a negative impact on the character of the area due to increase in mass and scale. In addition to this the size of the units are generous in some cases, exceeding minimum space standards by a considerable amount and offset some of the shortfall in amenity space. There is the difficulty of achieving amenity provision with the increased demands of family sized units on a site which seeks to deliver such a mix of uses and retain community amenity space. There is ample outdoor recreation opportunities in the immediately adjacent community garden and South Kilburn Open Space.
57. The proposed levels of external amenity space fall below those specified within policy DMP 19. However, on balance the proposal is considered to deliver high quality of accommodation with adequate outdoor recreation opportunities for future residents.
58. Overall the flats would have good access to outlook, light and general living conditions would be good.

## Neighbouring Amenity

59. Local Plan Policy DMP1 seeks to ensure new development, amongst other things, provides high levels of internal and external amenity and does not unacceptably increase exposure to noise, light and general disturbance. This is supported by SPD1.

### *Privacy*

60. The design guide for new developments SPD1 outlines the minimum distance between habitable facing windows is 18m and distance from windows to private amenity space should be 9m.

61. Block C faces toward Granville Road, where recent residential development is located (111-149 Granville Road). The separation distance is 16m however there is an existing relationship in place between the two existing built forms and there is an intervening road between the properties which reduces perception of overlooking of individual properties with natural surveillance, focus upon the road activity and partial tree cover which mitigates against the potential harm.

62. There would not be significant harm to residents of existing or proposed development.

63. Block B facing Carlton Vale has no existing residential properties within 18m and is not considered to significantly affect privacy of neighbouring occupiers.

64. The proposals include a range of uses and users across the site, including siting of new homes. The relationship of blocks B and C in relation to each other and other uses on site would need to provide adequate privacy of reasonable living conditions. The relationship between the residential elements of Blocks B and C gives rise to no directly facing habitable room windows, maintaining a minimum of 18m between facing windows.

65. Where windows could possibly have a greater impact on residents' sense of privacy is the relationship between the Carlton building which lies approximately 9m away to the north of Block B at its narrowest point and 11m away from the west facing elevation of Block C at the narrowest point. To protect residential amenity it is recommended a condition to obscure glaze windows in the Carlton Building which could have a direct impact upon residential privacy in the new homes of blocks B and C.

66. Other windows may afford some oblique and intermittent views in day to day use between the residential and non-residential uses on site and between blocks B and C, however these are not held to significantly impact upon living conditions.

67. Overlooking of school and nursery buildings and playgrounds is to be expected in an urban setting and is acceptable.

68. On balance the development would retain adequate privacy for future occupiers and neighbouring uses.

### *Daylight/Sunlight*

69. The applicant has submitted a daylight sunlight analysis based the Building Research Establishment (BRE) guidance *Site layout planning for daylight and sunlight: a guide to good practice*, which advises on planning developments for good access to daylight and sunlight, and is widely used by local authorities during planning permission to help determine the impacts of new developments.

70. A detailed assessment has been submitted for daylight, sunlight and overshadowing which demonstrates future residents and users of the amenity space areas would have good access to light.

71. The design guide for new developments SPD1 outlines the 30 and 45 degree principles on pg.27. Where

there are failures of these principles the impact on outlook and the sense of enclosure to neighbouring properties and garden space can increase. When considered with a daylight/sunlight study it can be established if any significant harm would arise to residential amenity.

72. The London Plan SPG – Housing gives guidance stating at paragraphs 1.3.45 and 1.3.46:
73. *1.3.45 .... An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.*
74. *1.3.46 The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced, but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.*
75. Residents of adjoining sites could be potentially affected by the proposals, particularly residents 111-149 Granville Road, which itself is a relatively recent development in the South Kilburn Estate Regeneration. Review of the Point 2 Surveyors report shows there are several windows where daylight and sunlight could be affected beyond the generally accept 20% loss of vertical sky component suggested in the BRE guidance as being acceptable.
76. There are some failures of BRE guidance on the daylight/sunlight impact (whether with or without balconies included and weighing up loss of Vertical sky component (VSC) some rooms are only marginally over the 20% loss of VSC.
77. The losses in excess of BRE guidance range between approximately 20% and 40% of VSC which can be a noticeable impact to habitable rooms. Nonetheless there is reasonable degree expectation within area with a masterplan encompassing some significant regeneration and increase in development some loss of light may occur to achieve the wider objectives of the plan. The range of loss is not so significant it would outweigh the benefits of the proposals and adjoining residents are considered to retain acceptable living conditions on balance.
78. While other windows have in excess of 20% losses they either have alternative windows with good access to light, non-habitable room windows or even with a 20% loss or more retain a good level of vertical sky component (generally above 20 degrees which is considered good for an urban location). Additional consideration is given where the rooms serve a bedroom as opposed to living room as they are generally less relied upon during daylight hours. Given the scale the project over the size of existing it is unlikely to block out entire vistas and skyward light and views would still be appreciable by neighbouring dwellings.
79. Daylight distribution analysis is generally a more detailed calculation of impact daylight received by rooms, rather than a measurement at the window. The table below identifies rooms with loss in excess of 20% of daylight distribution and the type rooms they serve:

Room/Floor	Room Use	% Loss
R2/50 (Ground Floor)	Living Room	28.0
R3/50 (Ground Floor)	Bedroom	33.1
R1/51 (First Floor)	Living Room	24.0
R2/51 (First Floor)	Bedroom	28.2
R3/51 (First Floor)	Bedroom	34.1
R4/51 (First Floor)	Bedroom	33.8

R5/51 (First Floor)	Bedroom	30.0
R6/51 (First Floor)	Living/Kitchen/Dining	26.0

80. The majority of the rooms listed above serve bedrooms where impacts tend to be less impact upon living conditions given their primary use as sleeping areas than upon main living areas and the application of guidance can be interpreted more flexibly. These leaves rooms R2/50, R2/51 and R6/51 which suffer 28%, 24% and 26% losses of daylight distribution respectively. Whilst over the 20% loss exceeds standard BRE guidance some flexibility is encouraged by both BRE and London Plan SPG given the urban setting and wider growth area/regeneration area context the harm is not considered excessive in these circumstances.
81. Some windows to 111-149 Granville Road are also set behind projecting balconies and the alternative tests without the balconies in place show that a reduction may still occur. Whilst it is therefore considered that these owners may experience a reduction in daylight as a result of the proposed development, the retained daylight levels (without balconies) are considered acceptable for this urban location which is also within the South Kilburn Growth Area.
82. 1 window within the Peel Project is situated beneath a large overhang of the property which severely restricts the amount of daylight this room can currently enjoy, with an existing VSC of 0.15%. With the Proposed Development in place, this room would experience a small actual reduction of 0.11% which would have a very small scale impact on occupiers.
83. There is some small scale overshadowing of the Iranian school site however the school still retains good access to daylight and sunlight overall.
84. Annual probable sunlight hours are not diminished significantly beyond accepted standards within BRE guidance.
85. The siting and layout of the proposals is such that outlook is not considered to be significantly harmed to neighbouring or future occupiers.

## Noise

86. Local Plan Policy DMP1 states that new development will be acceptable providing it does not unacceptably increase exposure to noise and general disturbances.
87. The noise assessment report was carried out by AKLN acoustics in June 2019. Brent's Environmental Health Team have reviewed the submission and found that noise generated between the uses is unlikely to give rise to excessive nuisance to future occupiers.

## Lighting

88. The proposal is for non-residential uses to be within the same development as the residential units therefore, there could be issues with lighting impacting on the residential use. To ensure there are not any excessive impacts, details of any external lighting are recommended to be agreed through condition.

## Odour

89. Some of the non-residential kitchenettes may be for commercial scale use although serving a community purpose. A suitable condition is proposed to ensure appropriate ventilation and extraction of cooking odours.

## Highways

90. Policy 6.3 of the London Plan confirms that the impact of development proposals on transport capacity and the transport network should be fully assessed. The proposal should comply with policies relating to better streets (Policy 6.7), cycling (Policy 6.9), walking (Policy 6.10), tackling congestion (Policy 6.11), road network capacity (Policy 6.12) and parking (Policy 6.13). Policies DMP11 and 12 provide the criteria upon which developments will be assessed with regard to layout and access / servicing / parking standards.
91. The NPPF para.109 states, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
92. The site is located within PTAL 5 where generally car free development can be considered acceptable consistent with policy DMP12.
93. Policy DMP12 requires that where additional on-street parking might be generated, this needs to be safely accommodated. The location of the site within a CPZ means that overspill parking by staff is very unlikely, whilst community facility visitors would be able to use the pay and display bays in Granville Road as at present, which generally appear to have some spare capacity available during the day.
94. Brent's overnight parking surveys from 2013 show parking in the area is more heavily occupied at night, although the applicant has provided more up-to-date surveys from 2018 showing greater levels of spare capacity in the length of Granville Road fronting the site than before. Nevertheless, the amount of spare capacity is still less than would be likely to be generated by these 18 flats and to address any parking concerns, it is recommended that the new flats are designated as 'parking permit restricted', thereby removing the right of future residents to on-street parking permits.
95. Any disabled Blue Badge holders would be exempt from the 'parking permit restriction' agreement and can therefore still use on-street parking bays in Granville Road, with dedicated disabled bays able to be provided to meet a particular need (particularly for the two proposed wheelchair units) if requested.
96. A mixture of bicycle and scooter parking is proposed in five locations across the site for the non-residential uses, providing about 35 spaces. This complies with London Plan requirements and is also a considerable uplift on the limited bicycle parking provision within the site at present.
97. A total of 37 secure spaces are required for the flats and internal storage rooms have been indicated for 40 bikes on two-tier stands, which would meet standards.
98. Adequate refuse storage for the flats is proposed fronting the highways of Carlton Vale and Granville Road, thereby allowing easy access for refuse collection staff. This is also the case for the non-residential uses. However, the door to the store for Building B must be amended so as not to open outwards over the public footway of Carlton Vale, this can be secured by condition.

99. As with the existing site, no off-street loading area is available for the retained offices in the Carlton Centre, but this is an existing situation that is not worsened by this proposal.
100. The proposals would include a through route for pedestrians connecting Granville Road and Carlton Vale, with gates at either end. This is very much welcomed as a means of improving pedestrian accessibility to and through the site. It is proposed that the gates would remain open throughout the day, but be closed and locked at night to reduce anti-social behaviour after dark.
101. With this desire line for pedestrians being created through the site, which would emerge onto Carlton Vale close to a footpath through the park opposite, the need for better pedestrian crossing facilities on Carlton Vale close to the centre of the site has been identified.
102. There is an existing pedestrian refuge and speed table towards the eastern end of the site that is close to existing site entrances for the Carlton Centre, but which would be of less use for the proposed site layout. The applicant therefore proposes to relocate this refuge eastwards to serve the new desire line and this suggestion is welcomed. However, the associated speed table should be repositioned too (the speed cushions near to the centre of the site would need to be swapped with the speed table) and alterations would also be required to the on-street parking bays to keep the new crossing point clear of parked cars. It may be possible to relocate these westwards rather than removing them altogether.
103. A more detailed highway layout for the Carlton Vale frontage would therefore need to be drawn up and approved. However, the proposals are acceptable in principle and should be undertaken by the developer through a S278 Agreement.
104. There are redundant footway crossovers in place across the Granville Road and Carlton Vale footways fronting the Granville Centre site and as part of the redevelopment, these should also be removed and restored to footway with full-height kerbs at the applicant's expense through the S278 Agreement.
105. It is also noted that balconies are proposed to oversail the publicly adopted highway of Carlton Vale by about 450mm from Building B at a height of about 3.8m. This is acceptable in principle, but would require an oversailing licence under S177 of the Highways Act 1980 from Brent's Highways & Infrastructure service.
106. With regard to future trip generation, the non-residential uses are replacements for existing uses and would therefore generate comparable numbers of trips to the existing building. Only the proposed residential units are therefore considered likely to lead to any uplift in trips to and from the site.
107. Based on comparisons with surveys for two other social-housing developments in inner London with low or zero parking trip generation is not likely to be significant enough to have a noticeable impact on the local highway network.
108. The vast majority of trips are expected to be made on foot and the improvements to the pedestrian access on Carlton Vale would help to safely accommodate these trips.
109. The road accident history for the area within about 250m of the site was also examined for the last five years. This showed seven accidents in the area, of which five occurred on Carlton Vale. The accident total is low and there are not considered to be any road safety issues that would be worsened by this proposed 'parking permit restricted' development.
110. Overall the development would be safe with suitable access and the impacts on the highway would be limited.

### **Wheelchair accessibility**

111. 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", Two flats have been designed to comply with building regulation M4 (3), which complies with the required 10%.

Generally accessibility through the site is improved given level differences present and wheelchair accessibility for uses on site would be required to be built in accordance with building control regulations.

### **Air quality**

112. The applicant has submitted an Air Quality assessment. This assessment identified the need for mechanical ventilation to be fitted to ensure that residents were not exposed to poor air quality levels. Therefore, this should be conditioned.

113. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours.

114. 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 would be taken to control dust, noise and other environmental impacts of the development.

115. 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 would apply to both variable and constant speed engines for both NOx and PM. This can be secured by condition.

### **Land Contamination**

116. The site to be redeveloped has been identified as previously contaminated and therefore a full assessment of land contamination should be undertaken especially as the proposed use includes residential. The applicant has submitted a Hydrock Desk Study and Ground Investigation dated March 2018. This site investigation has identified that soils have high levels of Lead and benzo-a-pyrene and that further gas monitoring should be undertaken. Appropriate remediation can be secured by condition.

### **Trees / Landscaping**

117. London Plan Policy 5.10 ('Urban Greening') and DMP Policy DMP1 seeks to retain high amenity trees and landscape features and provide appropriate additions or enhancements. Trees are a key component of green infrastructure and help to create resilient and more sustainable development.

118. Core Policy 18 ('Protection and Enhancement of Open Space, Sports and Biodiversity') of the Core Strategy confirms that support would be given to the improvement of the built environment.

119. There is some loss of trees across the site, however retained trees would retain the overall quality of the streetscene. The tree officer has reviewed the application and raises no objection to this scheme on arboricultural grounds. Any loss of trees can be mitigated with appropriate landscaping and a condition is recommended to secure adherence to protection and mitigation measures identified in the Arboricultural report by ACS Consulting.

120. The landscaping arrangements offer a more flexible and diverse arrangement of amenity areas and is considered to take opportunity to improve the existing arrangements. Specific planting schemes can be

secured by condition.

121. Improved amenity / landscaping provision includes:

Nursery entrance (35 sq.m)

Nursery Playground (527 sq.m)

Residential communal roof terraces (44 sq.m and 69 sq.m)

Central Courtyard (333 sq.m)

Creche Playground (35 sq.m)

Cascading Garden (236 sq.m)

Roof Garden (on community hall) (195 sq.m)

Community Hall entrance (36 sq.m)

Community Garden (410 sq.m)

122. The greening of development with roof gardens and amenity areas contribute of the greening of the landscape and biodiversity opportunities. The railings to the Carlton Vale boundary are a transparent boundary treatment which would improve visibility and appreciation of the improved landscape offering on the site and retain a sense of openness and spaciousness. There is limited scope for improved urban greening in the Granville Road façade given the established built form, a roof garden is proposed in Block C.

## **Biodiversity / Ecology**

123. Policy 7.19 ('Biodiversity and access to nature') of the London Plan requires development proposals to contribute to mitigating the effects of climate change by considering integrating green infrastructure and to make a positive contribution, where possible, to the protection, enhancement, creation, and management of biodiversity. Core Policy 18 ('Protection and Enhancement of Open Space, Sports and Biodiversity') of the Core Strategy confirms that support would be given to the improvement of the built environment for biodiversity and nature conservation.

124. Local authority has a duty to consider potential impacts upon biodiversity, wildlife and protected species as part of policy and decision making as set out in sec 40 of the National Environment and Rural Communities Act 2006 (as amended) (NERC) and The Wildlife and & Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2010 (as amended). It is an objective of the NPPF (paragraphs 8 and 175) to help improve biodiversity.

125. The applicant has submitted an ecology report and bat emergence survey to identify the potential risks. The Council's officers have reviewed the report and agree with the conclusions the risk to protected species is low. Although pipistrelle bats are identified as commuting and foraging in the area, no significant risk is identified to wildlife or protected species from the proposals.

126. To ensure no harm occurs to foraging opportunities for the bats and to encourage biodiversity on site a biodiversity management plan, including additional details for landscaping to ensure net gain of foraging opportunities on site would be required by condition. The Local Planning Authorities Ecology advisor has also recommended that an ecology review of the site is undertaken before the development takes place given the passage of time between the previous ecology surveys done on the site and likely implementation of the development.
127. A suitable biodiversity management plan could be conditioned to meet the objectives of policies CP18 and DMP para 5.6 which requires all developments to make a positive contribution to biodiversity.

## **Flood Risk**

128. London Plan policies 5.12 and 5.13 require the consideration of the effects of development on flood risk and sustainable drainage respectively. Policy DMP9A ('Managing Flood Risk') confirms that new development must avoid and reduce the risk of flooding, and not increase the risks elsewhere and that planning permission would only be granted for proposals which have addressed all sources of flood risk and would not be subject to, or result in unacceptable levels of flood risk on site or increase the level of flood risk to third parties. DMP9B ('On Site Water Management and Surface Water Attenuation') requires minor schemes to make provision of an appropriate SuDS scheme where feasible.
129. The lead local flood authority is satisfied the proposals represent no significant additional flood risk. The site is within a fluvial flood zone 1, presents no sign of surface water flooding on our hydraulic model which is also a zone 1.
130. The site also indicates a low probability of groundwater flooding and the discharge rates are restricted to 5/l/s which is acceptable.
131. Thames Water hold no objection about sewerage or surface water drainage infrastructure capacity.

## **Sustainable Design and Construction**

132. London plan Policy 5.3 Sustainable Design and Construction and the Mayors Sustainable Design and Construction SPG requires applicants to demonstrate sustainable design standards are integral to new development, including its construction.
133. 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. The statement also sets out the development will connect to the South Kilburn Energy Centre and District Heating Network.
134. A condition or legal agreement is to secure the need for the development to achieve a Breeam rating of at least excellent for the non-residential element and a minimum of 35% improvement over Part L of 2013 Building regulations.
135. The sustainability officer considers the energy strategy has been well thought out, however, the guidance from GLA is that fabric improvements should achieve a 10% reduction, which is not achieved. The site wide emissions have resulted in a 34% improvement in total, however, the requirement is 35%.

This may be down to the refurbished areas, which are not specifically addressed within the GLA guidance, other than to advise that they should be improved and there would be difficulty improving the performance of old buildings. The condition or S106 clause should require that all new build achieve at least a 35% improvement over Part L on site. The new build residential should also be targeting zero carbon.

136. In terms of the Carbon Offset, the strategy of improvements in the existing buildings to offset any carbon generated in the residential is acceptable and in accordance with the carbon offset guidance. This would need to be reviewed throughout the process to confirm that the target reductions are met and that the strategy is in accordance with the carbon offset guidance.
137. The domestic overheating report says that the scheme will include acoustic ventilation panels for areas which have a potential to overheat but the submitted elevations do not include them. This can be secured by condition and is not considered to materially affect the appearance of the building.
138. There may be some overheating issues in the existing (non-domestic) buildings there would need to be a non-domestic overheating analysis and consideration as to how to minimise overheating risks in the existing building.
139. Sustainability and Energy implementation strategies must be submitted and approved prior to a material start to achieve the objectives of the plan.
140. London Plan policy 5.18 confirms that through the Local Plan, developers should be required to produce site waste management plans (SWMP) to arrange for the efficient handling of construction, excavation and demolition waste and materials. The supporting text to CP19 ('Brent Strategic Climate Change Mitigation and Adaptation Measures') of the Core Strategy confirms that developers would be expected to play their part in reducing the overall waste arising and is managed towards the upper end of the waste hierarchy.
141. A construction method statement/management plan condition could demonstrate acceptable construction practices to avoid excess waste and nuisance arising from the development.

## **Equality**

142. 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**

143. On balance, the proposals are considered to accord with the development plan, the adopted South Kilburn Masterplan SPD identifies the site for a mix of uses, having regard to material planning considerations. The Masterplan was voted upon by local referendum (72% participation rate, 84% voted in favour). The proposed development is considered to be of an appropriate design with acceptable impacts on neighbouring land uses and residents and appropriate mix of uses and re-provision of community type facilities which would continue serve the local community. There are significant public benefits of the scheme with modernisation of community type facilities enabling more efficient and accessible use of the site plus the delivery of 18 affordable homes, 11 of which are family sized units. This is considered to clearly outweigh any of the scheme's disbenefits, including the the limited harm to

the non-designated heritage assets.

144. Whilst there is clearly much public concern with the fate of ULFA/Rumi's Cave presence in the locality, this is considered to have very limited weight in the planning merits of the case due to the need to assess the site's use rather than individual operator. Officers do empathise with the situation, however planning law requires decisions to be made in accordance with the development plan.

## S106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Affordable Housing.
- Managed affordable workspace and community use plan
- Employment and training opportunities during construction and operation phases
- Car-Parking Permit Free development to remove the rights of residents to apply for parking permits in the surrounding roads in the vicinity of the site,
- Energy - Achieve a zero carbon' standard. The remaining regulated carbon dioxide emissions, to 100 per cent, would be off-set through a cash in lieu contribution
- Submission of a Delivery & Servicing Plan for the community and workspace areas
- Public access and right of way to community gardens
- Undertaking of on and off site highway works through an agreement under S38/S278 of the Highways Act 1980

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

## CIL DETAILS

This application is liable to pay **£0.00** \* 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): 1476 sq. m.

Total amount of floorspace on completion (G): 2318 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) Social housing	2318	0	842	£200.00	£0.00	£252,600.00	£0.00
(Mayoral) Social housing	2318	0	842	£0.00	£60.00	£0.00	£52,553.31

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)	336	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£252,600.00</b>	<b>£52,553.31</b>

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

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

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



Application No: 19/2378

To: Sally Styles  
CMA Planning  
113 The Timberyard  
Drysdale Street  
N1 6ND

I refer to your application dated **04/07/2019** proposing the following:

Partial demolition of existing structures on site including part of the Granville building, refurbishment of the Granville and Carlton Centres and construction of 3 buildings ranging from one to eight storeys in height, to facilitate the provision of a mixed use development comprising 18 self-contained flats at part 1st - 8th floors and community facilities, offices and workshops at lower ground, ground and part first floors. Works include creation of play areas for the children's centre, nursery and school; additional community and event workspaces, outdoor amenity areas, secure cycle and refuse storage.

and accompanied by plans or documents listed here:

Heritage Assessment  
Planning Statement  
Design and Access Statement  
Daylight/Sunlight Report  
Air Quality Assessment  
Arboricultural Impact Assessment  
Preliminary Ecology Appraisal  
Ecology Bat Emergence Survey  
Ecology Bat Roost Assessment  
Noise Impact Assessment  
Drainage Strategy  
Energy Statement  
Planting Schedule  
Statement of Community Involvement  
Statement of Consultation  
Sustainability Report  
Transport Statement  
3D visuals  
AKA-070-P\_A\_600 REV P0 - BUILDINGS B & C TYPICAL DETAILS  
AKA-070-P\_A\_601 REV P0 BUILDINGS B & C TYPICAL DETAILS  
AKA\_070\_P\_A\_602 REV P0 BUILDINGS B & C TYPICAL DETAILS  
AKA\_070\_P\_L\_001 REV P0 PROPOSED SITE LOCATION PLAN  
AKA\_070\_P\_L\_009 REV P0 EXISTING BASEMENT AND LOWER GROUND FLOOR PLAN  
AKA\_070\_P\_L\_010 REV P0 EXISTING GROUND AND UPPER GROUND FLOOR PLAN  
AKA\_070\_P\_L\_010M REV P0 EXISTING GROUND FLOOR AND MEZZANINE PLAN  
AKA\_070\_P\_L\_011 REV P0 EXISTING FIRST FLOOR PLAN  
AKA\_070\_P\_L\_011M REV P0 EXISTING FIRST FLOOR MEZZANINE PLAN  
AKA\_070\_P\_L\_012 REV P0 EXISTING SECOND FLOOR PLAN  
AKA\_070\_P\_L\_013 REV P0 EXISTING ROOF PLAN  
AKA\_070\_P\_L\_020 REV P0 EXISTING SITE SHORT SECTIONS

AKA\_070\_P\_L\_020 REV P0 EXISTING SITE LONG SECTIONS  
 AKA\_070\_P\_L\_030 REV P0 EXISTING SITE ELEVATIONS  
 AKA\_070\_P\_L\_099 BASEMENT AND LOWER GROUND FLOOR PLANS  
 AKA\_070\_P\_L\_100 REV P0 GROUND AND UPPER GROUND FLOOR PLANS  
 AKA\_070\_P\_L\_101 REV P0 FIRST FLOOR PLAN  
 AKA\_070\_P\_L\_101M REV P0 FIRST FLOOR MEZZANINE PLAN  
 AKA\_070\_P\_L\_102 REV P0 SECOND FLOOR PLAN  
 AKA\_070\_P\_L\_107 REV P0 ROOF PLAN  
 AKA\_070\_P\_L\_200 REV P0 SITE LONG SECTIONS  
 AKA\_070\_P\_L\_201 REV P0 SITE SHORT SECTIONS  
 AKA\_070\_P\_L\_300 REV P0 SITE ELEVATIONS  
 AKA\_070\_P\_L\_400 REV P0 FLAT LAYOUT 1B2P TYPE A  
 AKA\_070\_P\_L\_401 FLAT LAYOUT 1B2P TYPE B  
 AKA\_070\_P\_L\_403 FLAT LAYOUT 2B4P TYPE B  
 AKA\_070\_P\_L\_404 REV P0 FLAT LAYOUT 3B6P TYPE A  
 AKA\_070\_P\_L\_405 REV P0 FLAT LAYOUT 3B6P TYPE B  
 AKA\_070\_P\_L\_406 REV P0 FLAT LAYOUT 4B8P WCH TYPE A  
 AKA\_070\_P\_L\_408 REV P0 FLAT LAYOUT 2B4P TYPE C  
 AKA\_070\_P\_L\_410 FLAT LAYOUT 3B6P TYPE C  
 AKA\_070\_P\_L\_500 REV P0 PHASING STRATEGY  
 AKA\_070\_P\_L\_800 EXISTING LANDSCAPE SITE PLAN  
 AKA\_070\_P\_L\_810 LANDSCAPE SITE PLAN  
 AKA\_070\_P\_L\_802 EXISTING WEST SIDE LANDSCAPE PLAN  
 AKA\_070\_P\_L\_803 EXISTING EAST SIDE LANDSCAPE PLAN  
 AKA\_070\_P\_L\_810 LANDSCAPE SITE PLAN  
 AKA\_070\_P\_L\_811 WEST SIDE LANDSCAPE PLAN LOWER GROUND FLOOR PLAN  
 AKA\_070\_P\_L\_812 WEST SIDE LANDSCAPE PLAN GROUND FLOOR PLAN  
 AKA\_070\_P\_L\_813 EAST SIDE LANDSCAPE PLAN  
 AKA\_070\_P\_L\_850 LANDSCAPING DETAILS  
 AKA\_070\_P\_L\_851 LANDSCAPING DETAILS  
 AKA\_070\_P\_L\_A100 BUILDING A: GROUND FLOOR PLAN  
 AKA\_070\_P\_L\_A101 BUILDING A: FIRST FLOOR PLAN - CARLTON WORKSPACE  
 AKA\_070\_P\_L\_A102 BUILDING A: SECOND FLOOR PLAN - CARLTON WORKSHOP  
 AKA\_070\_P\_L\_A103 BUILDING A: ROOF PLAN  
 AKA\_070\_P\_L\_A300 BUILDING A: ELEVATIONS  
 AKA\_070\_P\_L\_A301 REV P0 BUILDING A: ELEVATIONS  
 AKA\_070\_P\_L\_B100 BUILDING B: GROUND TO THIRD FLOOR PLANS  
 AKA\_070\_P\_L\_B200 REV P0 BUILDING B: SECTIONS  
 AKA\_070\_P\_L\_B300 BUILDING B: ELEVATIONS  
 AKA\_070\_P\_L\_C100 REV P0 BUILDING C: LOWER GROUND/GROUND FLOOR PLANS  
 AKA\_070\_P\_L\_C101 BUILDING C: FIRST TO FOURTH FLOOR PLANS  
 AKA\_070\_P\_L\_C200 BUILDING C: SECTIONS  
 AKA\_070\_P\_L\_C300 BUILDING C: ELEVATIONS  
 AKA\_070\_P\_L\_C301 BUILDING C: ELEVATIONS  
 AKA\_070\_P\_L\_D100 BUILDING D: FLOOR PLANS  
 AKA\_070\_P\_L\_D300 BUILDING D ELEVATIONS  
 AKA\_070\_P\_L\_E100 REV P0 BUILDING E: FLOOR PLANS  
 AKA\_070\_P\_L\_E200 BUILDING E: SECTIONS  
 AKA\_070\_P\_L\_E300 REV P0 BUILDING E: ELEVATIONS  
 CG099.3.01 TREE REMOVALS PLAN  
 CG099.3.02.LPG LANDSCAPE PLAN  
 CG099.3.03.LPR ROOF LANDSCAPE PLAN  
 CG099.3.05.PA1 PLANTING AREA 1: NURSERY PLAYGROUND  
 CG099.3.05.PA2 PLANTING AREA 2: THE WOODS  
 CG099.3.05.PA3 PLANTING AREA 3: CENTRAL FORECOURT  
 CG099.3.05.PA4 PLANTING AREA 4: COMMUNITY GARDEN  
 CG099.3.05.PA5 PLANTING AREA 5: CASCADING GARDEN  
 CG099.3.05.PA6 PLANTING AREA 6: GRANVILLE ROAD  
 CG099.3.05.PA7 PLANTING AREA 7: PRIVATE TERRACES  
 CG099.3.05.PA8 PLANTING AREA 8: COMMUNITY ROOF TERRACE  
 CG099.3.D01.TTP TEMPORARY TREE PROTECTION\_P1  
 CG099.3.D02.STP STANDARD PROPOSED TREE PIT  
 CG099.3.D03.TP TYPICAL PLANTING DETAILS

AKA-070--P\_L\_402 REVP0 FLAT LAYOUTS 4B7P TYPE A  
AKA-070--P\_L\_407 REVP0 FLAT LAYOUTS 4B8P TYPE A  
AKA-070--P\_L\_409 REVP0 FLAT LAYOUTS 4B7P TYPE B  
AKA-070-P\_L\_103 REVP0 THIRD FLOOR PLAN  
AKA-070-P\_L\_104 REVP0 FOURTH FLOOR PLAN  
AKA-070-P\_L\_105 REVP0 FIFTH FLOOR PLAN  
AKA-070-P\_L\_106 REVP0 SIXTH FLOOR PLAN  
AKA-070-P\_L\_B101 REVP0 BUILDING B: 4TH FLOOR - ROOF PLAN  
AKA-070-P\_L\_C102 REVP0 BUILDING C: 5TH FLOOR - ROOF PLAN

at **Granville Centre, 80 Granville Road, London, NW6 5RA**

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: 14/01/2020

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

- 1 Prior to the commencement of the development, the approved development shall be registered with the Considerate Constructors Scheme (CCS) and aim to achieve best practice standards on the direct and indirect impacts of the construction work of this development and thereafter construct the development in accordance with best practice principles of CCS.

Reason: In the interests of sustainable development and neighbouring amenity.

- 2 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.

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

Heritage Assessment  
Planning Statement  
Design and Access Statement  
Daylight/Sunlight Report  
Air Quality Assessment  
Arboricultural Impact Assessment  
Preliminary Ecology Appraisal  
Ecology Bat Emergence Survey  
Ecology Bat Roost Assessment  
Noise Impact Assessment  
Drainage Strategy  
Energy Statement  
Planting Schedule  
Statement of Community Involvement  
Statement of Consultation  
Sustainability Report  
Transport Statement  
3D visuals  
AKA-070-P\_A\_600 REV P0 - BUILDINGS B & C TYPICAL DETAILS  
AKA-070-P\_A\_601 REV P0 BUILDINGS B & C TYPICAL DETAILS  
AKA\_070\_P\_A\_602 REV P0 BUILDINGS B & C TYPICAL DETAILS  
AKA\_070\_P\_L\_001 REV P0 PROPOSED SITE LOCATION PLAN  
AKA\_070\_P\_L\_009 REV P0 EXISTING BASEMENT AND LOWER GROUND FLOOR PLAN  
AKA\_070\_P\_L\_010 REV P0 EXISTING GROUND AND UPPER GROUND FLOOR PLAN  
AKA\_070\_P\_L\_010M REV P0 EXISTING GROUND FLOOR AND MEZZANINE PLAN  
AKA\_070\_P\_L\_011 REV P0 EXISTING FIRST FLOOR PLAN  
AKA\_070\_P\_L\_011M REV P0 EXISTING FIRST FLOOR MEZZANINE PLAN  
AKA\_070\_P\_L\_012 REV P0 EXISTING SECOND FLOOR PLAN  
AKA\_070\_P\_L\_013 REV P0 EXISTING ROOF PLAN  
AKA\_070\_P\_L\_020 REV P0 EXISTING SITE SHORT SECTIONS  
AKA\_070\_P\_L\_020 REV P0 EXISTING SITE LONG SECTIONS  
AKA\_070\_P\_L\_030 REV P0 EXISTING SITE ELEVATIONS  
AKA\_070\_P\_L\_099 BASEMENT AND LOWER GROUND FLOOR PLANS  
AKA\_070\_P\_L\_100 REV P0 GROUND AND UPPER GROUND FLOOR PLANS

AKA\_070\_P\_L\_101 REV P0 FIRST FLOOR PLAN  
 AKA\_070\_P\_L\_101M REV P0 FIRST FLOOR MEZZANINE PLAN  
 AKA\_070\_P\_L\_102 REV P0 SECOND FLOOR PLAN  
 AKA\_070\_P\_L\_107 REV P0 ROOF PLAN  
 AKA\_070\_P\_L\_200 REV P0 SITE LONG SECTIONS  
 AKA\_070\_P\_L\_201 REV P0 SITE SHORT SECTIONS  
 AKA\_070\_P\_L\_300 REV P0 SITE ELEVATIONS  
 AKA\_070\_P\_L\_400 REV P0 FLAT LAYOUT 1B2P TYPE A  
 AKA\_070\_P\_L\_401 FLAT LAYOUT 1B2P TYPE B  
 AKA\_070\_P\_L\_403 FLAT LAYOUT 2B4P TYPE B  
 AKA\_070\_P\_L\_404 REV P0 FLAT LAYOUT 3B6P TYPE A  
 AKA\_070\_P\_L\_405 REV P0 FLAT LAYOUT 3B6P TYPE B  
 AKA\_070\_P\_L\_406 REV P0 FLAT LAYOUT 4B8P WCH TYPE A  
 AKA\_070\_P\_L\_408 REV P0 FLAT LAYOUT 2B4P TYPE C  
 AKA\_070\_P\_L\_410 FLAT LAYOUT 3B6P TYPE C  
 AKA\_070\_P\_L\_500 REV P0 PHASING STRATEGY  
 AKA\_070\_P\_L\_800 EXISTING LANDSCAPE SITE PLAN  
 AKA\_070\_P\_L\_810 LANDSCAPE SITE PLAN  
 AKA\_070\_P\_L\_802 EXISTING WEST SIDE LANDSCAPE PLAN  
 AKA\_070\_P\_L\_803 EXISTING EAST SIDE LANDSCAPE PLAN  
 AKA\_070\_P\_L\_810 LANDSCAPE SITE PLAN  
 AKA\_070\_P\_L\_811 WEST SIDE LANDSCAPE PLAN LOWER GROUND FLOOR PLAN  
 AKA\_070\_P\_L\_812 WEST SIDE LANDSCAPE PLAN GROUND FLOOR PLAN  
 AKA\_070\_P\_L\_813 EAST SIDE LANDSCAPE PLAN  
 AKA\_070\_P\_L\_850 LANDSCAPING DETAILS  
 AKA\_070\_P\_L\_851 LANDSCAPING DETAILS  
 AKA\_070\_P\_L\_A100 BUILDING A: GROUND FLOOR PLAN  
 AKA\_070\_P\_L\_A101 BUILDING A: FIRST FLOOR PLAN - CARLTON WORKSPACE  
 AKA\_070\_P\_L\_A102 BUILDING A: SECOND FLOOR PLAN - CARLTON WORKSHOP  
 AKA\_070\_P\_L\_A103 BUILDING A: ROOF PLAN  
 AKA\_070\_P\_L\_A300 BUILDING A: ELEVATIONS  
 AKA\_070\_P\_L\_A301 REV P0 BUILDING A: ELEVATIONS  
 AKA\_070\_P\_L\_B100 BUILDING B: GROUND TO THIRD FLOOR PLANS  
 AKA\_070\_P\_L\_B200 REV P0 BUILDING B: SECTIONS  
 AKA\_070\_P\_L\_B300 BUILDING B: ELEVATIONS  
 AKA\_070\_P\_L\_C100 REV P0 BUILDING C: LOWER GROUND/GROUND FLOOR PLANS  
 AKA\_070\_P\_L\_C101 BUILDING C: FIRST TO FOURTH FLOOR PLANS  
 AKA\_070\_P\_L\_C200 BUILDING C: SECTIONS  
 AKA\_070\_P\_L\_C300 BUILDING C: ELEVATIONS  
 AKA\_070\_P\_L\_C301 BUILDING C: ELEVATIONS  
 AKA\_070\_P\_L\_D100 BUILDING D: FLOOR PLANS  
 AKA\_070\_P\_L\_D300 BUILDING D ELEVATIONS  
 AKA\_070\_P\_L\_E100 REV P0 BUILDING E: FLOOR PLANS  
 AKA\_070\_P\_L\_E200 BUILDING E: SECTIONS  
 AKA\_070\_P\_L\_E300 REV P0 BUILDING E: ELEVATIONS  
 CG099.3.01 TREE REMOVALS PLAN  
 CG099.3.02.LPG LANDSCAPE PLAN  
 CG099.3.03.LPR ROOF LANDSCAPE PLAN  
 CG099.3.05.PA1 PLANTING AREA 1: NURSERY PLAYGROUND  
 CG099.3.05.PA2 PLANTING AREA 2: THE WOODS  
 CG099.3.05.PA3 PLANTING AREA 3: CENTRAL FORECOURT  
 CG099.3.05.PA4 PLANTING AREA 4: COMMUNITY GARDEN  
 CG099.3.05.PA5 PLANTING AREA 5: CASCADING GARDEN  
 CG099.3.05.PA6 PLANTING AREA 6: GRANVILLE ROAD  
 CG099.3.05.PA7 PLANTING AREA 7: PRIVATE TERRACES  
 CG099.3.05.PA8 PLANTING AREA 8: COMMUNITY ROOF TERRACE  
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 AKA-070-P\_L\_103 REV P0 THIRD FLOOR PLAN

AKA-070-P\_L\_104 REVP0 FOURTH FLOOR PLAN  
AKA-070-P\_L\_105 REVP0 FIFTH FLOOR PLAN  
AKA-070-P\_L\_106 REVP0 SIXTH FLOOR PLAN  
AKA-070-P\_L\_B101 REVP0 BUILDING B: 4TH FLOOR - ROOF PLAN  
AKA-070-P\_L\_C102 REVP0 BUILDING C: 5TH FLOOR - ROOF PLAN

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

- 4 The sustainable urban drainage system (SUDS) works shall be carried out fully in accordance with the Drainage Assessment report. The approved scheme shall be implemented in full prior to first occupation of the development and shall be retained for the lifetime of the Development.

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

- 5 The residential units of 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.

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.

- 6 The community centre facilities hereby permitted shall only be used for community events and community activities and for no other purposes other than 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.

- 7 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.

- 8 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.

- 9 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.

- 10 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.

- 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 (MOU) with the Local Planning Authority in order to provide appropriate offsetting measures for the development's carbon emissions as approved within the 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 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.

- 15 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.

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

- 16 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 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.

- 18 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 and provides adequate living conditions.

- 19 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:

- (a) An agreement under S278 of the Highways Act 1980 to undertake works in the public highway at the developer's expense prior to occupation of the development in order to: (i) reposition the existing speed table and pedestrian refuge along the Carlton Vale frontage approximately 35m eastwards and reposition the existing speed cushions along the Carlton Vale frontage approximately 45m westwards to the vicinity of the existing pedestrian refuge; (ii) amend on-street parking bays along the Carlton Vale frontage to accommodate the amended location of the pedestrian refuge; (iii) reinstate all redundant vehicular crossovers to the site to footway with full height kerbs; and (iv) install four bicycle stands within the kerb build-outs along the Granville Road frontage, in accordance with detailed drawings to be approved by Brent Council's Highways & Infrastructure service based upon the layout shown on drawing AKA-070-P\_L\_100 Rev P0;
- (b) Removal of the right of future residents of the proposed flats to on-street parking permits in the vicinity of the site through a 'car-free' agreement;
- (c) Amendments to the refuse store doors to Block B so as not to open outwards over the adopted highway;

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 and creates an accessible development.

- 20 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.

- 21 The tree protection measures as set out within the submitted Arboricultural Impact Assessment and Method Statement 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.

- 22 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 96% affordable when reaching a decision, and to contribute to meeting Brent's identified housing needs, including meeting LB Brent's statutory housing duties.

- 23 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.

- 24 The operational hours of the community hall 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

The operational hours of the enterprise hub and workspace 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 Monday to Sunday

Reason: To protect the neighbouring amenity from excessive disturbance.

- 25 Prior to occupation of residential buildings, details of obscure glazing in the Carlton Building shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be installed before the first residential use of Blocks B and C thereafter permanently retained.

Reason: to protect residential amenity

- 26 Prior to the first occupation details of doors to refuse areas not opening over the highway shall be submitted to and agreed in writing with the local planning authority. The details shall be implemented as agreed and thereafter not open over the public highway unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the safety and efficient flow of the highway

- 27 Prior to the occupation of the development the applicant shall submit to the local planning authority for its approval a Management Plan for the operation of the Affordable workspace, Enterprise hub and community halls. The development shall be carried out and used in accordance with the approved details.

Reason: In order to ensure that reports to any party will be shared and acted upon.

- 28 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.

- 29 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.

- 30 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

- 31 Prior to the occupation of the development, the applicant shall submit a report which provides evidence that the mitigation measures described in the approved Air Quality Impact Assessment (Redmore Environmental ref 2292-2v2 dated 28/6/19) 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.

- 32 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.

- 33 No development shall take place until the details of how the development is to be built to

achieve the following:

All new build non-residential areas should achieve a minimum 35% on site reduction above part L of Building Regulations and BREEAM rating of excellent. All refurbished areas should consider improvements as far as practicable as agreed with the Council.

All new build residential should target zero carbon with a minimum 35% on site reduction above Part L of Building regulations. In addition the new build residential should target a fabric (Be Lean) reduction of 10% or as much as practicable as agreed with the Council.

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

Reason: In the interests of sustainable development

- 34 No development shall commence until A Biodiversity Management Plan (BMP) shall be submitted to, and be approved in writing by the Local Planning Authority. The content of the BMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) Update to Ecology/Bat Survey before construction or site works start.

The BMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

Reason: To enhance biodiversity and mitigate potential impact upon wildlife in accordance with Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2010 (as amended) and to ensure due regard is paid to likely impact on the habitat of protected species in accordance with national Legislation and London Plan.

- 35 No development shall take place before a comprehensive record of the buildings (internally and externally) has been undertaken in accordance to Historic England Level 3 and submitted to and approved in writing by the Local Planning Authority. The recording is to be carried out by a professional archaeological/building recording consultant or organisation in accordance with the approved details.

REASON: To ensure a record of the building is made for future generations of the historic fabric both internal and external and the architectural significance of the heritage asset is recorded prior to demolition and alteration.

## INFORMATIVES

- 1 The quality of imported soil must be verified by means of in-situ soil sampling and analysis. We do not accept soil quality certificates from the soil supplier as proof of soil quality.
- 2 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent.

Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).

- 3 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 4 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.
- 5 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.
- 6 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 7 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.
- 8 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](http://thameswater.co.uk/buildingwater).
- 9 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.
- 10 The applicant should contact the Head of Highways & Infrastructure to secure a licence to oversail the footway of Carlton Vale with balconies under S177 of the Highways Act 1980.

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

## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

22 January, 2020  
06  
19/2688

## SITE INFORMATION

<b>RECEIVED</b>	<b>29 July, 2019</b>
<b>WARD</b>	<b>Willesden Green</b>
<b>PLANNING AREA</b>	
<b>LOCATION</b>	<b>19 Dudden Hill Lane, London, NW10 2ET</b>
<b>PROPOSAL</b>	Demolition of the existing two-storey building and structures associated with the adjacent recreational sites and construction of a part 4-storey and part 5-storey building comprising D1 use on the ground floor and 29 residential units from part-ground to 4th floors. Works to include creation of communal roof terraces at 4th floor level, mechanical plant room, 48 cycle parking spaces, waste storage and associated landscaping.
<b>PLAN NO'S</b>	See condition 2
<b>LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION</b>	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_146338">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_146338</a></p> <p><b><u>When viewing this as a Hard Copy</u></b> .</p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "19/2688" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## 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
13. Contaminated Land Investigation
14. Contaminated Land Verification and Remediation
15. Materials
16. Overheating Strategy
17. Highway Works
18. External Lighting Strategy
19. PV Arrangements
20. Arboricultural method statement
21. Nominations Agreement
22. Parking Permit Restriction
23. Communal Satellite Dish
24. Travel Plan
25. Sound Insulation
26. Air Quality Report/Mitigation
28. Landscaping
29. Hours of Operation D1 use
30. Roof terrace privacy screen
31. Construction Logistics Plan
32. Scheme of sound insulation
33. Securing replacement trees
34. Non road mobile machinery

Informatives:

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

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: 19 Dudden Hill Lane, London, NW10 2ET

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This map is indicative only.

## PROPOSAL IN DETAIL

Demolition of the existing two storey building and structures associated with the adjacent recreational sites and construction of a part 4-storey and part 5-storey building comprising D1 use on the ground floor and 29 residential units from part-ground to 4th floors (14 x 1-bed, 5 x 2-bed and 10 x 3-bed). Works to include creation of communal roof terraces at 4th floor level, mechanical plant room, 48 cycle parking spaces, waste storage and associated landscaping.

## EXISTING

The subject site is positioned close to the intersection where Dudden Hill Lane meets Willesden High Road. The site itself comprises a community centre, a games court and a disused playground. Retail units run to the south of the site with a mixture of residential and retail to the north and east of the site. The site is not within a conservation area and is not a listed building.

## 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 comment in support of the application have been received. 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. 29 (100%) of the units would be for social rent, . 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.
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 of a comparable size
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 a good 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 residential would have good outlook and light. The amount of external private/communal space is acceptable and has been maximised through the use of different means
6. **Neighbouring amenity:** The development would have an acceptable impact on neighbouring properties and would sufficiently comply with the guidance contained within SPD 1.
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 to address the loss of three street trees in terms of visual amenity within the street scene.

9. **Environmental impact, sustainability and energy:** The measures outlined by the applicant achieve the required improvement on carbon savings within London Plan policy.

## CONSULTATIONS

251 neighbouring properties were notified. A site notice was displayed on the 30/08/2019 and a press notice was displayed on the 05/09/2019. As a result of the consultation process, 4 representations were received, 3 objecting to the development and one in support. One of the objections posed a number of questions in relation to the development, these questions are answered in full in the main body of this report.

Objection	Response
Too big and not in keeping with surrounding area	The scheme has been designed to be sympathetic to the scale of neighbouring buildings. Furthermore, this part of Dudden Hill Lane is undergoing significant change and the proposal has been assessed with this in mind
A symmetrical design would have been more aesthetically pleasing	The design is considered acceptable and takes account of the scale of neighbouring buildings
In an area that needs an uplift, 100% affordable housing might drag it down further	The re-development of the site is positive as it would make use of an underused brownfield site by providing an attractive, contemporary building The amount of housing would help provide for an unidentified need and would not create an unbalanced community.
No parking for disabled residents	Disabled residents would be exempt from the car free agreement and could park in disabled bay located in close proximity to the subject site
Bike should be discouraged on busy roads and should only be used for leisure purposes on side streets and parks	Promoting sustainable transport modes is embodied in national policy and the provision of adequate cycle storage supports this
Compromises privacy as people can look directly into my property	The development would meet relevant separation distances and where it falls short there would be no overlooking due to obscure glazing and the use of privacy screens (a condition is will attached to this permission should the recommendation be supported)
Overshadowing/ loss of light to properties in Chaplin Road	See neighbouring amenity section
Height of development and location of windows may lead to overlooking	See neighbouring amenity section
Claustrophobic with how close the building would be	See neighbouring amenity section

The representation in support of the proposal stated that support was given on the basis that the development would not increase traffic congestion in this very busy road junction area. This matter is discussed in full in the transport section

## 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**

Key policies include:

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  
D6 - Housing quality and standards  
T5 - Cycling

### **Brent Core Strategy (2010)**

Key policies include:

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

### **Brents Draft Local Plan**

Key policies include:

BP5: South  
BSSA10: Dudden Hill Community Centre  
BD1: Leading the Way in Good Urban Design  
BH1: Increasing Housing Supply in Brent  
BH6: Housing Size Mix  
BG12: Trees and Woodlands

### **Brent Development Management Policies (2016)**

Key policies include:

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

### 1. Principle

1.1 The subject site forms no. 29 of Site Specific Allocations Plan and is stated to be suitable for ' a small mixed use development with, community, leisure or retail use on the ground floor with residential above. The allocation goes onto state that the financial contributions will be sought towards the provision of a new play area and open space improvements in the vicinity, namely Learie Constantine open Space on Villiers Road, and Willesden Communal Gardens, Dudden Hill Lane.'

1.2 The allocation regards a variety of uses as acceptable, rather than identifying a specific one. The site has a current community use on it within a hall which it is proposed to be replaced and would have a similar area to the existing, with the existing measuring 505sqm and the proposed measuring 495sqm, the loss would therefore be negligible. In addition, the layout of this modern facility would be improved with modern access arrangement and flexible internal spaces which would be more versatile than the existing building. The provision of this is consistent with Policy CP23 'Protection of existing and provision of new Community and Cultural Facilities' and DMP1 which seeks to ensure that development does not result in the loss of community facilities where there is an identified need.

1.3 The indicative residential development capacity is given as 20 units. The proposed development at 29 exceeds this figure, which is considered positive in terms of the provision of new homes to meet identified need. Allocation capacities are indicative rather than a maximum and are not normally derived through a detailed design. Furthermore, taking into account the increases in the borough's housing target since the core strategy, plus changes in policy relating to the draft London Plan namely an increase in housing targets and the emerging local plans emphasis on maximising opportunities to provide additional homes, it is clear that where the opportunity arises in areas with good PTAL ratings, the most efficient use of land should be encouraged where it is consistent with the character (existing or emerging) of an area.

1.4 Furthermore, in order to mitigate against the loss of the existing play area, the applicant has agreed to fund upgrading works to Learie Constantine Open Space. A condition has been included to ensure that suitable funding is received prior to the first occupation of the development. This would sufficiently offset the loss of play space on the site and enhance the nearby provision that would be required by future residents of the proposed dwellings.

1.5. Subject to detailed criteria consider below, the principle of an affordable, residential led, mixed use development is acceptable on this site.

### 2. Housing mix and tenure

2.1 The proposed development includes 29 residential units. Of the 29 units 10 of these are proposed to be family sized (3+ bedrooms) which would equate to a percentage of 33% and therefore would exceed the requirement of 25% of units to be family sized under CP2.

2.2 CP2 requires 50% of all new housing in the borough to be affordable. This is expanded on in DMP 15 which requires 50% affordable housing to be secured on sites with the capacity to provide 10 or more homes. Adopted DMP Policy 15 confirms the Core Strategy target (Policy CP2) that 50% and states that 70% of new affordable housing should be social/affordable rented and 30% intermediate housing at affordability that meets local need.

2.3 The proposal would provide 29 residential units of all of which would be provided at social rents specific to the Council's needs. The proposal therefore exceeds the 50 % target set out in policy. Whilst the affordable housing offer does not include intermediate housing and therefore does not accord with the policy split, the housing mix 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, the proposed tenure mix is acceptable and would help to meet the affordable housing needs of Brent.

### 3 Design, scale, massing and layout

3.1 The subject site is located close to the junction where Dudden Hill Lane meets High Road. This part of Dudden Hill Lane is largely characterised by two storey terrace buildings with the ground floor uses in commercial use and the upper floors in residential use. High Road is characterised by three storey terrace buildings where ground floor uses are similarly commercial in use. Buildings immediately surrounding the site are traditional in appearance being predominantly brick built with pitched roofs. However, it should be noted that Dudden Hill Lane is undergoing quite significant re-development and therefore there are a number of sites which have recently been redeveloped or are within the planning process to be redeveloped. There are two contemporary buildings at either adjacent side to Colin Road (3 storeys) and consent has recently been granted for a 5 storey development on the corner of Villiers Road (Learie Constantine Centre). Therefore, whilst the surrounding development is relatively consistent at present, the development should be viewed in the context of the evolving character of Dudden Hill Lane.

3.2 103 Dudden Hill Lane is a two storey pitched roof building. The development would be three storeys closest to this and would extend to 5 storeys closest to High Road. Whilst five storeys in height at its greatest, the building would not be significantly greater in height than the three storey buildings on High Road. Furthermore, a suitable setting has been provided for the building, with a separation distance of 9m between the subject site and High Road meaning that the scale of the building would not be read so closely to the smaller scale buildings. Due to the overall arrangement of the building together with the space ensured around the development, and whilst noting that it would be greater in height than adjacent buildings, the scale would not be unacceptable in this location and again, would be consistent with the evolving character of this part of Dudden Hill Lane.

3.3 The development would be predominantly brick built which would help to ensure it is consistent with surrounding development. A condition will however be attached to this permission requiring the submission of the further details to ensure that the proposed brickwork and the development integrates sufficiently with surrounding development. Whilst it would feature elements of rock panel cladding, the use of this more modern material is considered to be acceptable, given the presence of more contemporary materials within recent development on Dudden Hill Lane. The fenestration would be similar in design. Whilst the building would feature projecting balconies, which are not typical features of the surrounding area, these are common within modern developments and help to articulate the façade and will also reflect the evolving character of Dudden Hill.

3.4 The design, scale, layout of massing of the development is considered to be acceptable, having regard to the character and appearance of the area and would improve an underused site.

#### **4. Density**

4.1 The proposal makes efficient use of land to provide a contribution to Brent's annual housing target currently standing at 1525 per year. The draft London Plan proposes a significant increase in this number to 2325 homes per year, and therefore there is increased pressure to use land as efficiently as possible in order to meet this proposed future demand. London Plan policy 3.4 seeks to optimise housing potential taking into account local context, character, design principles and public transport capacity. In accordance with the London Plan density matrix (table 3.2) the application site, which is considered to be in an 'Urban' setting, with a PTAL of 5 would be appropriate for accommodating between 200-700hr/ha. The proposed scheme would result in a level of density in 581 hr/ha and 181u/ha and therefore would be in accordance with the density matrix range as specified under Policy 3.4 of the London Plan

#### **5 Sustainability**

5.1 The applicant has included an Energy and Sustainability Statement; this strategy is to use Air Source Heat Pumps and PV Panels. The report includes indicative areas on the roof that could be covered. and as such a condition requiring detailed drawings is therefore recommended. The submitted statement indicates how the development complies with the minimum standards set out in the GLA guidance.

5.2 The submitted energy statement indicates that a financial contribution of £24,964 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 would be secured through a condition to any forthcoming consent. With the modelling provided, a payment of £24,964 would be secured for this purpose.

5.3 In terms of the non residential floorspace, this has been target as BREEAM Very Good and not Excellent. However, as the unit non residential space is less than 1000m<sup>2</sup>, this is acceptable.

5.3 Brent's Sustainability Officer was consulted on the application and raised no objection to the proposed development.

## **6. Quality of accommodation**

6.1 DMP 1 states that development will be acceptable providing, amongst other things, it ensures a high level of internal and external amenity.

### *Internal amenity*

6.2 In relation to the residential element all of the units would meet, with a proportion of dwellings exceeding, technical space standards minimum floor space requirements and therefore the development would be consistent with DMP 18 in this regard. Of the 29 units, 16 would be single aspect, however, none of these would be north facing and all single aspect units would be one or two bedrooms. All three bedroom units have been carefully arranged to be dual aspect which complies with the Mayors Design Guide which states that single aspect dwellings with three or more bedrooms should be avoided. All habitable rooms would enjoy good levels of outlook, although it is noted that the internal units would have an outlook over the roof of the community centre nevertheless, the overall living conditions of these properties would be good.

6.3 A daylight/sunlight report has been submitted to identify the levels of daylight/sunlight experienced within the new development. Various methods have been used in order to properly assess the quality of accommodation in this respect. In terms of the Vertical Sky component (VSC) the report states that 168 windows were assessed, and 104 of those receive good levels of daylight. Those falling short of the required standard (less than 27%) are stated to fall short due to design features or the constrained nature of the site e.g. those on the ground floor, under balconies or close to balcony walls.

6.4 However, in order to demonstrate that the residential units would receive adequate daylight, additional Average Daylight Factor calculations have been undertaken. The results of this confirm that the proposed development can achieve the required minimum average daylight factor (ADF) in accordance with required standards being 1% to bedrooms, 1.5% to living rooms or kitchen/dining rooms, 2% for kitchen living/living/dining rooms with the exception of 3 rooms where standards fall marginally short of requirements (1.4% for kitchen/dining room). Therefore, whilst a significant proportion of windows would not meet the VSC standard, they would meet the ADF standard and therefore would be acceptable in terms of daylight.

6.5 The submitted report, also assesses sunlight levels within the residential element using Annual Probable Sunlight Hours (APSH). There would be a larger proportion of windows that do not receive the recommended sunlight levels. However, the majority of windows which do not receive adequate sunlight are either one of a number of windows serving the same rooms or would serve bedrooms where a lower standard of sunlight is required. When considering the residential element as a whole, the development has been designed to ensure the receipt of adequate sunlight.

6.6 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, 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 material changes to the external appearance of the building and as such re-consultation is not considered necessary.

6.7 A condition would be recommended for a revised overheating strategy to clarify all proposed measures and 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.

6.8 Subject to conditions, the development would ensure a good standard of internal amenity for future

residents.

### *External amenity*

6.9 In terms of external amenity space, all units would be provided with private balconies/terraces and there would also be a number of communal spaces.

6.10 DMP 19 states that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed resident's needs which is normally expected to be 20sqm per flat and 50sqm for family housing including ground floor flats. One family sized flat is at ground floor level and the remainder are on the upper floors.

6.11 All of the private spaces (balconies/roof terraces) would fall short of the requirements of DMP 19, however they would exceed the minimum standards as specified within the Mayors Design Guide, with the minimum proposed being 5.8sqm, increasing to 11.3sqm for a three bedroom units. A number of units would also benefit from far more generous private roof terraces measuring 54.6m<sup>2</sup> and 30.9sqm. Whilst the private areas afforded to each of the units would fall below the requirements specified under DMP19, these would be supplemented by a number of communal areas including a roof terrace at fourth floor (53sqm), another at third floor (129sqm). At ground floor level there would be a generous landscaped amenity area measuring 299m<sup>2</sup>. When considered cumulatively and divided by the 29 units, the proposal would provide an average of 16.6 sqm of communal space per home. The ground floor family sized flat benefits from more than 50 sqm of external amenity space. The quality of the units is therefore considered to be of a very good standard in this respect.

## **7. Impact on neighbouring properties**

### *21 Dudden Hill Lane*

7.1 No 21 is a two storey end of terrace building that is currently in non-residential (Use Class B1 (a)) use at both ground and first floors. There is an outbuilding to the rear of the site meaning that the entire depth of the plot is built over and extends to the same depth as the existing community facility. The proposed development has been designed to also occupy the full depth of the plot. Whilst the development would be greater in scale than the existing structures on site, it has been designed to avoid undue levels of detrimental impact on the occupants of neighbouring properties. The front of the building, whilst three storeys in height would not extend beyond the flank wall of no 21 Dudden Hill Lane. Whilst the development would increase to 5 storeys to the rear, and whilst there would be a large number of side facing windows serving habitable rooms as well as balconies, a distance 13m would be retained between these openings and the boundary of neighbouring properties. It should also be noted that there is no private amenity space within the adjacent site with the development would overlook. or have an overbearing impact on. Therefore, whilst considered in relation to the guidance in SPD 1, the development would comply.

7.2 The submitted daylight/sunlight report considers the impact of the development on no. 21 Dudden Hill Lane. It identifies that there would be an impact on the upper floor windows of no. 21 Dudden Hill Lane. However, it is important to note that the report specifies that the property is in residential use and it was identified on site that this is not the case. Furthermore, the report also identifies that as existing the windows do not receive the recommended targets and therefore given the commercial use together with this factor, the impact of the development on these upper floor windows are also considered acceptable.

### *290 High Road*

7.3 290 High Road is a two storey end of terrace building which is in commercial use at ground floor with residential above. Planning history indicates that a development comprising three residential units was approved to the rear of the site, however this has not been constructed. Windows to this property are front and rear facing, with the exception of one window which does not appear to serve a habitable room window. Whilst there would be a large amount of balconies and windows to the flank elevation of the development and therefore facing the site, a 9m separation distance would be retained between the development and the boundary with this property. Given the absence of any primary windows serving habitable rooms to the flank elevation of this neighbouring building, together with the separation distance provided the development would

not have an unduly detrimental impact on the occupants of their neighbouring property in terms of any overlooking or loss of privacy.

7.4 The site visit revealed that there is no private amenity space serving this building that would need to be safeguarded from new development and therefore the development is also not considered to result in any overbearing impact on any useable external space.

7.5 The submitted daylight/sunlight report identifies that the window to 290 High Road would be affected by the development, however, and as above, it was noted on site that this window does not serve a habitable room (likely a hallway) and therefore the impact on this would be tolerable and would not adversely affect the living conditions of the occupants of this property.

### *Chaplin Road*

7.6 Chaplin Road runs parallel to the rear boundary of the development site. An objection has been received from the occupants of one of the properties of Chaplin Road raising a number of queries with regards to the development. It should be noted that the existing boundary treatment with the rear boundaries on Chaplin Road is already much higher than the 2m typically assumed. Furthermore, the majority of the properties which abut the subject site, have large outbuildings located along the boundary so the rear.

7.7 SPD 1 states that in order for new development to have an acceptable impact on the occupants of neighbouring properties, it should be set below a 45-degree line taken at 2m from the garden edge. In this case, given the fact that rear boundary is already far greater in height than 2m, it is not considered necessary to apply this rule as written, rather the height can be taken from the height of the existing outbuilding. The submitted drawings, indicate that the height of rear boundary treatment is in the region of 6m, however it is accepted that this is the greatest height to the rear and this is not consistent with height. However, the most built up part of the boundary is the centre, where the development is proposed to extend to three metres. Where the rear boundary is lower this would abut the single storey community building or the communal area. Therefore, when considered in relation to the 45-degree rule as outlined in SPD1, despite the height and close proximity of the development relative to the rear boundaries of Chaplin Road, the development would have an acceptable impact.

7.8 SPD 1 also states that in order to prevent overlooking and ensure adequate privacy, directly facing habitable room windows will normally require a minimum separation distance of 18m and a distance of 9m should be kept between gardens and habitable rooms and balconies. In this case the separation distance between the rear elevation of the building would fall short of the 9m typically required and there would be a number of rear facing windows. However, of the rear facing windows, these are all indicated to serve either the communal hallways or be secondary windows serving habitable rooms. In this case the rear elevation indicates the majority of rear facing windows to be obscure glazed and fixed shut below 1.7m which is acceptable given the nature of the windows. Where they not indicated to be obscure glazed, the windows meet the 9m separation distance.

7.9 There is a third floor terrace proposed which would be located in close proximity to the rear boundaries of Chaplin Road. Whilst a privacy screen is indicated to the rear to be between 1.1m and 1.6m a condition will be attached to this permission requiring a consistent 1.7m boundary treatment to be provided to the rear to ensure adequate privacy.

7.10 The submitted daylight/sunlight report has assessed the impact of the development on the occupants of the properties to the rear on Chaplin Road and concludes that there would be no adverse impact on the receipt of daylight/sunlight.

7.11 There is already an existing D1 use on site which is proposed to be replaced. It does not appear that there are any restrictions in terms of opening hours. Nevertheless, given the proposed relationship of the D1 use with the residential units, it is considered appropriate to add a condition restricting the opening hours in order to control any noise and disturbance generated.

## **8. Transport**

8.1 As the site has very good access to public transport services, the lower maximum residential car parking allowances set out in Table 6 at Appendix 1 of the Development Management Policies 2016 apply.

8.2 The 29 proposed flats (14 x 1-bed, 5 x 2-bed & 10 x 3-bed) would therefore be allowed up to 26 residential car parking spaces. Any off-street parking for the community hall would need to be justified by a Transport Assessment. With no off-street parking spaces proposed anyway, maximum standards would not be exceeded.

8.3 However, Policy DMP12 requires that any overspill parking that is generated can be safely accommodated on-street. In this case, Dudden Hill Lane is a major distributor road along which parking is prohibited at all times in order to maintain traffic flow through the adjacent signalised junction, whilst the nearby residential side roads are already heavily parked at night, so do not have any surplus capacity.

8.4 Policy DMP12 does also encourage 'car-free' development in areas with good access to public transport services though and to mitigate parking concerns, it is recommended that the development is designated 'car-free' and the right of future residents to on-street parking permits is withdrawn. This has been accepted by the applicant.

8.5 No off-street parking is to be provided for disabled residents, but they would be exempt from the 'car-free' agreement and would thus be able to park in nearby residents' permit holder bays, such as in Meyrick Road opposite

8.6 The London Plan requires a minimum of 44 secure bicycle parking spaces for the flats. To this end, an internal storage room on the ground floor is proposed with capacity for 58 bicycles on a mixture of single-and two-tier stands to meet standards.

8.7 A further six spaces are required for the community hall and three 'Sheffield' stands are indicated to the front of the building to meet this requirement.

8.8 In terms of servicing, there are no particular requirements for the community hall. Residential (six Eurobins and three wheeled bins) and community centre (two Eurobins) bin stores are proposed to the front of the building to meet Brent's waste storage standards. Due to the traffic-sensitive location of the site, a footway loading bay (3m x 12m) is also proposed to be created on Dudden Hill Lane at the western end of the site. This is welcomed as a means of maintaining traffic flow (particularly for buses) through the signalised junction when vehicles are servicing the flats or community hall.

8.9 Aside from the location and layout, details of the loading bay are not clear, but should comprise a block-paved loading pad on the existing footway, plus splays at either end. Existing railings and a salt bin on the site frontage will need to be removed. In order to maintain an unobstructed footway when vehicles are using the bay, a new 3m wide footway is to be provided to the rear of the loading bay, which sits largely within the application site boundary. This widened footway would therefore require adoption as public highway. Works to provide the loading bay and footway would need to be undertaken through a S38/S278 agreement under the Highways Act 1980 (which should be secured through a S106 Agreement) and this could also usefully include improvements to the paving along the whole site frontage.

8.10 The new area of footway is proposed to be oversailed by balconies from first floor level upwards, giving a minimum headroom of 2.8m above the new footway. This is fine in principle, but the balconies would require a licence under S177 of the Highways Act 1980 once the footway is adopted.

8.11 Pedestrian access to both elements of the building is to be taken directly from Dudden Hill Lane, which means all points of the building to be within 45m of Dudden Hill Lane to meet fire hose distances, with a dry riser provided between floors.

8.12 In terms of trip generation, a community centre is to be retained on site and would be of a comparable size to the existing centre, so any trips associated with this use are likely to already be using the local transport networks. Nevertheless, the Transport Statement has provided estimates of trips to and from the community centre, as well as to and from the flats, based upon comparisons with surveys for other sites across London and the UK.

8.13 This predicts that the development will generate 28 arrivals/21 departures in the morning peak hour (8-9am) and 36 arrivals/22 departures in the evening peak hour (5-6pm) by all modes of transport. As no parking is available within the site though, no trips are expected to be made by car (aside from a handful of taxi journeys or passenger drop-offs each day), so the development would have a negligible impact on the road capacity in the area.

8.14 In terms of public transport trips, the development is estimated to generate 21 trips in the morning

peak and 26 in the evening peak hour by rail/Underground, with 17 and 20 trips in each peak hour respectively by bus. These flows amount to less than one additional passenger per rail or bus service, so are not considered likely to have any material impact on public transport capacity.

8.15 Although the development is below the thresholds above which a Travel Plan would automatically be required, an Interim Travel Plan has nevertheless been submitted with the application. This proposes to appoint a Travel Plan Co-ordinator prior to occupation of the development to manage the plan. Proposed measures include the provision of travel information packs and personalised journey planning, provision of transport information on notice boards, promotion of cycling events and discounted bike purchase and the provision of two years' free membership of the local Car Club for new residents to introduce them to the concept.

8.16 With the scheme being 'car-free' anyway, the targets will be to increase walking, cycling and public transport modal share by 2% each and to reduce car share trips and motorcycle trips by 3%. The progress towards these targets will be monitored through i-Trace compliant surveys undertaken within six months of occupation and annually thereafter for five years, with a plan of remedial action devised if targets are not met.

8.17 The Interim Travel Plan is welcomed and as this 'car-free' development is not particularly large, it would be appropriate to secure this requirement through a planning condition.

8.18 Finally, a Construction Management Plan has been submitted for the works.

8.19 For the initial enabling works, a temporary crossover will be provided from Dudden Hill Lane to bring vehicles onto the site to be loaded. The crossover will require consent from Brent's Environmental Improvement team.

8.20 The main building works would not allow vehicles to be brought onto site though, so use is to be made of the proposed loading bay at the front of the site instead. This will in turn require the full close of the footway to along the site frontage and if this is to be done, then safe pedestrian crossing facilities will be required to the west of the site. Hoarding licences and a traffic order for the footway closure will need to be approved by Brent. If it is not possible to provide safe crossing facilities, then it may be necessary to keep the footway open using a scaffolding tunnel.

8.21 Wheel washing equipment would be provided for the initial enabling works, but would not be necessary for the main construction work period, as vehicles would not enter the site.

8.22 In terms of parking, limited on-site parking would be possible during the enabling works, but not during the main construction programme. Staff would therefore be encouraged to use public transport and the CPZ in operation in the area should ensure they do not park in surrounding streets.

8.23 In conclusion, the construction works are predicted to have a number of direct impacts on the adjoining highway network that would need to be agreed with Brent's Highways & Infrastructure and Environmental Improvement teams and these will need to be set out more comprehensively within a detailed Construction Logistics Plan prior to works commencing, as a condition of any approval.

## **9 Trees and Landscape**

9.1 An Arboricultural Impact Assessment and Method Statement has been submitted to support application. This consider the impacts on trees on and adjacent to the site during the construction stage and the life of the development. It is proposed to remove a number of trees from within and outside of the site.

9.2 On the Dudden Hill Lane footpath, there are three trees, these have been identified as being Category U, C and E. These street trees enhance the local landscape whilst providing a range of well documented ecosystem benefits. In order to facilitate the development T6 (category U tree) and a T5 (a category B rated Robinia) are proposed to be removed. In order to ensure the retention of a T4 and T7 a detailed arboriculture method statement is requested by condition to ensure they are protected with minimal negative impacts.

9.3 In order to counteract the loss of the trees, a landscaping plan has been submitted including the mixed native hedge. A condition will be attached to support this. The constrained nature of the site means that the planting of trees with the site to make a greater contribution to local ecosystem is limited. The tree officer has also requested that in order to address this (and the loss stated above) we identify the locations for a further four off-site street trees to be planted as 14-16cm girth specimens. A suitable contribution is

recommended to include the supply, planting and three years' maintenance of the trees

## **10 Air Quality**

10.1 The site is within a designated Air Quality Management Area (AQMA). An air quality report has been submitted to support the application (Stroma Environmental ref 131418 dated 23/7/19). This assessment indicates that mitigation measures will be required on the site due to air quality levels at ground floor to second floor exceeding the air quality objective for NO<sub>2</sub> (annual and hourly). Details of mitigation measures have been provided and these will be conditioned to ensure that future residents are protected from poor air quality.

10.2 As stated above the development is within an Air Quality Management Area and located very close to other commercial and residential premises. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours. A construction management plan has been submitted with the application however within this plan there are no details of the piling works. A revised construction management plan will therefore be requested by condition to ensure the inclusion of full details of piling works to ensure that the development would be air quality neutral.

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

## **11 Noise**

11.1 London Plan policy 7.15 requires development proposals to be designed to minimise the impacts of noise. Acoustic reports and construction method statement have been submitted to support the application. The noise team have no objections to the development but have requested further information by condition to ensure that occupiers of the residential dwellings are not unduly affected by noise generated from the proposed D1 use.

## **12 Flood risk and drainage**

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

12.2 London plan policy 5.13 requires development to utilise sustainable urban drainage systems (SUDS), aim to achieve greenfield run-off rates and to ensure surface water run-off is managed as close to source as possible. The proposed development includes 'living roofs', comprising green roofs covering approximately 253m<sup>2</sup> of the building roof area. The remaining roof areas are occupied by a plant or used as terraces. The green roofs will provide source control by reducing the rate of surface water run-off from the roof areas whilst increasing biodiversity and amenity. Due to the measures proposed, the development is not considered to result in any increase in flood risk.

## **13 Contaminated Land**

13.1 The requirement to deal with contaminated land is set out in London Plan policy 5.21 and reinforced by the NPPF. The applicant has submitted a Soils Technics Preliminary Investigation Report and this concludes that further investigation works are required. As such conditions requiring a site investigation report and any required mediation and verification measures to be completed prior to the commencement of development.

## **14 Equalities**

14.1 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).

## **15 Conclusion**

15.1 The scheme meets planning policy objectives and is in general conformity with local, regional and national policy, having regard to material planning considerations. The proposal makes efficient use of previously developed land in a sustainable location and would make a positive contribution to the locality. with the provision of an improved community facility. This efficient use of the land will result in a substantial number of new affordable homes, helping to meet housing targets. It is considered that the form of development would have an acceptable impact on and relationship with the existing surrounding development and will not unduly harm surrounding amenity. A landscape strategy is proposed, which combined with the proposed standard of design and layout of building would ensure a high standard of development and a good quality residential environment for future occupiers. The benefits of the proposal clearly outweigh any harm caused and the application is therefore recommend for approval.





Application No: 19/2688

To: Ms Washbourn  
Living Architects  
14 Linen House  
253 Kilburn Lane  
London  
W10 4BQ

I refer to your application dated **29/07/2019** proposing the following:

Demolition of the existing two-storey building and structures associated with the adjacent recreational sites and construction of a part 4-storey and part 5-storey building comprising D1 use on the ground floor and 29 residential units from part-ground to 4th floors. Works to include creation of communal roof terraces at 4th floor level, mechanical plant room, 48 cycle parking spaces, waste storage and associated landscaping.

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

at **19 Dudden Hill Lane, London, NW10 2ET**

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: 14/01/2020

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:
  - 987 X01
  - DHL-CON-ZZ-00-DR-C-1000
  - DHL-LIV-ZZ-00-DR-A-0001 REV P07
  - DHL-LIV-ZZ-01-DR-A-0002 REV P06
  - DHL-LIV-ZZ-02-DR-A-0003 REV P06
  - DHL-LIV-ZZ-03-DR-A-0004 REV P08
  - DHL-LIV-ZZ-04-DR-A-0005 REV P08
  - DHL-LIV-ZZ-05-DR-A-0006 REV P06
  - DHL-LIV-ZZ-ZZ-DR-A-0100-P02
  - DHL-LIV-ZZ-ZZ-DR-A-0150 REV P07
  - DHL-LIV-ZZ-ZZ-DR-A-0151 REV P07
  - DHL-LIV-ZZ-ZZ-DR-A-1000 REV P01
  - 20234SE-04
  - 20234SE-03
  - 20234SE-02
  - 20234SE-01
  - 1911-PL1 REV B

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

- 3 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 (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.

- 10 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.

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

- 11 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.

- 12 (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

- 13 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.

- 14 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.

- 15 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.

- 16 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) Highway works to be undertaken through an agreement under S38/S278 of the Highways Act 1980 to construct a loading bay measuring 3m x 12m plus splays in the footway of Dudden Hill Lane at the western end of the site frontage with a 3m wide footway behind in broad accordance with the arrangement shown on drawing DHL-LIV-ZZ-00-DR-A-0001 Rev. P07, including any associated works to street furniture, traffic signs and lining and associated Traffic Regulation Orders;

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

- 17 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.

- 18 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.

- 19 A detailed arboricultural method statement should be provided to ensure that T4 and T7 off-site trees can be retained with minimal negative impacts. The method statement should include elements of site supervision where excavation and construction takes place within the RPA's of all retained trees.

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.

- 20 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.

- 21 No part of the development shall be occupied until the landscaping, including tree planting, has been carried out in accordance with the approved drawing 1911-PL1 Rev B

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.

- 22 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.

- 23 Notwithstanding the height of the privacy screen as indicated, the third floor roof terrace as indicated on approved drawing DHL-LIV-ZZ-03-DR-A-0004 REV P06 the consistent height shall be no less than 1.7m above terrace level.

Reason: In the interests of neighbouring amenity. To comply with DMP 1.

- 24 Prior to the occupation of the development hereby approved, the applicant shall fund the following improvement works towards Learie Constatine Open Space

- Replace playground rubber matting with wetpour safety surfacing
- Repair worn grass areas with topsoil and seed
- Replace playground swings
- Uplift tree in centre of playground

The units shall not be occupied until the applicant has submitted a statement, to be approved in writing by the Local Planning Authority, outlining the full details of the works undertaken and confirming that the works have been carried out at the applicants expense.

Reasons: To mitigate against the loss of the existing open space.

25

- 26 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.

- 27 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.

- 28 The development and operations of the site must be carried out in accordance with the submitted Travel Plan: Interim Travel Plan dated 23 July 2019 prepared by Curtins.

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

- 29 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 ensure acceptable noise levels. To protect the amenity of residential properties within and surrounding the site.

- 30 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.

- 31 Prior to the commencement of development, a construction and logistics plans based on the submitted construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure the development does not have an unacceptable impact on highway safety, transportation and neighbour amenity.

- 32 Prior to the commencement of above ground works 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 D1 Class Use (Community Facility) 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 approved insulation measures shall thereafter be implemented in full.

Reason: To protect acceptable local noise levels.

- 33 Prior to the occupation of the development hereby approved, the applicant shall prepare a statement identifying suitable locations for four off site trees to be planted as 14-16cm girth specimens within close proximity to the site. The submitted statement shall be approved in writing by the local planning with the works to be carried out in accordance with the approved details and entirely funded by the applicant.

Reasons: To counteract the loss of the trees to the frontage and in the interest of local amenity.

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

Reason: To protect local amenity and air quality in accordance with Brent Policy EP3 and

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 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 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](http://thameswater.co.uk/buildingwater).
- 7 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.
- 8 The applicant is advised of the need to secure a S177 oversailing licence for the balconies above the future adopted footway and a the need to agree the temporary construction crossover, hoarding licences and footway closures from Brent Council before construction works commence.

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

## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

22 January, 2020  
07  
19/2136

## SITE INFORMATION

<b>RECEIVED</b>	14 June, 2019
<b>WARD</b>	Queens Park
<b>PLANNING AREA</b>	
<b>LOCATION</b>	<b>Playground, Salusbury Primary School, Salusbury Road, London, NW6 6RG</b>
<b>PROPOSAL</b>	The material change of use from a school to a mixed use as a school and a Sunday only farmers market; and for a temporary period of 18 months a market on Friday evenings only.
<b>PLAN NO'S</b>	Noise and Nuisance Management Plan received 12/11/2019 Market Management Plan received 27/09/2019 2016 Customer Survey received 12/11/2019 Site Plan received 14/12/2019 Friday layout plan received 12/11/2019 Existing Sunday layout plan received 12/11/2019
<b>LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION</b>	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case  <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_145718">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_145718</a></p> <p><b><u>When viewing this as an Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"> <li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li> <li>2. Select Planning and conduct a search tying "19/2136" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## 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. Hours of Operation
4. Management Plan

Informatives:

1. Noise upon leaving the premises
2. Monitor traffic/noise impacts
3. Licensing requirements
4. Refuse
5. London Living Wage
6. Fire Safety
7. Temporary Use

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: Playground, Salusbury Primary School, Salusbury Road, London, NW6 6RG

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This map is indicative only.

## PROPOSAL IN DETAIL

The proposals seeks full planning consent for the mixed use of the site for the existing school and Sunday Market; and for a temporary period of 18 months a Friday evening market.

The existing School will remain the primary use of the site, and the existing Sunday Farmer's Market would continue whilst seeking consent for a Friday evening market for a temporary period of 18 months only.

The Sunday Farmer's market is to be retained as previously consented for (planning ref:15/5374) on the School playground open to the public between the hours between 10am and 2pm on Sundays only for a maximum of 45 stalls.

A Friday evening market is proposed to trade with the public between the hours of 5.30pm and 10pm, for a temporary period of 18 months only. The proposed area of the market on Fridays would utilise a smaller area of the playground than the Sunday market, occupying the south western portion of the playground, enough space to accommodate up to 20 stalls.

Under the same application reference number the applicant previously sought to vary condition 2 of 15/5374 to enable Friday evening market to occur on a more limited area of the playground, than currently occurs for the Sunday Market. However this was not deemed to be within the scope of a variation of condition application as it would involve materially changing the description of the original development. The applicant was advised a full application would be necessary for consideration of the proposal although the material impacts would be similar.

The proposal is in essence is very similar to the scheme originally submitted and consulted upon, with the exception the Friday market is now limited to an 18 month period. Residents were also consulted on the revised application but given the similar issues previous public comments received have been taken into consideration also.

## EXISTING

The site is occupied by Salusbury Primary School and playground which fronts Salusbury Road, which forms part of local centre of Queens Park.

The playground is currently used on Sundays as farmer's market, open to the public between the hours of 10am and 2pm with up to 45 stallholders.

The site is located with an air quality management area.

It is adjacent the Queens park conservation area.

## SUMMARY OF KEY ISSUES

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

**Representations received:** 32 comments were received in favour of this application and 25 objection comments. A pro-forma petition of 171 signatories was also received in support of the application from residents predominantly in the NW2, NW6, NW10 and W9 post codes. This was in response to the original consultation. During the re-consultation of the revised application 11 additional comments have been received supporting the application and a pro-forma petition of 272 signatories supporting the application. One additional objection was received. **Principle:** The general principle of a market in this location has been established and considered to support the Queens Park Local Centre's function, economic and social vitality. The additional use on Friday evening does not interfere with the functioning of the primary school. Brent

Council's Licensing Department has already granted licensing consent for the market opening on Friday evenings.

**Principle:** The general principle of a market in this location has been established and considered to support the Queens Park Local Centre's function, economic and social vitality. The additional use on Friday evening does not interfere with the functioning of the primary school. Brent Council's Licensing Department has already granted licensing consent for the market opening on Friday evenings.

**Character and Appearance:** There will be minimal impact on character and appearance given the siting and temporary nature of the event on Friday evenings.

**Impact on Neighbouring Amenity:** The development has been assessed against potential disturbance on all neighbouring properties. It has been found that the relationship between the proposed development and all surrounding properties is considered to be acceptable.

**Parking & Access:** The site is considered to be in accessible location, serving primarily the local community and the road network would not be unduly compromised by any increase in vehicle movements from the site. A specified area of the playground will be used for stall holders to park vehicles. Visitors to the market are likely to predominantly travel by non-vehicular modes.

## RELEVANT SITE HISTORY

15/5374 - Granted

Use of the school's playground to run weekly Sunday farmers market

11/0688 - Granted

Renewal of temporary planning permission to continue holding a weekly Sunday farmers' market in the school playground

*This permission shall be for a limited period of five years only, expiring five years from the date of this permission when (unless a further planning application has been submitted to and approved in writing by the Local Planning Authority) the use hereby approved shall be discontinued.*

*Reason: To enable the Local Planning Authority to review the position in the light of the impact of this use during a limited period.*

07/0160 - Granted

Renewal of planning permission to continue holding a weekly Sunday farmers' market in the school playground

*This permission shall be for a limited period of two years only, expiring on 9 March 2009 when (unless a further planning application has been submitted to and approved in writing by the Local Planning Authority) the use hereby approved shall be discontinued.*

*Reason: To enable the Local Planning Authority to review the position in the light of the impact of this use during a limited period.*

Use of playground area of school for weekly (Sunday) farmers market accompanied by London Farmers' Market report (LFM)

*This permission shall be for a limited period of one year only expiring on 17 November 2006 when (unless a further application has been submitted to, and approved by, the Local Planning Authority) the use hereby approved shall be discontinued.*

*Reason: To enable the Local Planning Authority to review the position in the light of the impact of this use during a limited period.*

## CONSULTATIONS

284 consultation letters were sent on 23 July 2019. 324 further consultation letters were sent on 12 November 2019 in relation to the amended application. Site notices were put up on 7 August and 16 December 2019.

In response to the original consultation, 32 comments were received in favour of this application and 25 objection comments. A pro-forma petition of 171 signatories was also received in support of the application from residents predominantly in the NW2, NW6, NW10 and W9 post codes.

In response to the re-consultation of the revised application, 11 additional comments were received supporting the application and a pro-forma petition of 272 signatories supporting the application. One additional objection was received.

Summary of objection comments:

Objection	Comment
Traffic and pollution caused by market	Addressed in highways section, Environmental health advice is proposals would not adversely affect air pollution.
Supervision, anti-social behaviour and noise	The submitted Management Plan would be in place to mitigate against potential nuisance and the submitted plan is considered sufficient to mitigate this potential impact. In the event that significant impact occurs, this can be addressed by relevant authorities and licensing review.
Inadequate street Cleaning	The Management Plan requires the market manager to ensure that the market is tidied up. General existing street cleaning is a matter for street care services. Market users can be fined should they drop litter on the public highway.
Lack of on street parking	See highways section.
Effect on local businesses	The School is actually within the designated Queens Park Town Centre, where retail food and drink uses ("A" Use Classes) are considered to be appropriate. Competition

	between businesses cannot be considered within a planning application.
Consultation not broad enough	Properties within 120m of the site were consulted and a site notice was placed near the site. Consultation has significantly exceeded statutory and Statement of Community involvement requirements.
Inappropriate use of school	The use will commence after the regular school day is over. An area of the playground is excluded from the proposed market area to enable any staff and students who are leaving late to exit without passing through the market area. In addition, the use of schools out of hours is encouraged within the London Plan. The use is not considered to be inappropriate.
Not a farmers market/requires a separate planning permission	Initially the application was for a change to the consent for the farmers market. However, officers also considered that the consent for which the description made specific reference to a Sunday farmers market could be amended to propose a Friday evening market, which was not a farmers market and was not going to be held on Sunday. The planning application is now a full application for the mixed use of the site as opposed to a variation of condition application for a previous consent.

#### Summary of supporting comments

Support comment
Valuable addition to the neighbourhood
Will benefit local people and small independent business
Will improve vibrancy of the area
Help community come together and socialise
Help replace Corrib Rest, Otsuni and The Cottage
As near neighbour will not have detrimental impact residential streets
Provide employment opportunities
Operator does good job on Sunday Market
Provide opportunity for innovative/zero waste

#### Internal comments

Highway Authority - There are no objections on transportation grounds to this proposal on a temporary trial basis to allow the impacts of the use to be assessed.

Environmental Health – No additional concerns over existing uses already operational on site.

## **POLICY CONSIDERATIONS**

### **Policy Considerations**

The following planning policy documents and guidance are considered to be of relevance to the determination of the current application with some of the key policies referenced below relevant document, although the whole document is considered:

#### **NPPF**

#### **The London Plan consolidated with alterations since 2011 (March 2016)**

- 2.18 Green infrastructure
- 3.1 Life Chances for All
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.9 Mixed and Balanced Communities
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.18 Education Facilities
- 4.8 Supporting a Successful and Diverse retail sector and related facilities and services
- 5.2 Minimising Climate Change
- 5.3 Sustainable Design and Construction
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 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
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture

- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air
- 7.15 Reducing and Managing Noise
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands

## **Draft London Plan**

- GG1 Building Strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering New Homes Londoners need
- GG5 Growing a Good Economy
- GG6 Increasing Efficiency and Resilience
- D1 London's Form and Characteristics
- D2 Delivering Good Design
- D13 Noise
- G1 Green Infrastructure
- G5 Urban Greening
- G6 Biodiversity and Access to Nature
- G7 Trees and Woodlands
- S1 Developing London's Social Infrastructure
- S3 Education and Childcare Facilities
- S4 Play and Informal Recreation
- HC1 Heritage and Culture
- HC5 Supporting London's Culture and Creative Industries
- SI1 Improving Air Quality
- SI2 Minimising Green House Emissions
- SI3 Energy infrastructure
- SI4 Managing Heat Risk
- SI5 Water Infrastructure
- SI7 Reducing Waste and Supporting the Circular Economy
- SI12 Flood Risk Management
- SI13 Sustainable Drainage
- T4 Assessing and Mitigating Transport Impacts

T5 Cycling  
T6 Car Parking  
T7 Deliveries, Servicing and Construction  
DF1 Delivery of the Plan and Planning Obligations  
SD6 Town Centres and High Streets

**Core Strategy (2010)**

CP16: Town Centres  
CP17: Protecting and Enhancing the Suburban Character  
CP23: Protection and Provision of Community and Cultural Facilities

**Local Plan (2016)**

DMP1: Development Management General Policy  
DMP2: Supporting Strong Centres  
DMP3: Non Retail Uses  
DMP5: Markets and Car Boot Sales  
DMP7: Heritage Assets  
DMP12: Parking

**Brent Draft Local Plan**

BD1: Leading the Way in Good Urban Design  
BSI1: Social Infrastructure and Community Facilities  
BE1: Economic Growth and Opportunities For All  
BGI1: Green and Blue Infrastructure in Brent  
BH1: Increasing Housing Supply in Brent  
BHC1: Brent Heritage Assets  
BG12: Trees and Woodlands  
BSUI2: Air Quality  
BSUI4: On Site Water Management and Surface Water Attenuation  
BT1: Sustainable Travel Choice  
BT2: Parking and Car Free Development  
BT3: Freight and Servicing

**Site Specific Allocations (2011)**

**West London Waste Plan (2015)**

**Other**

**Supplementary Planning Documents/Guidance (SPD/SPG)**

Brent SPD1: Design Guide for New Development (2018)

Brent s106 Planning Obligations SPD (2013)

Brent Waste Planning Guide

Mayor's Sustainable Design and Construction SPG

Mayor's Social Infrastructure SPG

National Planning Policy Guidance

National Design Guide

## DETAILED CONSIDERATIONS

### *Background and Principle*

1. The proposed school and Sunday market are existing lawful uses which already operate and are therefore considered acceptable in planning terms. The additional impacts of a Friday evening market on site needs additional consideration.
2. The mixed use of the school encourages more efficient use of land and is considered acceptable in principle as the operation of the market on Sunday and Friday evenings is not considered to unduly interfere with the primary use of the site as a School.
3. The market is run by 'London Farmers Markets' who have been running markets in locations across London since 1999. The organisers produce management information for the stall holders seeking to minimise any disturbance from noise and to prevent disruption by vehicles.
4. London Plan Policy 4.8 B e) requires policy and decision making to "support the range of London's markets, including street, farmers' and, where relevant, strategic markets, complementing other measures to improve their management, enhance their offer and contribute to the vitality of town centres".
5. Brent Policy DMP5 requires the Council to protect and promote markets, including giving favourable consideration to proposals for new markets in town centres which help diversify provision. The proposals would assist in diversifying provision in the Queens Park area and support the range of the markets available consistent with the objectives of Brent policy DMP5 and London Plan policy 4.8.
6. Permission for new markets are subject of management plans, which has been provided by the applicant and demonstrates measures to effective and sensitive management of the site, deploying a market manager to ensure appropriate management measures and good practice among stall holders and visitors.
7. The Farmer's Market has been operating with approximately 45 stalls on Sundays. The market is already very popular and has not resulted in any significant complaints or objections regarding the impact of its operations on neighbouring occupiers or on the highway. Officers do not anticipate that operation of 15-20 stalls on Fridays evening to significantly impact residents or surrounding highway network (see further discussion below). However, as the Friday night food and drink offering is different in nature to the Sundays Farmers market (which is predominately fresh produce and goods for sale) in both in the offering and its timing, a temporary permission is considered appropriate to allow the impacts of the proposals to be reviewed following the implementation of the use. A period of 18 months is considered an appropriate timeframe for the operator to invest in starting the operation on Friday evening and to review the impacts of the use.

### *Character and Appearance*

8. The site is located in an area earmarked for the expansion of the Queens Park Conservation Area, however this has yet to adopted. Nonetheless the area can be deemed to be a non-designated heritage asset and due consideration is required under policy DMP7.
9. The Friday evening use and appearance of the small market is not considered to have any harmful

impact upon the character and appearance of the locality or heritage asset and is likely to increase social interaction and economic vitality of the locality and likely to improve the public's appreciation of the built environment.

10. The proposals are considered to have a neutral impact upon the character and appearance of the of the area consistent with the objectives of policies DMP1 and DMP7.

### *Neighbour Amenity*

11. Local Plan Policy DMP1 seeks to ensure new development, amongst other things, provides high levels of external amenity and does not unacceptably increase exposure to noise, light and general disturbance.
12. The stalls would be sited a sufficient distance from the surrounding neighbouring properties to prevent an adverse impact upon the occupiers outlook, light and privacy.
13. The proposed Friday evening market site is fairly self-contained within the playground and there are no immediately abutting residential premises. Nonetheless there are residents in the broader locality and therefore it is appropriate to limit the trading hours until 10pm, with the site cleared entirely by 11pm to ensure any noise is limited to reasonable hours to be expected in a town centre location. There is scope for some noise to be generated from the proposed use, this would not be out of keeping with the town centre location and other evening economy uses. Should noise generated be excessive, environmental health is the appropriate body to enforce against any excessive nuisance generated.
14. The Noise and Nuisance Management Plan and Market Management Plan sets out the operation of the site and includes the use of market manager to monitor and enforce and noise mitigation measures and best practice among traders and visitors. It is noted the Council Licensing committee has already granted a licence for the use of the site for the sale of food and alcohol. This is separate from the planning permission and the granting of a licence does not mean that planning permission must be granted or vice versa. The proposed management plans are recommended to be attached as conditions to any grant of consent.
15. On balance, whilst the activity is likely to generate some noise this is not considered likely to be detrimental to living conditions of nearby residents, nor inconsistent with the town centre location and the proposals are consistent with the objectives of the plan increasing economic vitality and social cohesion.

### *Highways*

16. The existing Sunday market operates with up to 45 stalls and is open to the public between 10am-2pm. Pedestrian access is provided directly into the school's playground directly from Salusbury Road through three double-leaf gates (one of which also provides vehicular access via a 3.75m wide crossover and gates fitted in the pedestrian guardrailings fronting the school). Otherwise, the main vehicular access to the school is via a 5m wide gated access from Lonsdale Road.
17. This application seeks planning consent for a market to also operate between 5.30pm-10pm on Fridays, but with a smaller operation of 15-20 stalls in just the south western portion of the playground. As such, only the southernmost of the three existing pedestrian access gates from Salusbury Road will be used. Off-street parking for traders' vehicles will again be provided in the small car park accessed from Lonsdale Road, with some additional traders' parking to the north of the market area.
18. The site is located within a Controlled Parking Zone operating between 8.30am-6.30pm on weekdays. Six short-term (2 hour) pay and display bays are located along the Salusbury Road frontage, either side of a pelican crossing, with SCHOOL KEEP CLEAR zig-zag markings along the southern end of the frontage. Parking in nearby residential side roads is generally restricted to resident permit holders only and these roads are all generally heavily parked at night. Parking along the privately maintained Lonsdale Road is largely uncontrolled.
19. Public transport access to the site is good (PTAL 4), with Queens Park (Bakerloo & London Overground lines) and Brondesbury Park (London Overground line) stations and five bus services within 640 metres (8 minutes' walk).

20. The market element of the mixed use of the site is sui generis, so there are no specific parking standards within the DMP. However, general requirements for markets are set out in Policy DMP5 and the accompanying text states that parking and servicing areas need to be clearly set out and that any traffic or parking generated must have an acceptable impact on the road network and neighbouring amenity.
21. The proposed area of the market on Fridays is to be much smaller than on Sundays and two parts of the site have been identified for market stall holder parking, which would be sufficient to provide an off-street parking space for each stall holder. There is therefore no need for stall holders to park on-street in the surrounding area and the operation of a CPZ for the first hour of the market would in any case help to deter this.
22. It is expected that stall holders will set up prior to the start of the event and disperse following its closure (up until 11pm), so there would be no vehicular movement on the site during the hours of the market operation.
23. With regard to visitors, the site again provides little or no on-site parking, so the market is reliant on on-street parking to meet demand, however this is a generally heavily parked area.
24. Previously submitted questionnaire surveys of visitors from 2016 with respect to the Sunday market showed that approximately 75% of customers live within one mile of the site though, with high proportions therefore using sustainable modes of transport (64% walking, 11% cycling and 6% using public transport, leaving 19% driving).
25. The Friday evening market is to be significantly smaller operation than the Sunday market, the impacts on a Friday are likely to be much lower than on a Sunday. Both operational times are generally outside of normal CPZ operating hours, but as before there is a great deal of support from the application by local residents. Any inconvenience caused by additional parking in the area is therefore again likely to be largely offset by the perceived value that residents have of this community facility as a local asset.
26. With regard to highway conditions, site inspections undertaken in 2005 and 2007 revealed no obvious highway problems arising from the market operation at that time, such as vehicles parking on footways or obstructing traffic flow. No complaints have been received by the Highway Authority either with regard to the operation of the Sunday market over the last fourteen years of operation, from either the general public or from bus operators.
27. The operations will differ slightly from the Sunday market, in that it is proposed as more of a venue for people to linger and socialise with food and drink rather than a purely retail market. As such, while the potential impact on the highway is considered likely to be acceptable, it is considered to be necessary to grant consent for a temporary period of 18 months to monitor the use and its impacts.
28. There are no objections on transportation grounds to this proposal on a temporary basis.

#### *Other Matters*

29. Application does not create permanent structures and no Community Infrastructure Liability arises.
30. No trees or landscape features of significance are affected.
31. Environmental health has advised air quality is not likely to be significantly affected by the proposals.

#### **Conclusion**

32. Both the London Plan policy 4.8 and Brent Policy DMP5 encourage the support and provision of markets. The proposals are considered acceptable in principle and any potential harmful impacts can be adequately mitigated against with appropriate management plan conditions. The proposal is considered to accord with the development plan having regard to material planning considerations.
33. The temporary period of 18 months for the Friday strikes an appropriate balance between a significant enough period to monitor the impacts and the use to cease if it becomes inappropriate, whilst offering enough of a timeframe to make the operation viable to initiate the market in the first place.





Application No: 19/2136

To: Cheryl Cohen  
London Farmers Markets  
11 O'Donnell Court  
Brunswick Centre  
London  
WC1N 1NY

I refer to your application dated **14/06/2019** proposing the following:

The material change of use from a school to a mixed use as a school and a Sunday only farmers market; and for a temporary period of 18 months a market on Friday evenings only.

and accompanied by plans or documents listed here:

Noise and Nuisance Management Plan received 12/11/2019  
Market Management Plan received 27/09/2019  
2016 Customer Survey received 12/11/2019  
Site Plan received 14/12/2019  
Friday layout plan received 12/11/2019  
Existing Sunday layout plan received 12/11/2019

at **Playground, Salusbury Primary School, Salusbury Road, London, NW6 6RG**

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: 14/01/2020

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 objectives of the development plan.
  
- 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):  
  
Site plan  
Queens Park Market Sunday Layout  
Queens Park Market Friday Evening Layout  
Queens Park Farmers Market noise prevention procedure  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
  
- 3 The site shall not be used as a market other than in full accordance with the following:  
a) on Sundays operating with no more than 45 stalls/traders, in accordance with the drawing titled "Existing Sunday Farmers Market Stall Layout" and the site shall not be accessed by vehicles in relation to the market except between the hours of 8am and 4pm and the market shall not be open to the public except between 10am and 2pm.  
  
b) On Friday evenings for a limited time of 18 months commencing the date of this consent with no more than 20 stalls/traders at any one time in accordance with drawing titled "Proposed Friday Stall Layout" and the site not be accessed by vehicles in relation to the market except between 16.30pm and 23.00pm and the market shall not be open to the public except between 17:30pm and 22:00pm. Following the end of the 18 month period, the use as a market on Friday evenings shall cease.  
  
c) the site shall not be used as a market at any other time.  
  
Reason: In the interest of neighbouring amenity and highway safety and to conform with the requirements of Section 91 of the Town and Country Planning Act 1990
  
- 4 The use of the site as a market shall not take place other than in full accordance with the Queens Park Farmers Market noise and nuisance management plan unless otherwise agreed in writing with the Local Planning Authority.  
  
Reason: In the interests of residential amenity and highway safety.

**INFORMATIVES**

- 1 The applicant is requested to inform patrons of the need for quietness when leaving the premises late at night. Should a nuisance arise action may become necessary under Section 58 of the Control of Pollution Act 1974.
- 2 The applicant is advised to monitor noise, nuisance and traffic impacts over the course of the temporary 18 month consent for the Friday evening market.
- 3 This approval, does not imply approval of any entertainment licensing requirements of the

Licensing Authority. Further advice on this should be sought from the Council's Health Safety and Licensing Division, PO Box 411, Brent House, High Road, Wembley Middx. Tel 020 8937 5365.

- 4 The applicant's attention is drawn to the requirements of the Control of Pollution Act 1974, s13, and is advised that adequate storage facilities for refuse must be provided.
- 5 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.
- 6 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 7 The temporary use for Friday night market must cease after 18 months from the date of this permission. A further planning application will be required to seek permission for its continued use. It is advisable to make an application at least 6 months before the use expires.

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

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