



## Planning Committee

**Wednesday 6 May 2020 at 6.00 pm**

This will be held as an online virtual meeting

Details on how to access the link in order to view proceedings will be made available online via the following link: [Democracy in Brent](#)

### 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](mailto:joe.kwateng@brent.gov.uk); 020 8937 1354

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

[democracy.brent.gov.uk](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**

The press and public are welcome to attend this as an on online virtual meeting. The link to attend and view proceedings will be made available online via the following link: [Democracy in Brent](#)

## **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 - 17 March 2020		1 - 6
<b>APPLICATIONS FOR DECISION</b>		
3. 18/4919 1-26A, coachworks & storage areas, Abbey Manufacturing Estate, all units Edwards Yard, Mount Pleasant, Wembley, HA0	Alperton	11 - 162
4. 19/1241 Car park next to Sudbury Town Station, Station Approach, Wembley, HA0 2LA	Sudbury	163 - 206
5. 19/3092 Ujima House, 388 High Road, Wembley, HA9 6AR	Wembley Central	207 - 250
6. 19/3259 1-7 and 15-33 Peel Precinct and garages, 97-112 Carlton House, Canterbury Terrace, 8-14 Neville Close, 2 Canterbury Road, London, NW6	Kilburn	251 - 300
7. 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: To be confirmed.**



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 Tuesday 17 March 2020 at 6.00 pm

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

Apologies for absence were received from Councillors Hylton

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

None.

Approaches

*18/4919 1-26A, coachworks & storage areas, Abbey Manufacturing Estate, all units Edwards Yard, Mount Pleasant, Wembley, HA0*

Councillors Mahmood and Sangani declared that they were approached by the applicant in connection with the application.

*19/4272 Northwick Park Hospital, Watford Road, Harrow, HA1 3UJ*

Councillor Johnson declared that has was approached by the applicant in connection with the application

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

RESOLVED:-

that the minutes of the previous meeting held on 18 February 2020 be approved as an accurate record of the meeting.

#### 3. **18/4919 1-26A, coachworks & storage areas, Abbey Manufacturing Estate, all units Edwards Yard, Mount Pleasant, Wembley, HA0**

PROPOSAL: Demolition and erection of a mixed use development of buildings ranging between 3 and 14 storeys in height comprising 581 residential units, flexible commercial floorspace falling within use classes A1, A2, A3, A4, B1(a), B1(c), D1 or D2, associated car parking, landscaping and ancillary facilities (Phased Development).

RECOMMENDATION: To grant planning permission subject to the application's referral to the Mayor of London (stage 2 referral) and 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.

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

That, if by the "expiry date" of 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 be granted delegated authority to refuse planning permission.

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

Mr Toby Huntingford (Principal Planning Officer) introduced the report and answered Members' questions.

Ms Rebekah Rjubb (agent) addressed the Committee and in answering Members' questions, submitted the following responses;

- (i) the viability appraisal was stringently and independently tested and concluded that the affordable housing offered by the development was the absolute maximum possible.
- (ii) the applicant had had a detailed meeting with TfL on the transport improvement contribution which had been captured in the S106 legal agreement to secure a step free access for Alperton station.
- (iii) The applicant undertook an extensive consultation in addition to the Council's own consultation with interested parties and the suggestions made including parking and traffic were taken on board.
- (iv) The site was for a mixed use development with a range of uses including D1 and doctor's surgery listed in the affordable workspace. It was not a policy requirement to relocate existing users back to the site.
- (v) The parking provision would be adequate once the existing users who were causing parking problems had moved out. The number of parking spaces, to be secured via the S106 legal agreement, would provide for the disabled drivers whilst maintaining flexibility.

In the ensuing discussions, Members raised a cluster of issues including affordable housing, consultation, daylight, sunlight, loss of employment and car

parking and invited officers to clarify. Mr Huntingford advised Members that officers had agreed a benchmark land values with the applicant as set out within the report. A further independent valuation was put forward to the GLA given their concerns with the the benchmark land value. The affordable housing level was based on robust viability testing with stage reviews to capture any uplifts

Mr Huntingford clarified the consultation which involved press, site notices and letters to 385 properties met with the Council's requirements. He added that the Canals and Rivers Trust made comments which resulted in minor changes and updates to the plans in addition to 3 conditions for safety, risk and impact assessment and continual consultation. Members heard that the proposed development incorporating flexible affordable community workspace would support a range of uses in line with emerging uses. Officers added as a growth area, the benefits of the scheme outweighed the deficiency in sunlight and daylight levels as required under SPD1.

Following a further discussion, members were minded to refuse the application for the following reasons; concerns regarding sunlight, daylight, the desire to see a mix that reflects the housing needs in relation to social housing and loss of employment. Mr Gerry Ansell (Head of Planning) having responded then advised that the application be deferred to a future meeting for the matters raised by members to be taken up with the applicant.

DECISION: Deferred to a future meeting, contrary to officers recommendation, to enable members' concerns regarding sunlight, daylight, housing mix (social housing) and loss of employment to be raised with the applicant and permit a report back to a future meeting of the Planning Committee.

#### **4. 19/2891 Land at junction of Cecil Avenue and High Road, Wembley, HA9**

PROPOSAL: Full planning application for the construction of a 5 to 9-storey mixed use building comprising 250 new homes (Use Class C3), flexible workspace and community space (Use Classes A3, B1(a), B1(b) & (c) and D1/D2), landscaped courtyards and playspace, wheelchair and cycle parking, signage and wayfinding and associated plant and infrastructure.

RECOMMENDATION: To grant planning permission, subject to the Stage 2 referral to the Mayor of London and subject to the conditions and informatives recommended in the Committee report.

That the Committee resolve to GRANT planning permission subject to:

1. Any direction by the London Mayor pursuant to the Mayor of London Order
2. Any direction by the Secretary of State pursuant to the Consultation Direction

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

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions,

informatives, 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 planning of trees as required by Section 197 of the Town and Country Planning Act 1990.

Ms Victoria McDonagh (North Team Development Manager Team Manager) introduced the report answered members' questions.

Ms Maire Grogan and Sam McDermott (agents) addressed the Committee and answered Members' questions. Members heard that the applicant incorporated the feedback from extensive consultation and engagement into the final submission. They added that the scheme for a mixed-use residential-led redevelopment would bring forward a significant amount of new floorspace for commercial and community uses in addition to the affordable housing and contribute to the vitality of the town centre. It was noted that the loss of a London Plane tree on the High Road frontage which is subject to a Tree Preservation Order and less significant trees to be replaced with 49 trees, was necessary to facilitate an acceptable form of development.

In response to Members' questions, Ms McDonagh confirmed that retaining the TPO London Plan tree would impact on the viability of the scheme. Nevertheless, a comprehensive tree planting scheme was to be secured by planning condition including new street trees. She referenced the affordable housing provision and advised that the scheme would not give rise to overlooking to neighbouring properties. She also advised that on event days the communal space would be closed off to the general public.

DECISION: Granted planning permission as recommended.

**5. 19/1241 Car Park next to Sudbury Town Station, Station Approach, Wembley, HA0 2LA**

PROPOSAL: Re-development of existing car park for the erection of a three-storey building (Building A), and a part-three, part-five storey building (Building B), providing 52 x one-bed dwellings. Associated provision of communal roof terrace and courtyard, refuse storage, cycle parking and landscaping. Re-provision of 3 disabled car parking bays nearest to Station Approach to serve Sudbury Town Underground Station. (DEPARTURE FROM POLICY CP21 OF BRENT'S LOCAL PLAN).

RECOMMENDATION: This application be deferred from this meeting to allow time for a review of the report.

Members noted the recommendation in the supplementary report to defer consideration of this application to allow time for a review of the report.

DECISION: Deferred from the meeting to allow time for a review of the report.

**6. 19/4272 Northwick Park Hospital, Watford Road, Harrow, HA1 3UJ**

PROPOSAL: Erection of a multi-storey car park on 5 levels for staff only, a separate plant/energy facility and associated works to access road at Northwick Park Hospital.

RECOMMENDATION: To grant planning permission, subject to the Stage 2 referral to the Mayor of London and subject and to the conditions and informatives recommended in this report.

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

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, 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 planning of trees as required by Section 197 of the Town and Country Planning Act 1990.

Mr Denis Toomey (Principal Planning Officer) introduced the report and answered members' questions. Mr John Bowman (Highways) advised that the car parking management plan secured within the S106 legal agreement, would address the volume of parking demand and by encouraging alternative use of transport such as cycling, would assist in reducing parking in surrounding streets. He added that the facility would provide electronic charging points for electric cars. Members noted that the master plan for the area would discuss the impact of the proposed development on Northwick Park and Kenton Stations, if any.

DECISION: Granted planning permission as recommended.

**7. Any Other Urgent Business**

None.

The meeting closed at 7.30 pm

COUNCILLOR J. DENSELOW  
Chair

## APPLICATIONS FOR DECISION

### Introduction

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

### Material planning considerations

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

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

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

#### **Provision of infrastructure**

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



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

**Further information**

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

**Public speaking**

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

**Recommendation**

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

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Item 03  
18/4919

Abbey Manufacturing Estate  
Mount Pleasant  
Wembley  
HA0

Drawing Pack

# Site Location Plan

Page 12





# Proposed CGI of south side of site

Page 13





# Proposed CGI from extended Woodside End looking north along extended Woodside Close

Page 14





# Proposed CGI looking north from south east edge of site between site and Abbey Wharf





# Proposed CGI of streetscape

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# Proposed CGI from Woodside Close looking south into site

Page 17





# Proposed CGI from Mount Pleasant

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# Proposed top down CGI

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# Proposed physical model



# Proposed massing diagram (storey heights annotated)

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# Proposed Basement (south) level

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# Proposed Basement (north)/Ground (south) level





# Proposed Ground (north) / First (south) level (001)





# Proposed level 002





# Proposed level 003





# Proposed level 004





# Proposed level 005

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# Proposed level 006





# Proposed level 007

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# Proposed level 008





# Proposed level 009

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# Proposed level 010

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# Proposed level 011 – 013

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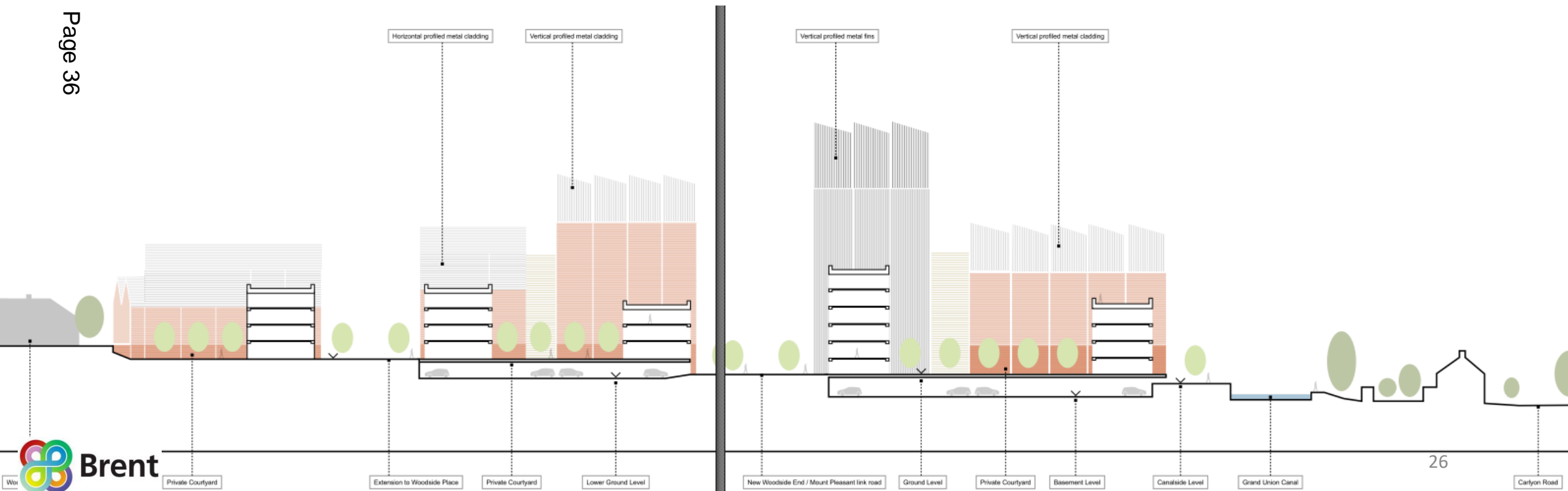


# Proposed roof level



# Proposed site cross-section with level changes

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# Proposed south site elevations 1 and 2

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# Proposed south site elevations 3 and 4

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# Proposed south site elevations 5 and 6

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# Proposed south site elevations 7 and 8

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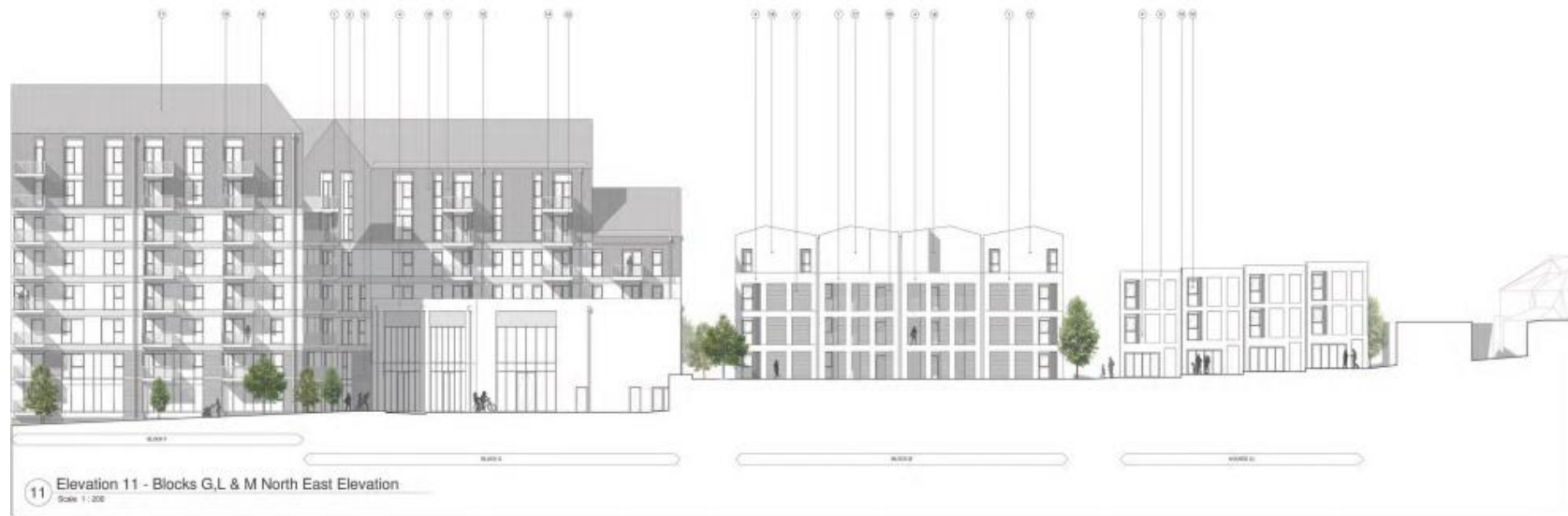
# Proposed south site elevations 9 and 10

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# Proposed north site elevations 11 and 12

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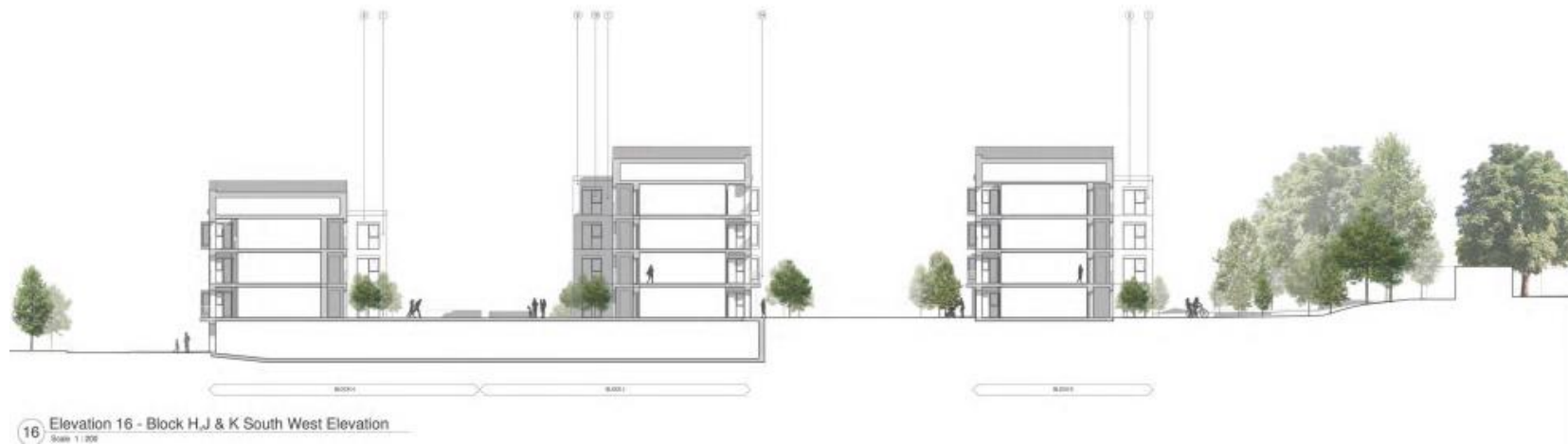


# Proposed north site elevations 13 and 14



# Proposed north site elevations 15 and 16

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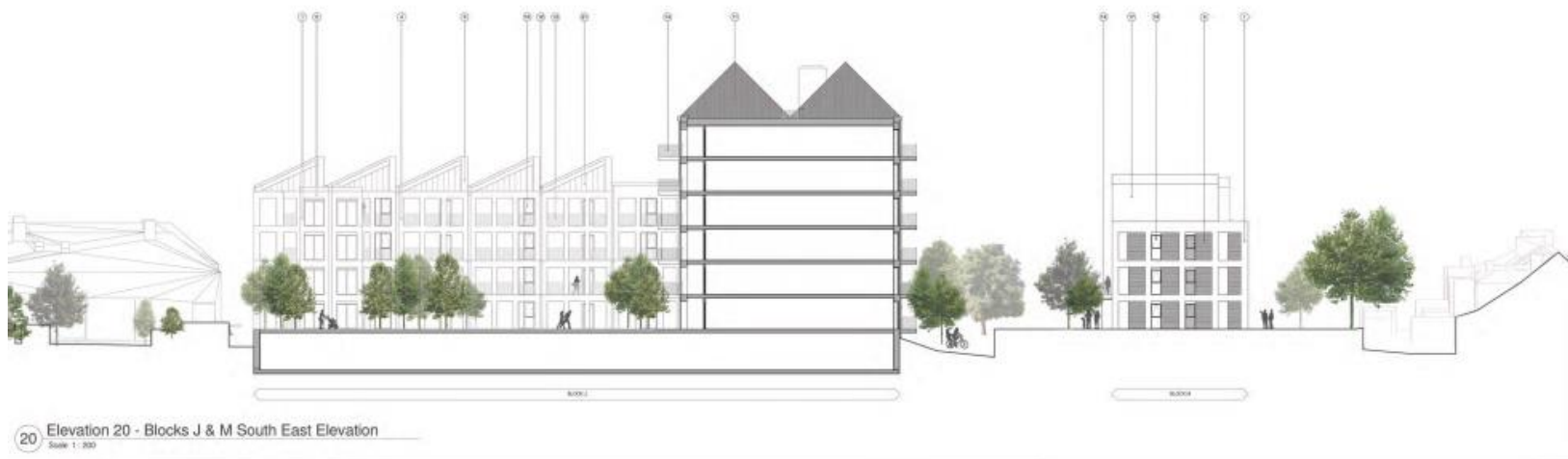
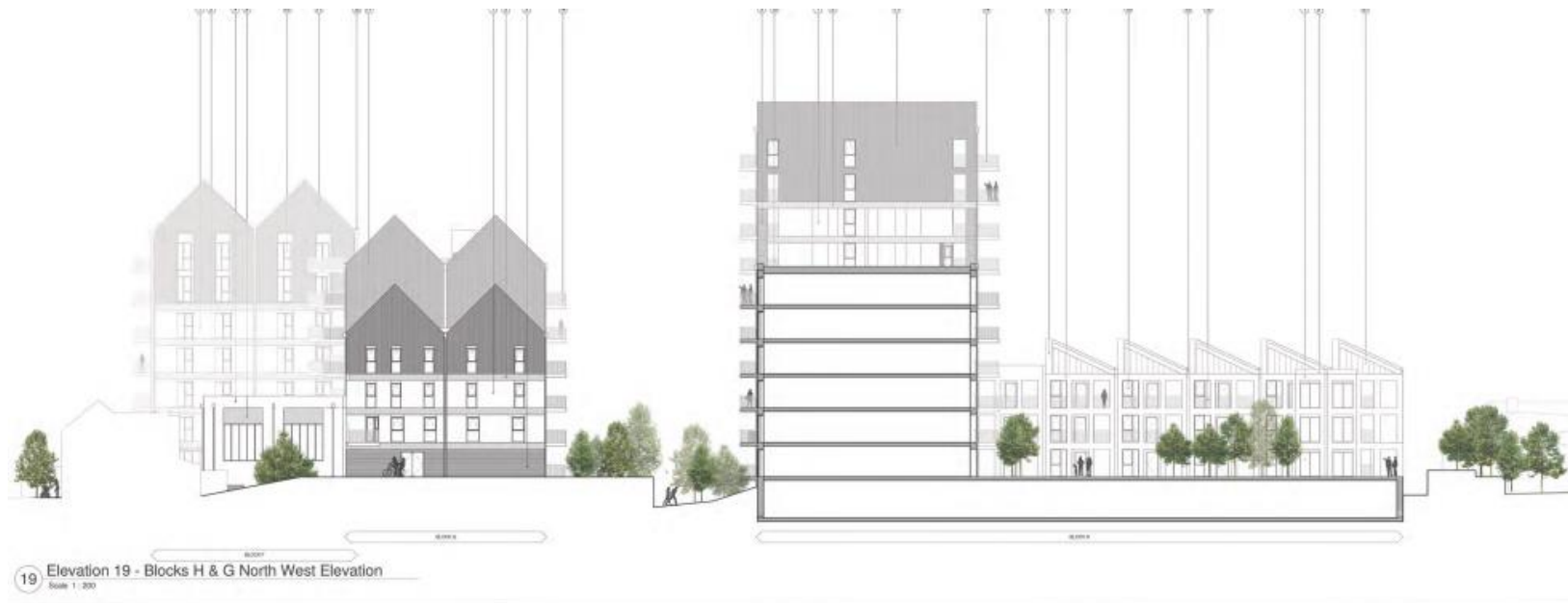
# Proposed north site elevations 17 and 18





# Proposed north site elevations 19 and 20

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# Proposed north site elevations 21 and 22

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# Proposed north site elevation 23

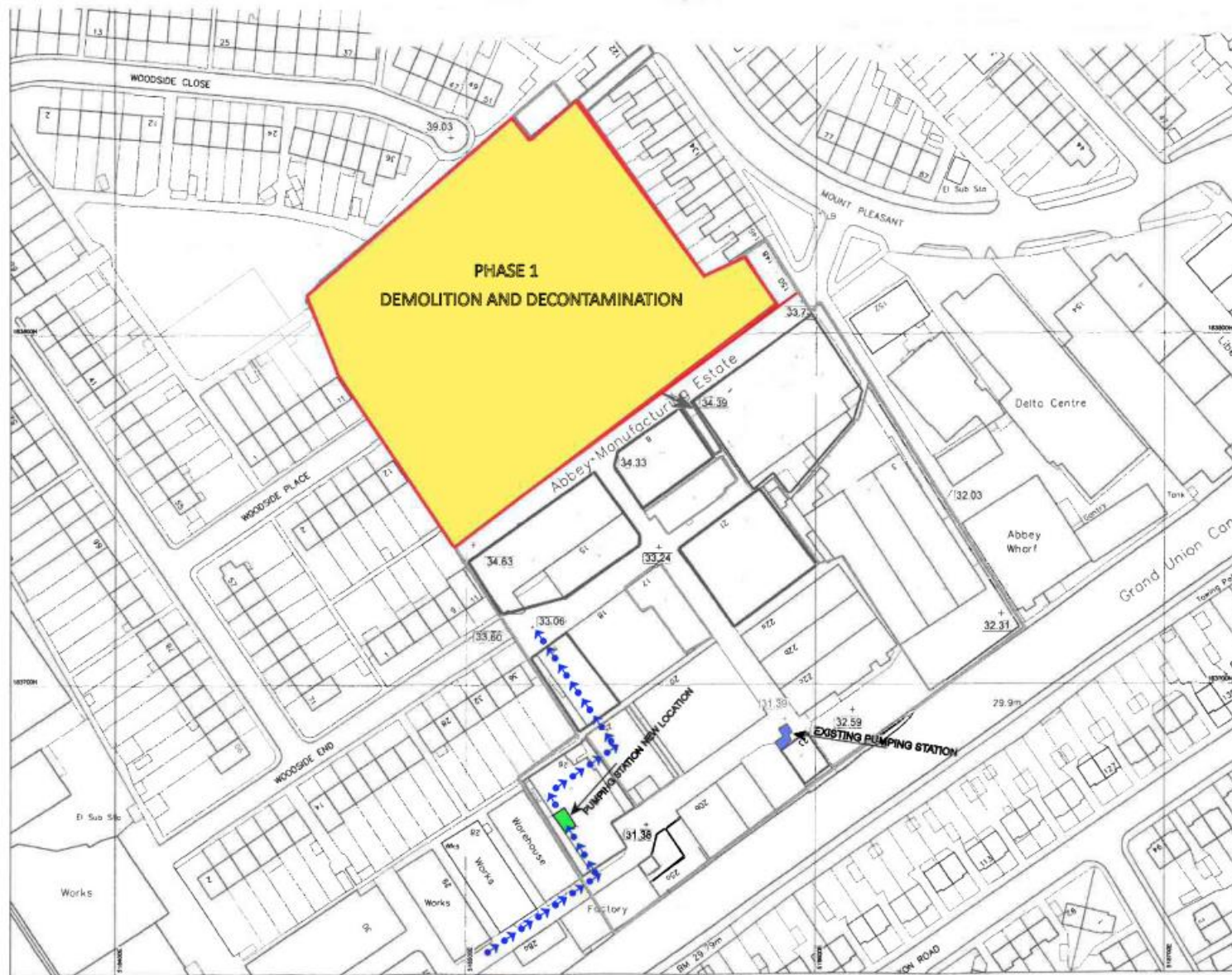
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# Proposed phasing plan – P1

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PL1

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# Proposed phasing plan – P2

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# Proposed phasing plan – P4

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# Proposed phasing plan – P5

- PHASE 1 BUILDINGS K L & M
- PHASE 3 IS BUILDING J & H AND BUILDING G
- PHASE 2 THE GREEN AREA IS THE UNDERGROUND CAR PARKING
- THE NEW ROAD WILL BE PART OF PHASE 2 THE CAR PARKING UNDER BUILDINGS J & H
- PHASE 4 SOUTH BASEMENT CAR PARKING
- PHASE 5 BUILDINGS D & C
- PHASE 6 BUILDINGS E & B
- PHASE 7 BUILDINGS F & A



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Item 03

18/4919

Abbey Manufacturing Estate

Mount Pleasant

Wembley

HA0

Site photo pack

# Item 03 18/4919 Site Photo Legend



Photo 1: View across southern edge of the site from the south west





Photo 2: View from the south of the site across to the east





Photo 3: View across to the east from south side (Carlyon Road houses to the right)





Photo 4: View of the site from the south east corner





Photo 5: View across the southern edge of the site from the east





Photo 6: View from Liberty Centre towards Abbey Wharf and Abbey Manufacturing Estate beyond





Photo 7: View of eastern entrance to site from Mount Pleasant





Photo 8: View of eastern entrance to site from Mount Pleasant





Photo 9: View of northern edge of site from Woodside Close





Photo 10: View of northern edge of site from Woodside Close





Photo 11: View of northern edge of site from Woodside Close





Photo 12: View of western entrance to site from Woodside Place





Photo 13: View of south western entrance to site from Woodside End





Photo 14: View of south western entrance to site from Woodside End



Item 04

19/1241

**Car Park next to Sudbury  
Town Station, Station  
Approach, Wembley HA0 2LA**

**Site photo pack**



# Item 05 19/1241 Site Photo Legend



Photo 1: Front façade of Sudbury Town Station





Photo 2: Front forecourt showing bus and taxi stand on Station Approach



Photo 3: Existing Blue Badge spaces to front of car park





Photo 4: Existing entrance to car park and TFL depot to rear



Photo 5: View looking south-east from car park showing underground line to south





# Photos 6 and 7: View showing rear and side facing windows of 29 Station Approach

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# Photos 8 and 9: View showing rear outbuilding of 29 Station Approach and garages on northern boundary of site

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Photos 10 and 11: View looking north from car park showing boundary treatment to properties on Barham Close

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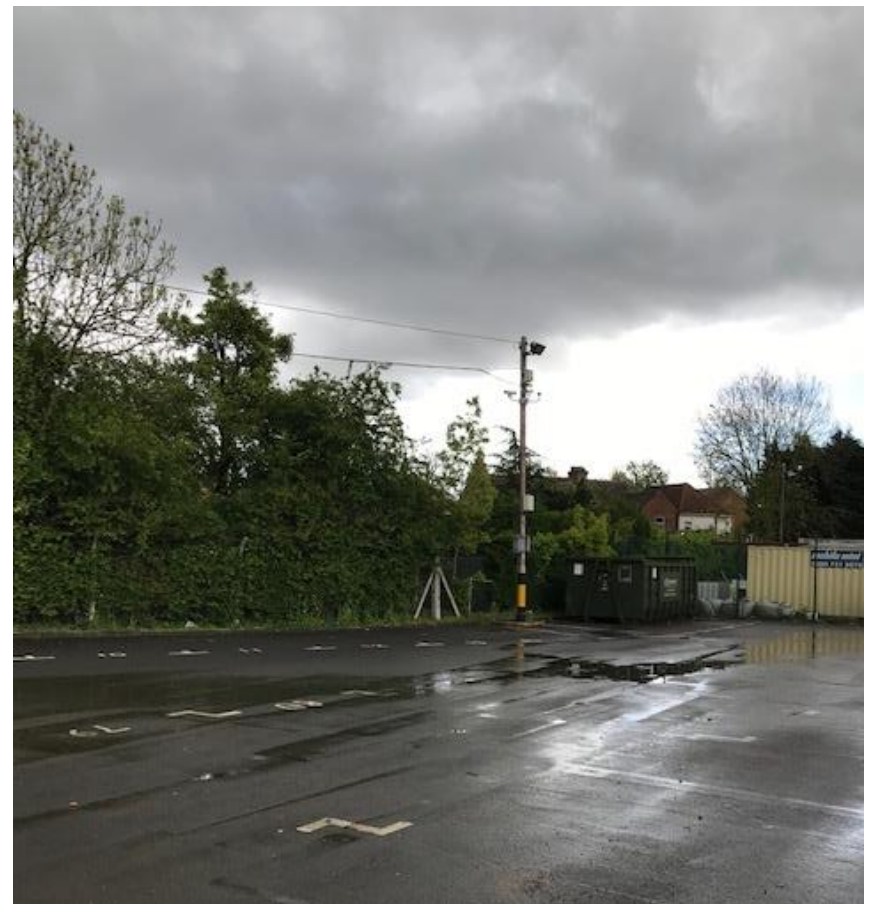


Photo 12: View of rear garden and elevation of No.8 Barham Close





Photo 13: View of rear garden of Nos. 8 and 9 and outbuildings at 9 Barham Close



Photo 14: Birds-eye view showing site in context with adjoining properties, particularly relationships to Barham Close

29 Station Approach

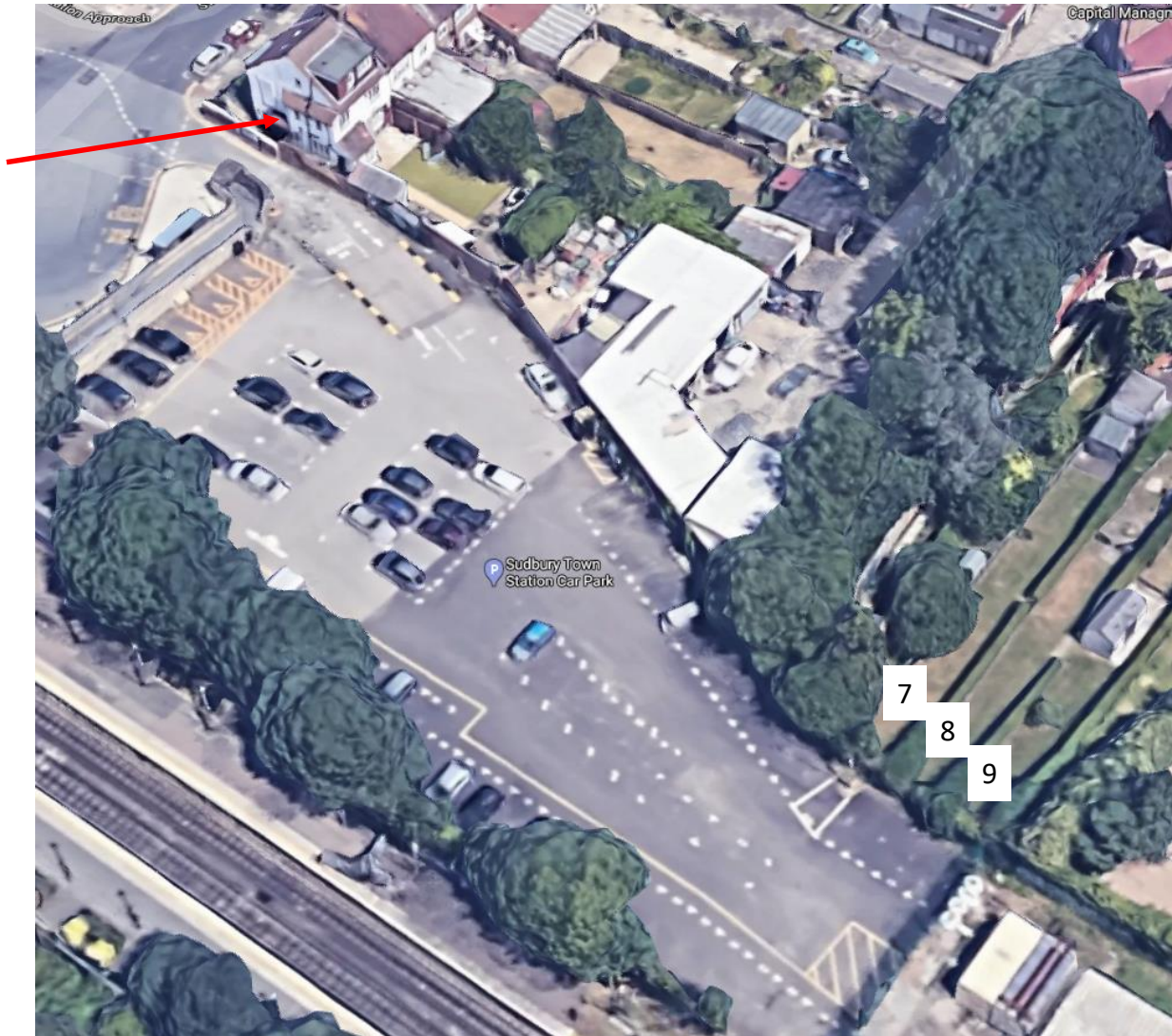




Photo 15: Longer street view looking south from Station Approach



Item 05

19/3092

Ujima House

388 High Road

Wembley

HA9 6AR

Site photo pack



# Item 5 19/3092 Site Photo Legend

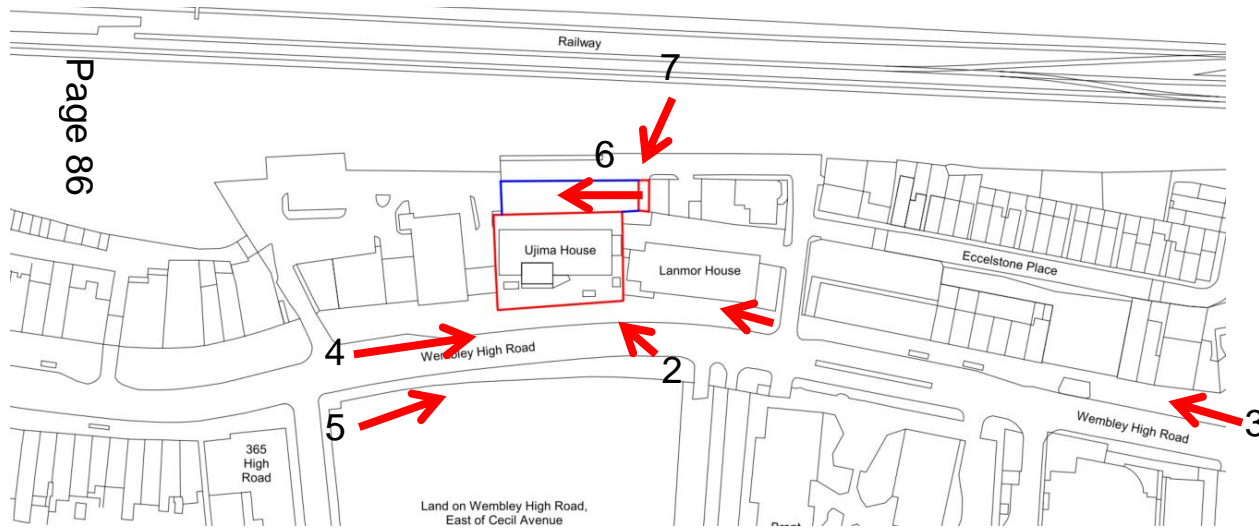


Photo 1: view of site from east





Photo 2: view of site from southeast



Photo 3: streetscene view from east





Photo 4: view of site from west



Photo 5: view of site from southwest





Photo 6: view of car park from east



Photo 7: view of site from northeast





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# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

6 May, 2020  
03  
18/4919

## SITE INFORMATION

RECEIVED	20 December, 2018
WARD	Alperton
PLANNING AREA	
LOCATION	1-26A, coachworks & storage areas, Abbey Manufacturing Estate, all units Edwards Yard, Mount Pleasant, Wembley, HA0
PROPOSAL	Demolition and erection of a mixed use development of buildings ranging between 3 and 14 storeys in height comprising residential units (use class C3), flexible commercial floorspace falling within use classes A1, A2, A3, A4, B1(a), B1(c), D1 or D2, associated car parking, landscaping and ancillary facilities (Phased Development)
PLAN NO'S	Refer to 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_143296">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_143296</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 "18/4919" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>



## INTRODUCTION

This application was presented to Planning Committee on the 17<sup>th</sup> March 2020. The Committee were minded to refuse the application owing to concerns that related to the following aspects of the proposal:

- Affordable Housing provision
- Loss of employment
- Sunlight and daylight impact

Following discussion of the item at the March committee, a decision was taken to defer the planning application to enable officers to provide further information in relation to the concerns raised by members.

Additional information and clarification is provided in relation to the loss of employment and the sunlight and daylight impacts. Emerging and adopted Affordable Housing policy is discussed and the proposal has been changed in respect of the housing mix. These aspects are discussed in detail below.

In summary, officers continue to consider that the application is policy compliant and would recommend that the application is granted planning permission, subject to referral to the Mayor for his Stage 2 response as well as it being subject to the conditions and s106 heads of terms set out in the March committee report, with those heads of terms adjusted to account for the applicant's revised affordable housing offer.

## AFFORDABLE HOUSING PROVISION

### National Policy

The National Planning Policy Framework (NPPF), since 2018, has defined affordable housing as follows:

***“housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions [of four categories of affordable housing]”.***

The four categories are set out as:

- Affordable housing for rent
- Starter homes
- Discounted market sales housing
- Other affordable routes to home ownership

Affordable housing for rent is defined within the NPPF as a product which ***“meets all of the following conditions: (a) the rent is set in accordance with the Government’s rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent)”.***

The definition of affordable housing for rent makes reference to “social rent”. Social rent is a product which is set in line with the Social Housing Regulator’s Rent Standard Guidance and is not pegged against the overall market value, whilst affordable rent (defined as at least 20% below local market rents) generally is.

### Local Policy

Brent’s adopted local policy (CP2 and DMP15) setting out the requirements for major applications in respect of affordable housing provision stipulates that schemes should provide 50% of homes as affordable, with 70% of those affordable homes being social or affordable rented housing and 30% of those affordable homes

being intermediate housing (such as for shared ownership or intermediate rent). The policy also allows for a reduction to affordable housing obligations on economic viability grounds where it can be robustly demonstrated that such a provision of affordable housing would undermine the deliverability of the scheme. The policy requires schemes to deliver the maximum reasonable proportion of Affordable Housing (i.e. the most that the scheme can viably deliver, up to the target). It does not require all schemes to deliver 50 % Affordable Housing. This is an important distinction.

Critically, the definition within DMP15 allows for affordable rented housing (defined as housing which is rented at least 20% below the market value) to be an acceptable form of low cost rented housing, which would also be consistent with the NPPF definition of affordable housing.

The emerging London Plan (Intend to Publish Version) affordable housing policy (H4, H5 and H6) sets out the Mayor's commitment to delivering "genuinely affordable" housing and that the following split of affordable housing provision is applied to development proposals:

- A minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent)
- A minimum of 30% intermediate products
- 40% to be determined by the borough based on identified need

Brent's emerging local plan policy (BH5) is similar to DMP15 in the adopted plan, but sets a strategic target of 50% affordable housing while supporting the Mayor of London's Threshold Approach to applications (policy H5), with schemes delivering at least 35 % (or 50 % on public sector land / industrial land and that propose a policy compliant tenure split) not viability tested at application stage. Brent Policy BH5 sets a target of 70% of those affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split marries up with the Draft London Plan H6 policy by design, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category, bringing Brent's target split across both emerging policies as 70% for low cost rented homes (Social rent or London Affordable Rent) and 30% for intermediate products.

Brent's draft Local Plan has yet to be examined by the Planning Inspectorate and as such the adopted DMP15 policy would carry considerably more weight than the emerging policy at present. The draft London Plan is at a more advanced stage than Brent's emerging Local Plan and has been subject to comments from the Planning Inspectorate. Whilst concerns have been raised about some London Plan draft policies by the inspectorate, none of those concerns relate to these policies and it can therefore be considered that this draft policy carries reasonable weight at this stage.

Both the Brent (BH5) and London Plan emerging affordable housing policies depart from affordable rent (defined as discounted at least 20% below market rent) as a 'low cost rented product' and instead seek London Affordable Rented homes.

London Affordable Rent is a product which was introduced in 2016 and its rents are based on the formula rent cap figures for Social Rents uplifted by CPI plus 1%. Therefore, London Affordable Rent is broadly in line with social rent (aside from the small uplift adjustment) and significantly more affordable than standard affordable rent product.

London Affordable Rent is clearly a more affordable product than affordable rent and meets the Mayor's definition of 'genuinely affordable housing' in the emerging London Plan and emerging draft Local Plan (BH5). London Affordable Rent has a consistent value across London in line with the above figures, which equates to a rental payment of £178.05p/w for three bedroom homes. As a very rough guide, London Affordable Rent would be broadly equivalent to 50% of the market rent on a property, although may see a lesser or greater difference compared to the market rent dependent on the average rental values in the particular borough. Despite the enhanced affordability of the London Affordable Rented product, the previous affordable housing offer of this scheme met the adopted London Plan and Local Plan target as it achieved a more than maximum reasonable offer targeting the affordable rent product and for the rest to be intermediate i.e. Shared Ownership, in line with DMP15 requirements.

The policy requirements can be summarised as follows

Policy context	Status	% Affordable Housing required	Tenure split
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Existing adopted policy	Adopted	Maximum reasonable proportion	70 % Affordable Rent (to 80 % Market)	30 % Intermediate	
Emerging London Plan	Greater weight	Maximum reasonable proportion	30 % Social / London Affordable Rent	30 % Intermediate	40 % determined by borough
Emerging Local Plan	Limited weight	Maximum reasonable proportion	70 % Social / London Affordable Rent	30 % Intermediate	

### **Affordable housing of this proposal**

The scheme presented to Members in March included the following affordable housing offer, which officers considered to represent the maximum reasonable proportion of Affordable Housing, with the applicant demonstrating that the target level of 50 % could not be delivered on the site.

### **OFFER PRESENTED AT MARCH COMMITTEE**

(18.1% affordable housing by unit, weighted 53%/47% towards Affordable Rent)

(22% affordable housing by habitable room, weighted 65%/35% towards Affordable Rent)

		<b>Affordable</b>	<b>Intermediate</b>	
<b>Units</b>	<b>Private</b>	<b>Affordable Rent</b> <b>(Capped at no more than 65% of market rent)</b>	<b>Shared Ownership</b>	<b>Total</b>
<b>1 bed</b>	230	0	24	254 (43%)
<b>2 bed</b>	188	0	25	213 (37%)
<b>3 bed</b>	58	56	0	114 (20%)
<b>Total</b>	476 (82%)	56 (10%)	49 (8%)	581 (100%)

This affordable housing offer was justified through the submission of a financial viability assessment which robustly set out why the projected costs and revenues (based on present day values) of the development would have resulted in a scheme that would be unviable, even where no affordable housing had been provided. As such, were this scheme to come forward on the basis that no affordable housing would be proposed, officers consider that the scheme would still be compliant with both adopted and emerging policy with regard to the amount of Affordable Housing (delivering the maximum reasonable amount). The key aspects which contribute to the lack of viability of the scheme largely stem from the fragmented nature of land ownership on the site and the associated complexities of land assembly, the requirement for the Thames Water pumping station on site to be removed and re-provided as part of the development and the historic use of the site for industrial purposes resulting in significant de-contamination and remediation works being necessary in the early phases of development.

The applicant's financial viability assessment has been closely scrutinised by industry experts appointed by the Council and it has been agreed that the scheme is not financially viable on the basis of today's costs and values, and that no affordable housing can reasonably be required. Nonetheless, the applicant proposed to provide 18.1% affordable housing (as set out in the table above) on a tenure split which, whilst not closely aligning with the 70%/30% tenure split sought in policy, was weighted towards affordable rented products in line with DMP15. Officers strongly welcome this offer, particularly given that the financial viability assessments robustly demonstrates that nil provision of affordable housing would be acceptable in this instance.

The Affordable Rented product was to be secured at no more than 65% of the market rent, which is considerably more affordable than the base definition of affordable rent which is permitted within adopted

policy DMP15 (defined as up to 80% of the market rent). The head of the housing team at Brent has confirmed that this product, capped at 65% of the market rent, would be affordable to those on the Council's housing waiting list. While emerging Brent Policy sets out that all of the Affordable Rented accommodation should be provided at London Affordable Rent, this can only be given limited weight at present. More weight can be given to emerging London Plan policy which specifies that 30 % of the Affordable housing should be for London Affordable Rent. However, officers considered the provision of the Affordable Rented Accommodation at a maximum of 65 % market rate to be acceptable as greater weight has only been able to be given to the emerging London Plan policy recently, very late in the consideration of this specific application. The commitment to this affordable housing offer results in the scheme returning a significant deficit, when the projected present day costs and values are updated to account for it.

**Revised affordable housing offer**

Whilst officers would maintain that the above offer remains compliant with adopted policy on the basis of the viability argument put forward and tested by the Council, officers have since negotiated with the applicants to seek an alternative affordable housing offer which results in the same projected deficit for the developer and which seeks to address concerns raised by Members at the March committee by securing the Affordable Rented homes as London Affordable Rent. The Affordable Housing tenure mix has also been altered to reflect adopted policy. This negatively affects scheme viability and therefore reduces the level of Affordable Housing, but nonetheless, increases the affordability of the Affordable Rented homes.

Whilst requiring the developer to run into a further deficit would not be reasonable, the Council’s appointed experts have remodelled the affordable housing to see how this same level of deficit could result in an alternative affordable housing offer that targets the emerging London Plan and Local tenures and tenure splits in delivering the genuinely affordable homes envisioned in draft policy, with particular focus on London Affordable Rent homes. The revised offer would result in 30 fewer affordable units as follows:

- A reduction of 3 Affordable Rented units, with the remaining 53 units switching from Affordable Rent (capped at 65% of market rent) to London Affordable Rent – this makes up 70% of the offer by unit as stipulated in the target tenure split, and;
- A reduction of 27 Shared Ownership units, with the remaining 22 Shared Ownership units remaining as Shared Ownership (making up 30% of the offer by unit as stipulated in the target tenure split). The comparison of the two affordable housing offers is set out below:

This revised offer would result in the following housing delivery:

**OFFER PRESENTED FOR MAY COMMITTEE**

(12.9% affordable housing by unit, weighted 70%/30% towards London Affordable Rent)  
 (16.8% affordable housing by habitable room, weighted 78%/22% towards London Affordable Rent)

		<b>Affordable</b>	<b>Intermediate</b>	
<b>Units</b>	<b>Private</b>	<b>London Affordable Rent</b>	<b>Shared ownership</b>	<b>Total</b>
<b>1 bed</b>	224	0	10	254 (43%)
<b>2 bed</b>	201	0	12	213 (37%)
<b>3 bed</b>	61	53	0	114 (20%)
<b>Total</b>	506 (87.1%)	53 (9.1%)	22 (3.8%)	581 (100%)

Both the March and May affordable housing offers result in the same deficit for the developer following financial modelling which, as per RICS guidelines, has been based on present day costs and values. The applicants advise that they are willing to proceed on the basis of an affordable housing offer which results in a deficit as they anticipate a latter improvement in both sales rates and gross development value. The applicants have agreed to an early, middle and late stage viability review which will enable opportunities for additional affordable housing to be provided on the development subject to the conclusions of the reviews as



and when they are undertaken.

## **Summary**

In summary, officers consider that both affordable housing offers set out above are acceptable and policy compliant, representing more than the maximum reasonable provision of affordable housing in both cases. The developer has also confirmed that they would be willing to proceed with the development on the basis of either offer. The May affordable housing offer targets a tenure split ratio which aligns more closely with policy and which includes a low cost affordable tenure which is more affordable than the affordable rented product secured in the March offer, therefore according more closely with emerging local policy. Nonetheless, this revised offer does result in a lower overall provision of affordable housing given that London Affordable Rent homes are more expensive for the developer to deliver.

## **LOSS OF EMPLOYMENT**

### **Release of employment land**

To recap on the employment land aspects of the proposal, the existing site contains 18,963sqm of industrial floor space, mainly in use as car repair garages. The proposed development would see the reinstatement of 1,200sqm of commercial floor space, 575sqm of which would constitute light industrial space within the B1(c) use class as managed affordable workspace. Policy direction since 2011 has accepted that the site's primary employment function can acceptably be lost, and the site was initially allocated for mixed use, residential led development in that year within Brent's Site Specific Allocations Document (Allocation A6 – Woodside Avenue). This continues to be an adopted policy, but is intended to be replaced by emerging policy BSWSA5 (Abbey Industrial Estate) of the emerging Brent Local Plan.

Site allocation BSWSA5 of the emerging local plan continues to promote the residential led redevelopment of the site, with an indicative capacity of 590 new homes. In addition to those homes, the allocation specifies that "some re-provision of employment floor space along the ground floors of the new buildings will be required as well as other potential uses such as small scale retail, commercial leisure or community uses".

As such, the reduction in employment floor space has been supported by adopted policy for almost a decade, and this is intended to be taken forward within the new Local Plan.

The site allocation refers to the provision of "a proportion of managed affordable workspace". As discussed in the main committee report, all of the light industrial floor space (545sqm) has been proposed as managed affordable workspace, at 50 % of market rent. The terms for the provision of the workspace will be comparable with affordable workspace secured within other recent consents within Alperton. The developer has committed to fit out the units, and this is proposed to be secured within the Section 106 legal agreement. The proposed affordable workspace is considered to be fit for purpose and useable.

### **Relocation of existing businesses**

The developer has confirmed that they have been working with the existing tenants of the site where existing tenants have requested assistance to identify alternative opportunities for them wherever possible. This is not a requirement in planning terms, and as discussed above, the material planning considerations are limited to the use class of the floor space on site.

## **IMPACT ON THE AMENITY OF NEIGHBOURING OCCUPIERS**

### **Visual amenity and overbearing impact**

The proposed development is considered to have an appropriate relationship with surrounding properties, although there are some breaches of SPD guidance which are judged as acceptable when weighed against the benefits that the scheme would deliver.

The proposed development accords with SPD1 guidance in relation to most surrounding properties. However, there are a proportionately small number of properties which do not fully comply with the 30 degree line, 45 degree line, or 1:2 guidance. The proposal doesn't comply in relation to the following properties:

- Some properties which have been extended and which sit along the north side of **Carlyon Road**, with the most severe breach to these properties stemming from block C, whose roof level extends above the 30 degree line from the Carlyon Road properties by up to about 2 metres. However, the proposed development would be situated some distance from those properties which are located on the opposite (south) side of the canal.
- Some properties along the west side of **Mount Pleasant** will see windows in their outriggers fail 30 degree line testing in relation to block M, with the most severe breach seeing block M's roof project above the 30 degree line by about 1.75m.
- The proposed development would project above the 45 degree line for a 6m deep section of the garden of 36 **Woodside Close**. This results from the height and placement of Block K; however, this property is oriented away from the development and the main aspect from the house into the garden will retain an open character.
- 11 and 36 **Woodside End** sit alongside blocks H and D respectively and fail 45 degree testing for parts of the garden closest to the rear of the house. However, given the side-to-side relationship it has been deemed appropriate to apply the 1:2 guidance. The 1:2 guidance is complied with in these cases.
- 11 and 12 **Woodside Place** sit alongside blocks K and J respectively and fail 45 degree testing as with the above properties. In these cases, 1:2 rule testing is also failed, with the 1:2 guidance being breached by a depth of 2.6m relative to 11 Woodside Place and 2.4m relative to 12 Woodside Place.
- Despite a generous separation (20m+) between the proposal and **Abbey Wharf**, the heights of the buildings are such that the 30 degree line test will not be met from the windows of the lower levels of the Abbey Wharf building, and the same is true of the proposed flats facing towards Abbey Wharf. Given the growth area setting and the generous separation which meets SPD1 criteria in relation to privacy, the relationship is considered to be acceptable.

The above represents a proportionately small number of properties for which the proposal would not fully accord with the guidance provided in SPD1. The proposal is considered acceptable given the limited overall harm and substantial benefits of this proposal.

### **Sunlight and Daylight impact**

A large array of properties surrounding the site have been tested for relevant daylight and sunlight impacts.

#### **Daylight and sunlight impact on properties to the north and west**

In the case of residential properties to the north and west (**Woodside Place, Woodside End and Woodside Close**), all of the properties will comply with BRE standards for daylight and sunlight, or possess very clear contextual features which justify accepting BRE breaches (breached windows serving secondary windows or peripheral panes of bay windows). One window in 36 Woodside End would fall short of daylight expectations and would serve a primary window to a habitable room. However, this window sits in a side dormer extension and currently benefits from an unusually unobstructed view across the site, at the end of its road.

#### **Daylight and sunlight impact on properties to the south**

In the case of **Carlyon Road**, VSC breaches are observed in some instances to rear facing windows, with 39 of the windows which fall short of targets. However, the testing confirms that the extent of the failures to each of these windows is generally fairly small (up to 5% worse than the acceptable standard) and as such it is considered that the actual experienced outcome would likely be similar to a BRE compliant scenario.

#### **Daylight and sunlight impact on properties to the east**

In the case of properties along **Mount Pleasant**, the houses are older and have projecting outrigger features along their rear extents. This results in a number of the windows alongside the outriggers with low existing levels of light which, when subjected to the daylight modelling are very sensitive to changes in the environment in terms of the modelling, with relatively small absolute changes in the light being reflected as larger and somewhat misleading as percentage alterations. The BRE acknowledges this where its guidance states that "a larger relative reduction in VSC may also be unavoidable if the existing window has projecting wings on one or both sides of it, or is recessed into the building so that it is obstructed on both sides as well as above." Some breaches of both daylight and sunlight tests are observed across these houses, although a

number of these breaches are attributable to poor existing conditions along these properties.

The adjoining **Abbey Wharf** development sees 40% of affected windows beyond VSC targets, although it is acknowledged that the urban character of this block and its immediate siting next to another allocated site in a growth area does warrant reasonable acceptance of a more flexible standard (15% VSC) which would be consistent with the urban grain which is proposed and building typologies in other London growth areas. In terms of daylight testing, whilst a number of windows fall short of standards, supplementary testing has shown that this is largely attributable to the presence of oversailing balconies within the Abbey Wharf development rather than the proposal of this development.

#### Overshadowing impacts to gardens

Six residential gardens along **Mount Pleasant** will fall short of BRE overshadowing guidelines for levels of direct sunlight to garden spaces, with two of these gardens failing to a material extent. All gardens meet an adjusted standard for direct sunlight during the summer solstice.

#### Summary of daylight + sunlight impact and consideration of whether acceptable

Taken as a whole, 75% of tested windows meet VSC guidance for daylight, 80% of rooms tested meet NSL guidance for daylight, 86% of rooms tested meet APSH guidance for sunlight and 80% of gardens meet overshadowing guidance. The percentage of windows and rooms tested that pass BRE testing is high although it is acknowledged that a number will fall short of BRE targets. Nonetheless, the relatively high pass rate is welcomed given the growth area status and the clear intent for this site to adopt a denser massing than its surroundings.

Officers have regard to relevant planning policy in reaching this view and would note that the NPPF (2019) states, at para 123, that:

“when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)”.

Given the significant regenerative benefits of the scheme and the substantial number of new homes, affordable homes and affordable workspace that will be delivered by it, officers consider the daylight and sunlight impacts of the scheme to be acceptable and do not consider the results to reflect an unusual or anomalous scenario given the scale of the development.

**Recommendation: Recommendation remains to grant consent, subject to referral to the Mayor for his Stage 2 response and subject to the s106 heads of terms and conditions set out in the March 2020 committee report, with the s106 heads of terms revised to account for the adjusted affordable housing offer if it is supported by Members.**

**The remainder of the report has not been changed from the version that was presented to the previous Planning Committee meeting**

## **RECOMMENDATIONS**

That the Committee resolve to GRANT planning permission subject to the application's referral to the Mayor of London (stage 2 referral) and the prior completion of a legal agreement to secure the following planning obligations:

- a. Payment of Council's reasonable legal and professional costs
- b. Notification of commencement 28 days prior to material start
- c. Provision of 56 x 3 bedroom affordable rented units (at no more than 65% of open market rents, inclusive of service charges, and capped at Local Housing Allowance rates), disposed on a freehold / minimum 125 year leasehold to a Registered Provider and subject to an appropriate Affordable Rent nominations agreement with the Council, securing 100% nomination rights for the Council on initial lets and 75% nomination rights for the Council on subsequent lets.
- d. Provision of 24 x 1 bed and 25 x 2 bed shared ownership units (as defined under section 70(6) of the Housing & Regeneration Act 2008, subject to London Plan policy affordability stipulations that total housing costs should not exceed 40% of net annual household income, disposed on a freehold /



minimum 125 year leasehold to a Registered Provider, and subject to an appropriate Shared Ownership nominations agreement with the Council, that secures reasonable local priority to the units).

- e. Early stage viability review (drafted in line with standard GLA review clause wording) to be submitted where material start in relation to the first residential phase does not commence within 2 years of planning permission date. Viability review to set out details of additional on-site affordable housing where uplift in profit is identified. Any additional on-site affordable housing to target a policy compliant tenure split unless an alternative approach is agreed with the LPA. Viability review to be based on an agreed Benchmark Land Value of £27,025,000.
- f. Middle stage viability review (drafted in line with standard GLA review clause wording) to be submitted at or after 50% occupation of the private residential dwellings. Viability review to set out details of additional on-site affordable housing where uplift in profit is identified. Any additional on-site affordable housing to target a policy compliant tenure split unless an alternative approach is agreed with the LPA. Viability review to be based on an agreed Benchmark Land Value of £27,025,000. Not more than 65% of the private dwellings to be occupied until viability review approved in writing by the LPA.
- g. Late stage viability review (drafted in line with standard GLA review clause wording) to be submitted at or after 75% occupation of the private residential development. An offsite affordable housing payment to be made where an uplift in profit is identified. Viability review to be based on an agreed Benchmark Land Value of £27,025,000. Not more than 90% of the private dwellings to be occupied until viability review approved in writing by the LPA.
- h. Provision of 545sqm of affordable workspace - to be disposed of for no more than 50% of OMR/OMV for a minimum term of 15 years, remain affordable for the lifetime of the development and be leased to an affordable workspace provider approved by the Council.
- i. To not occupy more than 50% of the private residential units in block G until the affordable workspace on the first floor of this block has been leased to an affordable workspace provider, unless agreed in writing by the Council.
- j. In the event that an affordable workspace provider cannot be secured following 2 years of marketing, pay a commuted sum commensurate with the value of the affordable workspace (as demonstrated through FVA), estimated to be £1,340,000.
- k. Not later than 3 months prior to the anticipated date of practical completion of the entire development, procure that the affordable workspace provider submits an affordable workspace plan for the Council's approval. Following this, to not occupy more than 50% of the dwellings in Block F until the affordable workspace plan has been approved in writing by the Local Planning Authority and thereafter implemented, including details of fit out not including any furniture. This requirement to fall away in that event that part (j) is triggered.
- l. Contribution towards carbon offsetting in line with GLA formula.
- m. BREEAM 'Excellent' within the commercial floor space of the development.
- n. Submission and approval and implementation of Training and Employment plan.
- o. a sum of £150,000 towards the implementation of a Controlled Parking Zone in the area.
- p. S38/S278 highway works under the Highways act 1980 to provide: (i) construction and adoption of the main site access road connecting Mount Pleasant and Woodside End in general accordance with the layout set out in drawing 17-335-09, including 2m wide footways, 2m kerb radii at the entrance to the northern car park and dropped kerbs and tactile paving at all junctions; (ii) construction of the northern site access road from Woodside Place including a turning head and pedestrian link (where deliverable) to Woodside Close in general accordance with the layout set out in drawing BM32835/02-00-SH-A-01-0001/D0-3; (iii) construction of a traffic calming scheme in Woodside Avenue and adjoining streets incorporating speed reducing features at intervals of 60-90m, improved footway surfacing and dropped kerbs/tactile paving at all junctions, in accordance with a scheme to be submitted to and approved by the Local Highway Authority following consultation with local residents and stakeholders; and (iv) construction of improvements to the existing pedestrian crossing

points on either side of the junction of Mount Pleasant and Woodstock Avenue including enlarged traffic islands, dropped kerbs and tactile paving.

- q. a restriction to prohibit future residents from obtaining on-street parking permits in any future CPZ that is introduced in the area.
- r. submission and approval of a Residential Travel Plan prior to occupation of the development.
- s. Establishment of a Car Club within the site including the provision of suitable parking spaces and subsidising of resident membership fees.
- t. Construction of a pedestrian path alongside the Grand Union Canal with pedestrian links from the main spine road through the site and designation of those routes as permissive paths.
- u. To notify the LPA prior to the first occupation of any part of the commercial floor space and to confirm the use class/es under which that part of the commercial floor space will operate. Thereafter, a contribution will be payable, prior to the first occupation of the relevant part of the commercial floor space, towards bus capacity. The payment amount required will vary as follows (final figures to be subject to agreement with Transport for London):
  - in respect of a part of that Contributing Floorspace to be used within Use Class A1 the sum of £284 per square metre GIA;
  - in respect of a part of that Contributing Floorspace to be used within Use Class D1 or D2 the sum of £213 per square metre GIA; and
  - in respect of a part of that Contributing Floorspace to be used within Use Class A2, A3 or B1 or other use the sum of £145 per square metre GIA.
- v. Contribution towards accessibility improvements at Alperton Station: £166,000.
- w. Indexation of contributions in line with inflation.
- x. 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

#### *Compliance*

1. 5 years consent
2. Approved plans
3. No commencement until relevant land is bound by a Section 106 Agreement (Arsenal condition)
4. Phasing plan to be adhered to unless formally updated
5. Provision of disabled adaptable units
6. Provision of car and bicycle parking and refuse storage
7. Commercial Use Classes
8. Commercial unit size restriction
9. Water consumption limitation
10. Provision of communal aerial and satellite dish system for each building
11. Revoke C4 permitted development rights
12. Non-road mobile machinery power restriction
13. Flood/drainage/SuDS details to be secured
14. Biodiversity enhancement/mitigation to be secured
15. Secure District Heat Network connection on plan 6277 M 101 P

#### *Pre-commencement*

16. Submit Construction Logistics Plan
17. Submit survey of the waterway wall

18. Submit Canal impact assessment
19. Submit Risk Assessment and Method Statement for the moorings
20. Submit changes to the Air Quality report in relation to energy strategy and AQNA
21. Submit CMS

*Post-commencement*

22. Submit Land Contamination study
23. Submit details of Electric Vehicle Charging points
24. Submit overheating details
25. Submit external material samples
26. Submit details of pedestrian comfort and microclimate mitigation
27. Submit changes to the external noise report
28. Submit landscaping and external lighting proposals
29. Submit PV panel details
30. Submit CEMP in relation to drainage

*Pre-occupation/use*

31. Wastewater network upgrades or occupation phasing plan
32. Extraction of effluvia for commercial kitchens
33. Submit parking design and management plan
34. Submit delivery and servicing plan
35. Submit plant noise testing if necessary

Informatives


1. CIL liability
2. Party wall information
3. Building near boundary information
4. External materials
5. Guidance notes from Thames Water
6. Guidance notes from the Canal and River Trust
7. London Living Wage note
8. Fire safety advisory note
9. Any other informative(s) considered necessary by the Head of Planning

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, 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>Brent</b>	<b>Planning Committee Map</b>
	Site address: 1-26A, coachworks & storage areas, Abbey Manufacturing Estate, all units Edwards Yard, Mount Pleasant, Wembley, HA0  © Crown copyright and database rights 2011 Ordnance Survey 100025260





This map is indicative only.

## PROPOSAL IN DETAIL

The application proposes the full clearance of the existing site and re-development of the land within the provision of seven buildings ranging in height from four storeys to 14 storeys and a three storey terrace of four family houses. A single storey commercial building is also proposed at the canal edge. The buildings are to contain predominantly residential development however ground floor/first floor commercial floorspace will be provided within Blocks F, G and the pavilion building located alongside the canal. The overall number of residential units proposed across the site is 581 split between 254x 1 bedroom units, 213x 2 bedroom units and 114x 3 bedroom units. The percentage of family sized homes (3 bed+) across the scheme is 20%.

The proposal will integrate within the existing built fabric of the surrounding neighbourhood. The existing culs-de-sac of Woodside Place and Woodside Close are to be extended into through routes for the use of pedestrians, cyclists and servicing/emergency vehicles and will form a large part of the public realm of the new development. Woodside End is to be extended to link up with Woodside End at a new T-junction and will be made accessible for through traffic and be adopted by the Council.

## EXISTING

The site forms a large industrial estate (about 2.45 hectares) comprising about 60 industrial/warehouse businesses, mostly car repair businesses. The site extends from the northern towpath of the Grand Union Canal in the south to the rear garden boundaries of houses fronting Mount Pleasant and Woodside Close in the north and east. The site also bounds the under-construction Abbey Wharf residential development to the east and residential properties fronting Woodside Place and Woodside End to the west. The site slopes downward from the northern edge of the site down to the canal edge as one travels south through the site – the total fall across the site is about 7 metres.

The site is described within Brent's site specific allocations document as "vacant and poor quality industrial buildings embedded within suburban residential fabric. Disused community facility in current grounds.

## AMENDMENTS SINCE SUBMISSION

At the point of submission a slightly different tenure mix of 251 x 1 bed, 214 x 2 bed, 116 x 3 bed was proposed. Compared to the final version of the proposal (254 x 1 bed, 213 x 2 bed, 114 x 3 bed), this is the same overall number of flats and also contains the exact same number and split of affordable units. Officers do not consider that this very minor change to the unit mix materially affects the proposal.

During the course of the application, a revised location plan was submitted which identified a more precise red line than the location plan that was submitted during the application. The revised location plan did not propose any movement of the red line, just that the specific location of it be more precisely pinpointed. This submission followed comments raised by the Canal and River Trust in relation to it not being precisely clear where the line of the Canal and River Trust ownership was being shown on the submitted documents. The revised plan followed the land registry boundaries accurately in confirming the relationship.

Given the immaterial nature of this change, no further consultation was carried out as a result of this submission.

## 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:** 385 properties were notified of the development, in addition to site notices and a press notice being published. 1 objection was received on grounds of excessive height/massing and associated impact relating to light loss. The Greater London Authority (GLA) and Transport for London (TfL) have considered the plans and largely support the proposal although do raise concerns in relation to the affordable housing offer and the energy strategy for the development. However, your officers consider that the development is acceptable on both of these accounts.
- 2. Provision of new homes and commercial units (including affordable workspace):** Your officers give

great weight to the viable delivery of a substantial number of private and affordable housing (581 units) and new commercial floorspace (1,254sqm), both private and affordable, in line with the adopted Development Plan.

**3. The impact of a building of this height and design in this location:** The proposal replaces a 1930s industrial estate with a modern residential development spread across 8 residential buildings. The development's architecture and built form strikes a balance between respecting its surrounding suburban context and establishing a density that responds positively to the borough's housing delivery requirements. The use of tall buildings (11 storeys and 14 storeys respectively) is considered to be justified since these elements are located centrally in the site and are to be surrounded by lower scale development which would establish a suitable transition between the denser proposed development and the existing context comprised of lower-scale suburban housing,

**4. Quality of the resulting residential accommodation:** The residential accommodation proposed is of sufficiently high quality. The flats would generally have good outlook and light. 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 including provision of new public open space within the site, the quality of accommodation for future residents is considered to be good.

**5. Affordable housing and mix of units:** The maximum reasonable amount of affordable housing has been provided on a near policy compliant tenure split. This includes 22.8% affordable housing provision with a tenure split of 65:35 between affordable rented and intermediate flats when measured in terms of habitable rooms. 100% of the affordable rented accommodation is comprised of 3 bedroom flats, responding strongly to the acute need in this tenure. The viability has been robustly tested with input from industry experts and it has been demonstrated that this is the maximum reasonable amount that can be provided on site. The requirements of affordable housing obligations are considered to have been met and a stringent three stage viability review will be secured through S106, to ensure any uplift in revenues beyond those assumed can be captured in either further on-site or off-site provision. The mix of units accords relatively closely with the standards within the local plan.

**6. Neighbouring amenity:** There would be a loss of light and sunlight to some windows of surrounding buildings. The impact is considered to be acceptable given the urban context of the site. The overall impact of the development is considered acceptable, particularly in view of the wider regenerative benefits.

**7. 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. To encourage sustainable travel patterns, the scheme will provide 1,101 cycle parking spaces, 185 car parking spaces and will be permit restricted with the exception of blue badge parking spaces. Financial contributions of £150,000 towards extending CPZ's into the area, between £513,000 and £717,250 towards bus service enhancements and £166,000 towards step free accessibility improvements to Alperton Station are to be made.

**8. Trees, landscaping and public realm:** Significant landscaping improvements are proposed with a large net gain in green spaces and tree planting across the site, including the establishment of an attractive public pedestrian route alongside the Grand Union Canal. Significant publicly accessible soft landscaping and play spaces are proposed, centred on a wide 'boulevard' style route between Mount Pleasant and the canal, a landscape transition zone between blocks north of the new public road through the site and alongside the new pedestrian canalside route. This will be secured through various condition and S106 obligations.

**9. Environmental impact, sustainability and energy:** The measures outlined by the applicant achieve the required improvement on carbon savings within London Plan policy. The S106 agreement will require the development's commercial floor space to achieve BREEAM 'Excellent'.

**10. Flooding and Drainage:** A SuDs and drainage strategy will be secured by condition to mitigate the risks associated with this. The development will also substantially improve the drainage capacity of the site through attenuation measures.



## RELEVANT SITE HISTORY

The site has no relevant planning history.

## CONSULTATIONS

On 07/03/2019, 385 properties were notified of the development proposal in the surrounding areas. In addition, site notices were erected at the entrances to the manufacturing estate on 07/05/2019. A notice of the application was printed in the local press on 31/10/2019,

### Public Consultation

One objection was received from a nearby occupier and two neutral comments were received, one from a neighbouring landowner and one from the Inland Waterways Association (Middlesex branch) (IWA). The comments made are summarised as follows:

Comment	Officer Response
[nearby occupier] 14 storeys is extremely high and will be imposing	This is addressed at paragraphs 63-65 below
[nearby occupier] Light will be lost into our home and the character of the area is slowly being lost	This is addressed at paragraphs 63-65 & 93-156 below
[adjoining landowner] The triangular site adjoining the subject site to the north west, which is accessed from Woodside Avenue would have its access limited by this development. The Alperton masterplan shows a connection from the east being maintained as part of the redevelopment. lack of access to the triangular site to the east, asserting that the Alperton masterplan shows a connection from the east being maintained as part of redevelopment.	This is addressed at paragraph 13 below
[adjoining landowner - received after the publishing of the initial committee report in February 2020] Vehicular access to the triangular site is shown in the Development Plan as coming from the adjoining site. However, proposals for the adjoining site do not include an access to this site. Despite formally objecting to this omission, a vehicular access is not included and this point is not addressed in the Committee report. It could render the adjoining site undevelopable unless the Council consider access from Woodside Avenue in a flexible way.  The Council's discussion of the impact on adjoining sites does not refer to the point raised in the objection about vehicular access	The committee report, at paragraph 13, confirms that the neighbouring site is not considered to be compromised from a development perspective. In reaching this view, officers were aware of the existing site constraints, including the existing access between Woodside Avenue and the site.  The Development Plan did not show an access through the application site to the adjoining Woodside Avenue site. This was shown within the Alperton Masterplan SPD. However, this provides guidance and the layouts shown within this are purely indicative.
[adjoining landowner - received after the publishing of the initial committee report in February 2020] The adopted Site Allocations DPD (2011) identifies a major allocation including the adjoining land and the application site. The DPD states that the 'Council will expect a comprehensive development...'. This approach is reiterated in the emerging Local Plan.  Sites that come forward on a piecemeal basis	The DPD document does specify: The Council will expect a comprehensive development following an agreed masterplan that sets out land uses and proposed development in more detail.  The majority of the site allocation is proposed to come forward in a comprehensive fashion, with the application site including all of the

<p>must take account of the Masterplan aspirations and should definitely not stymie development on adjoining allocated sites.</p>	<p>allocation with the exception of the land situated to the North West of the application site. This is considered sufficient to address the potential "bad neighbour" relationship between the industrial uses whereby the industrial uses could affect the amenities of future residents and the presence of residential dwellings could have affected the operation of the industrial uses.</p> <p>As discussed above, the proposal is not considered to materially affect the deliverability of the adjoining Woodside Avenue site</p>
<p>[IWA] Supportive of the scheme in general, with reference to the opening up of the northern side of the canal and the creation of active frontages onto the canal, with community public pathway, cycle route and seating areas. The approach to elevational massing and height at the canal frontage (alternating between 3 and 8 storeys) was also noted as being consistent with design principles established for other development sites in Alperton, and appropriately lower than the gateway canalside buildings at Alperton House and Minavil House.</p>	<p>Noted</p>
<p>[IWA] Concern about the placement of the pavilion building close to the canal, with it being felt that building placement does not provide sufficient space for gathering and access.</p> <p>Concern was also raised regarding the CGI appearing to show a relatively high retaining wall to the north bank of the canal which erodes the relationship between the canal and the canal-side.</p> <p>Finally, concern was raised about the possibility of contaminated surface water runoff into the canal during construction, given the fall down to the canal across the site. It is requested that the construction method statement condition includes consideration of preventing run-off, which would be a reasonable inclusion.</p>	<p>Officers have worked closely with the Canal and River Trust on this development in terms of improving the development's relationship with the canal. This is discussed below. Revised drawings showing the relationship between the pavilion and canal more clearly have also been submitted. The Canal and River Trust have not objected to the pavilion building although have requested a 1 metre wide verge along the canal edge to provide some habitat.</p>

#### Internal Consultations

Local Lead Flood Authority – No objection

Environmental Health - No objection, although awaiting comments in relation to land contamination

#### External and Statutory Body Consultations

The Greater London Authority (GLA) and Transport for London (TfL):

GLA Comment	Officer Response
Proposal generally supported	Noted

Concerns raised regarding the affordable housing offer being low	Officers at Brent are satisfied that an increase in the affordable housing offer could not reasonably be required, following in depth financial analysis – see paragraphs 27 to 49 below.
Further information relating to carbon dioxide reductions required	The Council are satisfied that the proposal meets the Mayor's policy in respect of carbon savings (LP policy 5.2). More detailed discussions between the applicant and the GLA are taking place ahead of a Stage 2 referral, in particular in respect of the appropriateness of using a CHP system.
Further work on trip generation and mode share requested	Additional work was carried out in relation to this which informed revised contributions to local transport capacity.
Financial contributions required to mitigate impact on local bus services and to improve accessibility at Alperton tube station	Financial contributions have been agreed between TfL and the applicant and will be secured through a s106 agreement.
<b>TfL Comment</b>	<b>Officer Response</b>
Concern about a lack of commercial short stay cycle storage being shown	Revised plans have since been submitted indicating 19 short term cycle spaces within the public realm, around the entrances to blocks G, F and E.
Request to remove some on street parking spaces to the basement to minimise car dominance in the public realm	Brent officers remain comfortable with the level proposed as it is considered that this strikes a good balance between ensuring practical and suitable living arrangements within this suburban location with a low PTAL level and the need to encourage sustainable forms of transport within new developments.
Concern that the applicant's trip estimates underestimate impact on the highway and public transport	Trip estimates now revised to a level accepted by TfL
Contributions to bus capacity improvements and accessibility improvements at Alperton tube station required	Contributions secured within s106 agreement

#### Thames Water –

- Condition required in relation to confirming suitable capacity of foul water infrastructure to accommodate development.

#### The Canal and River Trust –

- Condition required in relation to showing vehicular barriers and a 1m wide habitat verge at the edge of the canal for Canal and River Trust approval.
- Condition requiring a pre and post construction survey of the waterway wall to be submitted and approved in consultation with the Canal and River Trust to ensure that the wall will not be structurally compromised.

#### Pre-application Consultation

In order to give the local community an opportunity to view, consider and provide feedback on the proposals, a public exhibition of the proposal was held in St James church on Stanley Avenue on Thursday 13th and Friday 14th September 2018 from 4-8pm. The applicant provided a drop-in exhibition to display the emerging plans for residents, Councillors and any other interested parties to come and view the plans and ask questions of the design team members. The exhibition event was promoted to the local community on Tuesday 4th September with 1,100 leaflets hand delivered to homes.



Actions to inform and engage the local community included meetings with Heather Park Neighbourhood Watch, engagement with Councillors including ward Councillors and the Leader of the Council and 1,100 leaflets delivered to residents in the local area. The aims of the consultation process were:

- To inform local residents of the plans for development at Alperton Manufacturing Estate
- To allow the local community the opportunity to comment on the proposed plans

Two responses were received as a result of the consultation, the responses raised the following points:

- Improvements should be made to the 224 bus route
  - Improvements should be made to GP services and community services locally
- The new towpath along the canal is welcomed and will aesthetically improve the area

## **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 2011 Site Specific Allocations Document and the 2016 London Plan (Consolidated with Alterations since 2011). Key relevant policies include:

### The London Plan 2016

- 2.13 – Opportunity areas and intensification areas
- 3.3 - Increasing Housing Supply
- 3.4 - Optimising housing potential
- 3.5 – Quality and Design of Housing Development
- 3.6 - Children and young person's play and informal recreation facilities
- 3.8 - Housing Choice
- 3.12 - Negotiating affordable housing on individual private residential and mixed use schemes -
- 5.2 - Minimising Carbon Dioxide emissions
- 5.12 - Flood Risk Management
- 5.13 - Sustainable Drainage
- 5.15 - Water Use and Supplies
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 7.2 - An inclusive environment

### Brent Core Strategy (2010)

- CP1: Spatial Development Strategy
- CP2: Population and Housing Growth
- CP5: Placemaking
- CP6: Design & Density in Place Shaping
- CP8: Alperton Growth Area
- CP15: Infrastructure to Support Development
- CP19: Brent Strategic Climate Change Mitigation and Adaptation Measures
- CP21: A Balanced Housing Stock

### Brent Development Management Policies (2016)

- DMP 1: Development Management General Policy
- DMP 9: Waterside Development
- 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

Site Specific Allocations Document 2011

## A.6 – Woodside Avenue

All of these documents are adopted and therefore carry significant weight in the assessment of any planning application.

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 council is currently reviewing its Local Plan. Formal consultation on the draft Brent Local Plan was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 24 October and 5 December 2019. At its meeting on 19 February 2020 Full Council approved the draft Plan for submission to the Secretary of State for examination. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officer's that greater weight can now be applied to policies contained within the draft Brent Local Plan.

The following are also relevant material considerations:

The National Planning Policy Framework (revised 2019)  
Mayor of London's Affordable Housing and Viability SPG 2017  
Mayor of London's Housing SPG 2016

SPD1 Brent Design Guide 2018  
Alperton Masterplan – Site Allocation A6 (2011)

## DETAILED CONSIDERATIONS

This application was originally reported to Planning Committee in February 2020. When referred to planning committee in February, the recommendation to grant consent was subject to a number of conditions, including condition 3 that would prevent the commencement of development within a specific phase unless the land within that phase is bound by a Section 106 agreement.

Ahead of the February Planning Committee taking place, it was recommended that that the determination of this application was deferred to a later planning committee meeting so that further information could be included within the committee report regarding the basis and justification for condition 3, and the structure of the associated legal agreement(s). This information has now been provided and forms part of the committee report information below.

The following paragraphs sets out the main issues relevant to this proposal:

- Principle of development
- Affordable housing provision and tenure mix
- Scale, height, massing and design of the development within its local context
- Design and layout
- Quality of residential accommodation
- Impact on amenities of neighbouring properties
- Transport
- Sustainability, Tree and Flooding Considerations
- Environmental health

1. The development proposal is extensive and includes a number of different proposed buildings/blocks, all of which are clearly organised within a range from Block A to Block M (although there is no Block I) on the submitted plans. This same approach to block numbering will be used within the discussions below.

### Principle of development

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

current London Plan includes a minimum annual monitoring target for Brent at 1,525 additional homes per year between 2015 and 2025. This target is proposed to increase to 2,915 for the period 2019/20-2028/29 in Policy H1 of the draft London Plan recognising the increasing demand for delivery of new homes across London. However, the London Plan Examination in Public Panel Report Appendix: Panel Recommendations October 2019 has suggested this target be reduced to 2,325 dwellings per annum, on account of contributions from small sites being recommended for a decrease within the report. Emerging local plan policy BH1 reflects this target.

3. Within local policy, Brent Policy CP8 sets out a target of at least 1,600 new homes being delivered in the Alperton Growth Area between 2019/20 – 2028/29, however since the Core Strategy was adopted in 2010, this target has been significantly increased to more than 6,000 homes across the same growth area within the emerging Local Plan (policy BSWG1). Whilst the development meets the requirements of Core Strategy policy CP2 in principle, the need for housing has increased significantly since the adoption of this policy in 2010 and these increasing targets necessitate the need for a greater delivery of homes within Brent than is anticipated in adopted policy.
4. The site is specifically allocated by the Council for mixed but residential-led uses in both the adopted 2011 Site Specific Allocations DPD (with an indicative capacity of 220 residential units) and site allocation BSWA5 in the emerging Local Plan (with an increased indicative capacity of 590 residential units). Brent's adopted site specific allocation describes an acceptable development of the site as follows:
5. "Mixed use including residential, amenity space and workspace for appropriate B1, D1 and A Class Uses. The Council will expect a comprehensive development following an agreed masterplan that sets out land uses and proposed development in more detail. The development will bring forward a proportion of managed affordable workspace. Improvements will be sought to public transport as part of any proposal to develop the site. The development will exploit the canal-side location. Proposals should conserve and enhance the adjacent canal's site of metropolitan nature conservation importance designation."
6. The development proposed broadly meets all criteria mentioned above, including the provision of affordable workspace. The proposed volume of residential units (581) significantly exceeds that indicated within the adopted 2011 site allocation document however the substantial size of the site is acknowledged and the changed context from 2011 in terms of housing pressure and projected housing numbers as set by the GLA has significantly changed the context within which the allocation brief must be seen. The revised indicative capacity of 590 within the emerging Local Plan reflects this changed context. The increase in unit numbers from the allocation document is therefore supported in principle subject to appropriate demonstration that design, impact and amenity provisions will not be unreasonably compromised as a result of the density of the development proposal.
7. Within the emerging site allocation, it recognises the need for some re-provision of employment floorspace along the ground floors of the new buildings to be provided, given that the site is existing employment land and Brent's status as a provide capacity borough. In addition the emerging site allocation supports the use of other potential uses such as small scale retail, commercial leisure or community uses (e.g. nursery). The plans propose four separate commercial units.
8. On the north side of the site the commercial offer is formed of a 645sqm market commercial space within a ground floor commercial unit (Block G) and 345sqm affordable workspace within a first floor commercial unit directly above the market unit (also Block G). On the south side of the site, the offer is in the form of a 200sqm unit of affordable workspace within a building at the eastern side of the site (Block F), close to the main entrance to the site from Mount Pleasant, fronting Woodside End, and across from the commercial spaces on the north side of the site, thus forming a cluster of commercial frontage at the main node of the development. An additional 64sqm of retail floor space is to be provided within a small pavilion building at the south western corner of the site, at the point where the linear park connects with the main canal side frontage. Overall, the commercial provisions amount to 709sqm of market commercial space and 545sqm of affordable workspace, representing an overall commercial offer of 1254sqm which is split between 57% market and 43% affordable.
9. The commercial offer is positive and the healthy proportion of affordable workspace is welcomed and responds well to the expectations of the site allocation, which seeks a meaningful amount of affordable workspace, offsetting the net loss of employment floor space (notwithstanding that the site has been de-designated as employment land). Permission is sought for the affordable workspace to fall within the B1(c) use class and for the market commercial space to fall flexibly within use classes A1, A2, A3, A4 (retail uses), B1 (offices or commercial uses appropriate within a residential area) or D1 (institutions) and D2 (assembly and leisure).



10. The affordable workspace is to be secured at no more than 50% of the market rent. It is acknowledged that the areas so designated as affordable workspace are smaller than would be ideal and a set of requirements have been set out in the Heads of Terms that seek to mitigate the potential downsides of this, including for the units to be fit out by the developer.
11. The market commercial unit is more than 500sqm in size and Brent policies CP16 and DMP2 are of relevance. The site is not within a designated town centre and DMP2 stipulates that units larger than 500sqm should not be supported outside of town centres unless demonstrated as acceptable by an accompanying Retail Impact Assessment. A condition will therefore require that no retail units shall operate that are larger than 499sqm in size, unless otherwise agreed in writing by the LPA. This condition will necessitate the subdivision of the 645sqm market commercial unit, unless suitable Retail Impact Assessments confirm acceptability, or a use that meets a local need (e.g. health services) is to be provided.

*Consideration of the remainder of the site allocation*

12. Consideration also needs to be given to the wider SSA that includes the triangular piece of land to the North West and the adjoining site allocation along the canal to the west (A.5) which does not sit within the applicant's land. Whilst the triangular piece of land forms part of the site allocation A.6, it is common place for site allocations to come forward in a fragmented formation due to various matters such as land ownership. It is however important that bringing forward a site allocation in a fragmented approach does not compromise the wider delivery of the site allocation. This is recognised within the emerging site allocation which notes that whilst it is preferred for development to come forward as part of a comprehensive masterplan, any individual schemes should not compromise the wider delivery of the site allocation in an efficient manner. The development would be designed such that there would be scope to extend the canal towpath into the neighbouring allocation (A.5) if and when development comes forward on this site. The triangular site to the north is not compromised as the part of the development site that backs onto it is used as garden space for block K, meaning no windows or overbearing massing is within close proximity of the site. There are also no habitable room windows in the flank elevations that are closest to site allocation A.5 and this site also remains suitably uncompromised from a development perspective.

*Consideration of ownership within the application site and applying the Arsenal condition*

13. Following deferral of the application from Brent Council's February Planning Committee, further information in relation to the application of the 'Arsenal' Condition (condition 3 on the draft decision notice) has been prepared for Committee members' consideration below.
14. The developer has made efforts to acquire all of the land parcels within the site prior to engaging with the planning process. However, some land parcels within the site remain outside of the developer's ownership. The Council would not ordinarily grant planning permission in the absence of a completed section 106 agreement which bound all necessary interests. That is not possible where ownership has not been acquired.
15. Given this situation, a planning condition which would prevent development from occurring unless and until all parties with any legal or equitable interest in the land comprised in that part or phase of development are subject to and bound by the terms of the section 106 agreement (necessary to mitigate the impacts of the development) is being recommended for this application. This type of condition was applied by the London Borough of Islington in the planning permission for the development of the Arsenal FC's Emirates Stadium (hence these are now commonly referred to as 'Arsenal conditions').
16. Government guidance (planning practice guidance) states as follows in relation such conditions:

*"A negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. Ensuring that any planning obligation or other agreement is entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed. It encourages the parties to finalise the planning obligation or other agreement in a timely manner and is important in the interests of maintaining transparency.*

*However, in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be*

*appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk (this may apply in the case of particularly complex development schemes). In such cases the 6 tests should also be met.”*

17. Officers consider that the exceptional circumstances envisaged in the above guidance clearly exist. The proposal comprises of the redevelopment of a site with fragmented ownership which is subject to a site allocation and which specifies comprehensive development. The site currently comprises of dilapidated industrial buildings occupied for industrial use, resulting in poor neighbour relationships with the adjoining development sites. A significant level of site remediation is also required. The proposal would represent a comprehensive phased development of multiple blocks designed for a variety of different uses and including new open space, routes and highways. As explained elsewhere in this report, the site is in need of regeneration and would meet a number of strategic objectives set out in the development plan.
18. It is considered that this comprehensive scheme would deliver significant benefits for Brent, including:
  - A high volume of high quality housing units (including affordable housing units), equating to 38% of the adopted yearly target for the borough and 25% of the emerging yearly target following the October 2019 London Plan Examination.
  - The provision of affordable workspaces within Alperton in line with the site allocation brief
  - The delivery of a new through road/route that would significantly improve east-west connectivity across Alperton, for the benefit of both existing and future residents.
  - The delivery of a new canal-side amenity space for public use, further improving east-west pedestrian connectivity in Alperton.
19. The developer who has ownership of the majority of the site has advised the Council that they have been trying to assemble the entire site to allow comprehensive development to take place for a number of years and a number of parts remain outstanding, such that it is not realistic to believe that all of the existing owners of this site (necessary to give meaningful effect to the section 106 agreement) will be willing to enter into the section 106 agreement before the planning permission is to be granted. Moreover, although the remaining parts may be acquired by the developer by way of subsequent negotiations with their owners, it is possible that compulsory purchase orders may be required to assemble the remaining parts.
20. Without these parts, the scheme would result in a proposal that does not represent a comprehensive development of the site. Given the current extent of the applicant's land ownership, the first phase of the development (Phase 1a - Blocks L and M) is the only construction phase that could be delivered in full without further land being acquired. Significant elements of infrastructure too, such as the new through road, could not be delivered without this. This would also affect the delivery of housing and open spaces. It is therefore considered that, the delivery of the site would be put at serious risk without the 'Arsenal condition'.
21. The condition also complies with the six tests for conditions as below:
  1. necessary – the condition is necessary as it is required to ensure that development cannot take place on any part of the site without that part being bound by the section 106 agreement
  2. relevant to planning – the condition ensures that the planning obligations set out in the section 106 agreement, which are relevant to planning, will be complied with across the entire site as it is brought forward
  3. relevant to the development to be permitted – the planning obligations are set out in the Report are clearly relevant to the development;
  4. enforceable – the condition can be enforced by enforcement, breach of condition or stop notices as necessary, preventing development in breach until the necessary section 106 agreement is entered into
  5. precise – it can clearly be established whether all land within a phase is bound by section 106 agreements (see further below)
  6. reasonable in all other respects – the condition is reasonable, not least as it allows development to proceed in phasing.
22. In terms of the drafting of the condition, the following wording is proposed and has been agreed as robust

with the Council's legal team:

*No part or phase of development (save for enabling works and demolition) shall commence within Phases 1, 2, 3, 4, 5, 6 and/or 7 as shown on the approved Phasing Plan with reference PL5, unless and until all estates and interests comprised in that part or phase of development are subject to and bound by the terms relating to Phase 1a, as appropriate, set out in the Section 106 Agreement dated [ ] made between the Council (1) and [ (2)] (with the intent that all of the covenants contained therein will be enforceable without limit of time not only against all of the owners of the land, but also their successors in title and any person corporate or otherwise claiming through or under them an interest or estate in the land)*

23. Officers will be able to judge whether what is proposed by future section 106 agreement is substantially on the same terms. It is noteworthy that Government guidance states:

*Where consideration is given to using a negatively worded condition of this sort, it is important that the local planning authority discusses with the applicant before planning permission is granted the need for a planning obligation or other agreement and the appropriateness of using a condition. The heads of terms or principal terms need to be agreed prior to planning permission being granted to ensure that the test of necessity is met and in the interests of transparency*

24. This is not a case where heads of terms or principal terms need to be agreed – there will be a full section 106 agreement binding the majority of the site and complete transparency as to the necessary section 106 terms.

25. In practice, as the ownership of each phase is completed, it is envisaged that a supplemental deed (under section 106) will be entered into in relation to the outstanding interests in which the owners covenant to be bound by with the terms of the existing section 106 agreement. The form of supplemental deed can be annexed to the section 106 agreement.

#### **Housing mix, affordable housing provision and tenure mix**

26. London Plan policy 3.12 requires boroughs to seek the maximum reasonable amount of affordable housing, taking account of a range of factors including local and regional requirements, the need to encourage rather than restrain development and viability. The policy requires boroughs to take account of economic viability when negotiating on affordable housing, and other individual circumstances.

27. 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.

28. The applicant's submitted FVA indicates that the development of the site would return a deficit even where no affordable housing is proposed. Nonetheless, the applicants have offered 18% of the development as affordable housing (22% when measured by habitable room) – on a 55% affordable rent / 45% intermediate tenure split (65% affordable rent / 35% intermediate tenure split when measured by habitable room). The affordable rented units are all three bedroom family units, responding positively to a strong need for such housing in this tenure. The affordable rent levels have been secured with a cap at 65% of the Open Market Rent and capped at Local Housing Allowance rates (although the 65% cap is significantly lower than this rate).

29. The residential mix is set out below:

Units	Private	Affordable	Intermediate	Total
		Affordable Rent	Shared Ownership	
1 bed	230	0	24	254 (43%)
2 bed	188	0	25	213 (37%)
3 bed	58	56	0	114 (20%)
<b>Total</b>	<b>476 (82%)</b>	<b>56 (10%)</b>	<b>49 (8%)</b>	<b>581 (100%)</b>



- 30. The Council has worked closely with industry experts at BNP Paribas and agrees that the offer does represent more than the maximum reasonable amount of affordable housing given the projected costs and revenues, and therefore represents an acceptable offer. BNP Paribas note that the development is subject to some unavoidable extenuating costs including: the nature of land assembly given the fragmented ownership across the site, significant soil contamination, the need to redeliver a Thames Water pumping station and the need to extend Woodside End to adoptable standard between its current end and Mount Pleasant. Despite the offer being acceptable (and thus exceeding the maximum reasonable amount of affordable housing that the site can deliver), the offer falls short of the 50% policy compliant target set out in policy DMP15 and an early and late stage review mechanism will therefore be secured in a s106 agreement to capture any uplift in affordable housing.
- 31. All buildings are to be provided with entrances of a similar standard, ensuring that the development will be tenure blind.
- 32. Brent's Core Strategy seeks for at least 25% of units to be family sized (three bedrooms or more). The proposal achieves a good proportion of family sized accommodation (20%), which has seen a significant increase from the initial pre-app stages, for which the initial proposal was just 7.4% family homes. The focus on family accommodation is emphasised within the Alperton masterplan document, whereby the 'Waterside Residential Neighbourhood' is promoted as a location where development proposals should be focussed more towards larger units. On balance, the 20% provision of family homes is considered acceptable given the scheme viability position, for which it has been confirmed that the agreed affordable housing level is far in excess of the maximum viable amount.
- 33. The affordable housing is proposed to be contained entirely within the northern site, specifically within blocks K, J and G. Within the affordable housing offer there are no tenure specific blocks, with the larger affordable rented and smaller intermediate units being provided together throughout the blocks. Block J is mostly an affordable block but also includes 2 private units within the same core, seeing 3 distinct tenures sharing a single core. The approach to peppering the affordable housing across the blocks and varying the tenures is positive and will help to establish mixed communities.

34. The residential provisions within each of the affordable blocks is set out in the table below:

<b>Affordable Block</b>	<b>Private Units</b>	<b>3 Bedroom Affordable Rented Units</b>	<b>1 &amp; 2 Bedroom Shared Ownership Units</b>	<b>Total Units</b>
<b>G</b>	0	18	11	29
<b>J</b>	2	16	18	36 (34 Affordable)
<b>K</b>	0	22	20	42
<b>Total Units</b>	2	56	49	107 (105 Affordable)

Discussion of Greater London Authority (GLA) position on affordable housing

- 35. It should be noted that the GLA disagree with the currently agreed viability position that has been reached between Brent and Brent's financial viability consultants (BNPP). The GLA therefore consider that the scheme is not necessarily providing the maximum reasonable amount of affordable housing. This view is strongly resisted by officers at Brent, supported by independent analysis undertaken by BNPP.
- 36. The two main areas of disagreement in respect of viability are as follows:  
*Benchmark Land Value*
- 37. The GLA have stated that they have approached the rental value of the property based upon a multiple of the Rateable Value of the units (where available).
- 38. BNPP do not consider this to be a suitable approach given the letting evidence which is available and the photographic schedule of condition for each of the units which has been undertaken. Based upon this information, it is possible to make an informed judgment with respect to the existing use value of each unit as opposed to relying on an arbitrary multiple of a figure which as discussed by the Applicant and the GLA at the meeting. It is not known how and when it was determined and if indeed, it has been challenged by and tenants. Tenants are only likely to challenge a rateable value if it is considered to exceed the market rent; if the converse is trued the rateable value will remain unchallenged.
- 39. The range of existing use value figures referenced by the GLA on this approach is significantly below any

of the values which have been arrived at by a number of firms of surveyors (including BNPP) on a desktop basis.

40. BNP Paribas' view on this is shared by two viability consultants appointed by the applicant (Montagu Evans and Colliers). To seek further resolve on this point, the applicant has offered to underwrite the costs in appointing a fourth consultant of the GLA's choosing to carry out a formal red-book valuation as a means to agree a final benchmark land value position. As of yet, the GLA have not accepted this offer.
41. For the purposes of the review mechanism, Brent officers and the applicant have agreed on a Benchmark Land Value of circa £27,025,000.

*Estimated Private Residential Values*

42. The GLA confirmed that the information they have with respect to reservation values for a nearby site (Grand Union/Northfields) was based upon information given by their sales office.
43. The Grand Union/Northfields scheme is clearly a relevant comparable, however at this stage given the paucity of information available which is independently verifiable and the other evidence available, it would not be appropriate to significantly increase the private sales values for this development based upon this scheme alone.
44. In addition, it will be necessary to make appropriate allowances for any difference in unit size and capital value as well as the superior location in terms of access to public transport placemaking effect that such a large development will benefit from in the context of the proposed development.
45. An appropriately drafted Section 106 review mechanism would capture any appropriate increase in residential values (and construction costs) over the course of the development as well as more granular evidence at the Grand Union development when it becomes available.
46. In seeking to address this point robustly, officers have required the applicants to be bound by both early stage and middle stage viability reviews, which would require appropriate viability indicators to be updated and scrutinised independently prior to 50% occupation of the scheme. It is likely that this would allow confirmed sales values of units in the Grand Union/Northfields development to form a material comparable in viability terms. Both of these review mechanisms would seek to secure additional on-site affordable housing where an increase in profit is identified.
47. A standard late stage review clause would also be applied, which would seek an off-site affordable housing contribution where additional profit is identified at a late stage in the development.

*Further matters of disagreement*

48. The GLA has also raised the following matters in relation to the affordable housing proposal, which are responded to accordingly below:

GLA Concern	Brent Response
The viability position being relied on by the applicant results in a significant deficit which raises concerns around delivery and there being a logical inconsistency.	As per RICS guidance, financial viability appraisals are carried out on a present day costs and values basis. There is no reasonable alternative but to base viability on expertly modelled costs and revenues. Given that this process has been undertaken, Brent have no reasonable grounds to dispute the viability position further than has already been done.
Later stage viability review mechanisms are subject to a share of the surplus with the developer and therefore the full amount will not be available for additional affordable housing.	Whilst it is within the Mayor's guidance that not all of additional surpluses benefit the Council at the late review stage, it is the case within early stage viability reviews that 100% of revenue uplift is funnelled into affordable housing provision. The heads of terms appropriately reflect that the early and middle stage reviews will be treated as early stage reviews in the

	sense that 100% of the revenue uplift identified will be channelled into the delivery of on-site affordable housing.
It is important that Brent secure GLA standard review clause wording in any S106 agreement.	Brent agree to the use of the GLA standard review clauses within the S106 agreement. The use of the standard review clauses is to be set out within the heads of terms.
The GLA consider that calculating affordable rent as a percentage of market rent may have the effect of making such units not truly affordable over time. The affordable rented units should be set at London Affordable Rent levels.	Whilst London Affordable Rent is a more affordable tenure than the 65% of the open market rent capped units secured within the development, there is no reasonable grounds to require the use of this tenure given that the maximum reasonable amount of affordable housing has already been demonstrably provided. In addition, the 65% open market rent capped units results in a product with a good level of affordability that is significantly below Local Housing Allowance caps and also below the upper limit of affordable rented products (80% of the open market rent, inclusive of service charge).
It is the view of GLA officers that the scheme can support 30% affordable housing, assuming all are let as Brent Affordable Rent tenancies.	The GLA has not provided an appraisal demonstrating a residual land value for the site that would viably accommodate the delivery of 30% affordable housing.

## Design

49. Brent's DMP1 policy and SPD1 guidance set out the policy objectives and general requirements for good design in the built environment. Overall, officers consider that the proposal responds positively to this policy and guidance context and the specific elements of its design including: general layout, public realm, height and massing and architecture/materiality are discussed in the following sections.

### Layout and public realm

50. The development site is large in size (about 2.45ha) and can broadly be split into two halves. A level change is present across the site, with the lowest point at the canal edge on the southern edge of the site and the highest part of the site being that in the northern half. The fall across the site from north to south is about 7 metres.

#### *Layout of Northern Side*

51. The northern half of the development proposal is formed of predominantly low-rise flatted development, whose urban grain is defined by a continuation of the cul-de-sac roads which currently terminate at the edges of this part of the site. This includes Woodside Close and Woodside End, which are extended southward and eastward respectively from their current ends to intersect in the central eastern part of the site. Woodside End is then proposed to extend further east to form a new T-junction with Mount Pleasant and will act as the main thoroughfare across the site from east to west; this will also form the only new road within the development site that is proposed to be adopted and open to public vehicular traffic. The final additional vehicular road will be Woodside Place, extended eastward from its current end to intersect with the extended Woodside Close in the north-eastern part of the site. Aside from Woodside End (the main road through the site), all other new roads will be closed off to local traffic by bollards and will be for pedestrian use and essential vehicular use (eg. Refuse collection, deliveries) only. The part of the extension to Woodside Close immediately north of the junction with Woodside End will be soft landscaped and comprised of a narrower pedestrian pathway and play space, having the feel of a small pocket park. This landscaped transition space will act as both an attractive street feature as well as an effective means of addressing level change across this part of the site. All of new roads internal to the



site will be formed of a shared surface, which will emphasise pedestrian priority.

52. The western side of the north part of the site is formed of two partial perimeter blocks in the form of a part 3, part 4 and part 5 storey L-shaped building (fronting Woodside Close and Woodside Place) containing 42 units (block K) and a part 4, part 6 storey and part 11 storey U-shaped building (fronting Woodside Place, Woodside Close and Woodside End) containing 114 units (blocks H and J). This marks the second tallest part of the development, with the 11 storey massing fronting on the corner of Woodside End (the main road through the site) and Woodside Close. Given its central location in the site, the 11 storey building, whilst certainly tall in the local context is broadly supported as a reasonable height increase appropriate for the centre-of-site location. These two buildings are to be provided with rear garden spaces away from the streets they front. The U-shaped building's garden will be podium form with a parking basement underneath (accessed from ramp on Woodside End), also containing cycle and bin stores.
53. The eastern side of the north part of the site is formed of three smaller buildings: A part 4 and part 6 storey building (fronting Woodside End and Woodside Close) containing 29 units and a large commercial space at ground and first floor levels (block G), a 4 storey building to the north (fronting Woodside Close) containing 13 units (block M) and finally a 3 storey terrace of 4 townhouses to the north eastern edge of the site, also fronting Woodside Close (block L). The houses forming block L represent the only non-flatted development in the site and will offer spacious family homes with large private gardens.
54. The proposals for the northern site are summarised in the table below:

<b>Blocks</b>	<b>G</b>	<b>H</b>	<b>J</b>	<b>K</b>	<b>L</b>	<b>M</b>
<b>Height/s</b>	4 & 6 storeys	3 & 11 storeys	4 & 6 storeys	3, 4 & 5 storeys	3 storeys	4 storeys
<b>Commercial use at lower levels</b>	645sqm – Market 345sqm – Affordable	None	None	None	None	None
<b>Residential units</b>	29 x Affordable	78 x Private	2 x Private 34 x Affordable	42 x Affordable	4 x Private	13 x Private
<b>Total Residential units</b>	202 Units – (97 x Private [48%] & 105 x Affordable [52%])					

#### *Layout of Southern Side*

55. The southern half is taller and denser and is formed of a large city/perimeter block in the west and the centre (blocks B, C, D and E) and two smaller buildings that separates the city block from a 'linear park' style public recreation area along the eastern edge of this part of the site (blocks A and F). The buildings along this section front the Grand Union Canal on their south sides and define the focal spaces for the development site, which is to be the linear park corridor (shared across the boundary with Abbey Wharf to the east) and the canal front, accessed from the linear park link. The city block is varied in its heights, ranging from 4 to 14 storeys (containing 267 units), whilst the two smaller buildings are both 8 storeys in height (containing 63 and 49 units respectively). The two smaller buildings are to retain a commercial focus at ground floor, with affordable workspace being provided at this level. The focus of commercial floorspace on the eastern side of the site, close to the junction with Mount Pleasant is logical and should help to establish a stronger neighbourhood centre. The 14 storey massing is focused at the centre point of the development, along the new Woodside End frontage and aligned centrally at the southern end of the extended Woodside Close to frame the view along it. The 14 storey massing is also directly opposite the 11 storey massing (the tallest point of the development on the north side of the road) forming the dense centre part of the site.
56. A large podium garden is proposed centrally in the city block atop a basement car park which is to be accessed from a minor access road which spurs off from Woodside End.
57. A final new route through the site is a large pedestrianised corridor between the city block and the two smaller blocks and linear park on the east side which leads to a wide flight of steps down to the canal frontage. The steps address the level change that is seen in this part of the site. This presents an alternative means of access to the canal aside from the linear park and would be more direct for

residents in the northern half of the site. The steps are supported as both a means of access and as a visual feature of the environment, an alternative ramped route for disabled users is achievable through the linear park link which runs parallel to this route.

58. The proposals for the southern site are summarised in the table below:

<b>Blocks</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>Height/s</b>	8 storeys	4 & 8 storeys	4 & 8 storeys	5, 6 & 7 storeys	6, 7 & 14 storeys	8 storeys
<b>Commercial use at lower levels</b>	None (64sqm – Market commercial in pavilion to south)	None	None	None	None	200sqm - Affordable
<b>Residential units</b>	63 x Private	57 x Private	74 x Private	56 x Private	80 x Private	49 x Private
<b>Total Residential units</b>	379 Units [100% Private]					

#### *Removal and re-provision of pumping station*

59. The site currently contains a sewage pumping station within the responsibility of Thames Water. The existing pumping station is located broadly in the middle of the site between the east and west boundaries and close to the canal frontage, broadly where blocks B and C are proposed. The applicant is having to remove and re-provide this pumping station as part of the works. The re-located pumping station is to be located at the South Western corner of the site, close to the western wing of block C. The applicant has confirmed that the pumping station will not emit noise or vibration above the surface and that the works to deliver it will be undertaken at the point where the south site is demolished ahead of new construction.

#### *Public Realm*

60. In terms of providing a good quality external environment for residents and passers-by, active frontages have been maximised at street level. Largely, all building facades that front a street within the development site are active at ground floor level, with the focus generally on residential frontages although commercial frontage along parts of the extended Woodside End also form a notable element of the scheme. Ground floor units front onto the street and are accessible from the street rather than from the cores. This will significantly increase street activity and further embed a residential character. Appropriate defensible spaces, which form part of the landscaping plan, will establish a suitable soft landscaped privacy buffer between the ground floor residential windows and the defensible spaces.

61. The development site will involve a substantial coverage of new public realm, including high value public realm fronting the canal. An extensive landscaping proposal has been submitted incorporating a large amount of street tree planting and numerous landscaping features. The pedestrian corridor along the eastern edge of the site and the canal frontage itself is the clear focal point of the landscaping strategy, being the prime connection between the commercial node at Mount Pleasant and the canal. The environment along this corridor is to be shared with the consented Abbey Wharf development.

### **Scale, height, massing and design of the development within its local context**

#### *Height and Massing*

62. Policy BD2 of the emerging Local Plan directs tall buildings to the locations shown on the policies map in Tall Building Zones, intensification corridors, town centres and site allocations. This site sits within the tall building zone. Furthermore, the emerging site allocation notes that development coming forward should be denser than the surrounding suburban character. The allocation states that the site is suitable for tall buildings of a mid-rise height, that sits well subject to detailed design analysis showing no adverse impacts and a satisfactory relationship in terms of scale and massing. This should be delivered in context with the residential properties in the neighbouring Abbey Wharf development which rises to six storeys and the surrounding two storey residential properties elsewhere that are likely to remain.

63. Whilst clearly of substantially greater massing than Abbey Wharf in its central core, the massing would, from most viewpoints, appear less prominent in this location, being buffered from view by the surrounding

built form which is of a lower height that evokes the scale of Abbey Wharf more strongly. Officers consider that the general approach to massing is comfortable. The approach sees:

- 3, 4 and 5 storey massing at the edges of the site where the adjacent context is suburban housing;
- 8 storey massing adjacent to the 6 storey Abbey Wharf development;
- Part 4 and part 8 storey massing fronting the Grand Union Canal;
- Greater massing located centrally in the development, away from the lower scale context, 6 and 11 storeys in the northern part of the site and 14 storeys in the southern part of the site.

64. This approach establishes a clear transition from smaller buildings close to the suburban edges of the site, stepping up to the tallest features centrally. It is acknowledged that the central massing, particularly the 14 storey high point of the development, is development which would be significantly higher than its surroundings, however officers note that the majority of the site will be comprised of moderately sized buildings which would relate suitably to their surroundings whilst also establishing a denser suburban fabric as required by the site allocation briefs. The denser nature of this development compared to its surroundings would also be conducive to meaningful housing delivery in line with emerging London Plan housing targets for the borough, and thus making efficient use of this brownfield site. In summary, a key part of the height and massing strategy's success is the positioning of lower buildings around the periphery of the site, forming a substantial visual buffer between the surrounding streetscene and the central part of the site, obscuring much of the prominence of the 14 storey high point of the proposal.

#### *Architecture and Materiality*

65. The applicant's plans indicate a strong focus on 1930s light industrial vernacular in terms of architecture and materiality. The key visual motif across the development site is the use of typical industrial style 'zig zag' roof forms atop the blocks and a combination of red brick, light brick and metallic style panels with a corrugated appearance along the external walls. All of these features strongly evoke the location's industrial heritage but also present a pleasing and distinctive visual design language for a new residential district. The architecture and materiality is therefore supported in principle. This material palette will foster a strong residential feel at the lower levels but still evoke the neighbourhood's industrial past at the upper levels when seen from a greater distance. In relation to the buildings whose top levels are proposed to be clad in metal, officers feel that a more pleasing appearance might be achieved by pushing brick further up the buildings and reducing the size of the metal cladding layer at the top. The metal cladding has a very striking appearance and a more sparing use of it is felt to likely result in a better looking development.

66. A standard condition will require material samples to be submitted for officer approval, but in this case, will also require alternative balances between brick cladding and metal cladding to be tested in plan form and for the balance between these two types of cladding to be finalised by condition.

67. The scale, massing and visual design of the proposed buildings will clearly appear different from the long-established suburban dwellinghouses that define the surrounding context. The focus on traditional brick facades for the buildings and the commitment to limiting height and massing around the edges of the site would provide an element of continuity between the surrounding houses and the new developments whilst the more modern approach to the architecture and denser core elements would provide a suitable response to current housing pressures and would also provide an element of continuity with the Abbey Wharf development on the adjacent site.

68. The architecture and materials approach is supported, subject to the above conditions.

#### **Quality of residential accommodation**

69. The quality of the proposed residential units is generally high with deck access cores which have fewer than 8 units allowing for a high proportion of dual aspect units. All units meet the relevant space standards, with external amenity provided in the form of communal gardens, balconies and private terraces. The orientation of the blocks means that most of the units have east/west aspect maximising penetration of sunlight. 10% of homes have been designed to be adaptable for disabled users, meeting relevant London Plan policy requirements.

70. A number of the proposed buildings have been designed to maximise dual aspect flats by having communal access corridors to flats which are open air and located along the outside edges of the buildings. This allows internal rooms which are positioned adjacent to these corridors to still benefit from outlook visible from across the corridor. Within the corridors, openings have been placed appropriately to



ensure that windows to habitable rooms are able to benefit from the outlook beyond these corridors. Blocks K, J, H and M in the north site and blocks B, C, D and E in the south site utilise this to achieve a greater number of flats with dual aspect than they would otherwise. In the north site 55% of flats have dual aspect, whilst in the south site 54% of flats have dual aspect. This is considered to be an acceptable amount within this form of development.

71. In terms of privacy between blocks, the proposal meets all standards set out in SPD1 (2018), with the exception of blocks L and M in the north site, which have rear windows which face towards the rear gardens of properties along Mount Pleasant. The distance from the rear facing windows of the blocks to the rear of the original houses is 18m, however, where these houses have been extended this distance is reduced. The closest relationship is between windows serving the communal corridor to Block M and the rear wall of no. 142 Mount Pleasant, where the rear window separation distance is 14.45m. Despite not meeting the 18m standard in all instances, consideration is given to the fact that it is only by virtue of extensions to the properties along Mount Pleasant that the standard is not met. The gardens to these properties are shallow and, in a number of cases, the garden depth is shallower than 9m. By contrast, the distance from the windows in the rear of blocks L and M to the rear garden boundaries with these Mount Pleasant properties is in excess of 9m. Full adherence to the 18m separation standard given this scenario would push the development further into the site unreasonably. A flexible approach has been taken given the need to make efficient use of land in the growth area setting.
72. The separation between blocks A and F in the south site is 16m. Within the two facing elevations are both primary and secondary habitable room windows. The architects have placed the windows so that they are deliberately offset from one another's line of sight to reduce the potential for overlooking between these habitable rooms. Furthermore, it is noted that a public route separates the two blocks in this location, reinforcing a setting with a public character between the blocks rather than a more private arrangement typically found between rear gardens. Given the above, officers consider that the 16m separation between Block A's northern façade and block F's southern façade is justified and would not result in a relationship which unduly detracted from the privacy of the units.

#### Amenity Space

73. 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)."*

74. 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".*

75. In meeting the above requirements, it is expected that at least a part of each flat's required amenity space will be private space and as such, all units should be provided with a London Plan/Housing SPG compliant balcony/terrace. Within dense developments there is an expectation that a shortfall in amenity space provision can acceptably be made up through communal garden space as much as is possible, which would be a secondary form of amenity space beyond the flats' balconies.
76. The proposal for four communal gardens for the use of residents at ground level is welcomed. One of these is to be located centrally between blocks B, C, D and E, serving all residents of these blocks and measuring 694.2sqm in size. Secondly, a fourth floor podium garden measuring 117.4sqm links together blocks B and C and would be usable by all residents in these blocks. Thirdly, a ground floor garden is provided for all residents in blocks J (an affordable block) and H measuring 832.2sqm in size and a fourth garden serves block K (also an affordable block) on the ground floor, measuring 705.6sqm in size. Private ground floor residential gardens are also provided for the terrace of four houses (block L) (about 50sqm on average). Aside from the fourth floor podium serving blocks B and C, no rooftop gardens are proposed, although the roofs to blocks, B, C, D, E and H are utilised as photovoltaic arrays. Each flat in the development will be provided with its own private terrace or balcony. All of these terraces will comply

with the London Plan standards and many will be very generously sized, utilising both internal and external outdoor spaces to maximise balcony space, with a number being as large as 30sqm in size.

77. In addition to the private and enclosed communal amenity spaces, the proposal will deliver new landscaped public realm, both in the form of green space for general recreation and as designated child play space, referred to as doorstep play (more information on total play provision below). These spaces will provide a benefit to the wider community although will most directly benefit residents of this development and in particular the residents whose blocks sit alongside the relevant public amenity spaces. Given the extent and quality of the public amenity space proposed, officers have included these spaces within amenity space calculations for the development as a whole and would consider that they contribute to the overall residential quality offered within the scheme.

78. Officers consider that the following public amenity spaces should reasonably form part of the residential amenity space offer:

- Southern site (1,319sqm):

- Equipped doorstep play to the east of blocks A and F (395sqm)
- Landscaped space between blocks A and B (347sqm) of which part is equipped doorstep play (179sqm)
- Landscaped space alongside new canal towpath (577sqm) of which part is equipped doorstep play (191sqm)

- Northern site (421sqm):

- Equipped doorstep play between blocks G, H and J (421sqm)

79. Overall, the amenity space provision, and associated shortfalls below DMP19 (where relevant) is as follows:

*Southern Site*

Block	A	B	C	D	E	F	Total
Number of units	63	57	74	56	80	49	379
Number of those units which are 3 bedroom ground floor units (50sqm standard)	1	1	1	1	1	0	5
Amenity space standard (DMP19)	1,290	1,170	1,510	1,150	1,630	980	7,730
SHORTFALL - PRIVATE	911.3	633.6	898	676.6	986.3	667.3	4,773.1
Total share of communal space	0	199.5	259	145.6	208	0	812.1
ADJUSTED SHORTFALL (incl. communal)	911.3	434.1	639	531	778.3	667.3	3,961
Total share of public space	188.67	170.71	221.62	167.71	239.59	146.75	1,135.05
FINAL ADJUSTED SHORTFALL (incl. communal and public)	722.63	263.39	417.38	363.29	538.71	520.55	2,825.95
LOWEST INDIVIDUAL UNIT AMENITY	7.99 Shortfall	11.79 Shortfall	11.79 Shortfall	10.59 Shortfall	10.59 Shortfall	7.99 Shortfall	

SPACE (Private + Communal + Public) for a 20sqm standard unit	of 12.01	of 8.21	of 8.21	of 9.41	of 9.41	of 12.01	
LOWEST INDIVIDUAL UNIT AMENITY SPACE (Private + Communal + Public) for a 50sqm standard unit	12.99 Shortfall of 37.01	24.99 Shortfall of 25.01	24.69 Shortfall of 25.31	36.89 Shortfall of 13.11	23.99 Shortfall of 26.01	N/A	

*Northern Site*

Block	G (aff)	H	J (aff)	K (aff)	L	M	Total
Number of units	29	78	36	42	4	13	202
Number of those units which are 3 bedroom ground floor units (50sqm standard)?	1	0	3	3	4	0	11
Amenity space standard (DMP19)	610	1,560	810	930	200	260	4,370
SHORTFALL - PRIVATE	350.3	932.2	448.9	407	0	122.8	2,261.2
Total share of communal space	0	569.4	262.8	705.6	0	0	1,537.8
ADJUSTED SHORTFALL (incl. communal)	350.3	362.8	186.1	0	0	122.8	1,022
Total share of public space	86.85	233.60	107.81	125.78	11.98	38.93	604.95
FINAL ADJUSTED SHORTFALL (incl. communal and public)	263.45	129.2	78.29	0	0	83.87	554.81
LOWEST INDIVIDUAL UNIT AMENITY SPACE (Private + Communal + Public) for a 20sqm standard unit	7.99 Shortfall of 12.01	15.98 Shortfall of 4.02	14.21 Shortfall of 5.79	25.59 Shortfall of 0	N/A	8.89 Shortfall of 11.11	
LOWEST INDIVIDUAL UNIT AMENITY SPACE (Private + Communal + Public) for a 50sqm standard unit	12.99 Shortfall of 37.01	N/A	17.29 Shortfall of 32.71	41.99 Shortfall of 8.01	63.59 Shortfall of 0	N/A	

80. In the context of this scheme, DMP19 would stipulate an amenity space standard of 12,100sqm and, taking the above into account, the proposal sees a shortfall against this policy standard of 3,380.76sqm. Overall, whilst the scheme does not comply with the levels of amenity space set out in DMP19, the amenity space is considered to be of good quality, resulting in a high standard of residential



accommodation.

### Play Space

81. Policy 3.6 of the London Plan requires that on site play space is provided to service the expected child population of the development. The applicants have set out a play space strategy which provides on-site play spaces in line with GLA's child yield matrix. The child yield matrix would require 2,706sqm of on-site play space based on the residential and affordable housing mix proposed and based on the local PTAL level and outer London setting. This quantum of play space would be split between enclosed courtyard podium play for 0-4 year olds (1,515sqm) and equipped doorstep play for 5-11 year olds (1,184sqm). Neighbourhood play for 11+ year olds would not be provided on site and the nearby parks of Mount Pleasant Open Space and Heather Park would effectively serve this purpose.
82. The enclosed courtyard podium playspaces are provided within all three of those spaces within the scheme, with a 453sqm play space forming part of blocks' B, C, D and E podium garden, a 598sqm play space forming part of blocks' J and H podium garden and a 464sqm play space forming part of block K's podium garden. Together, these play spaces amount to 1,515sqm of 0-4 year old play space, and the two larger play spaces (those serving blocks J, H and K) will be accessible to residents of the affordable blocks J and K.
83. The equipped doorstep play is proposed within 5 separate spaces around the public parts of the site, which also form part of the public amenity space offer of the development. The largest (421sqm) will be in the landscaped transition space between blocks J, H and G, two smaller spaces (224sqm + 171sqm) will be provided along the western side of the linear park space between blocks A, F and the Abbey Wharf development and two other spaces (191sqm + 179sqm) will be within the canal frontage. These spaces together comprise 1,186sqm of 5-11 year old play space and will also be play spaces that will benefit the wider public.
84. Together, the play spaces amount to 2,701sqm, falling just 5sqm (0.18%) short of the expected on site quantum (2,706sqm) and is strongly welcomed. Detailed plans of the play spaces and their individual features will be secured through the landscaping conditions.

### **Development Phasing**

85. The development is to be phased as follows:

#### Pre-construction phases

- Demolition and decontamination of the north site
- Demolition and decontamination of the south site

#### Construction phases (affordable blocks denoted in **bold**)

- Construction of blocks L and M - *Phase 1a*
- Construction of block **K** - *Phase 1*
- Construction of basement below blocks J and H and new road through the centre of site - *Phase 2*
- Construction of blocks **J**, H and **G** - *Phase 3*
- Construction of basement below B, C, D and E - *Phase 4*
- Construction of blocks D and C - *Phase 5*
- Construction of blocks E and B - *Phase 6*
- Construction of blocks F and A - *Phase 7*

86. The phasing plan would see all of the scheme's affordable housing delivered within the first four block construction phases (phases 1 and 3) which is welcomed.
87. The applicants have confirmed that the first residential completions are planned to be delivered within 3.5 years of consent being granted and continuing at a rate of about 100 units per year. This would result in a total build period of 8.5 to 9.5 years. The phasing would see the site developed from north to south.
88. A number of the conditions within the decision notice as well as clauses within the S106 agreement have time triggers that account for the phasing plan.

### **Impact on amenities of neighbouring properties**

89. The site is surrounded by a large number of properties. Brent's SPD1 guidance sets out a number of criteria for judging impact on neighbouring properties in terms of losses of privacy and the creation of a sense of enclosure. There is clearly a sensitivity around the edges of the site in relation to the small scale housing along Woodside End, Woodside Place, Woodside Close and Mount Pleasant, as well as the backs of the houses fronting the north side of Carlyon Road across the canal. It will be important to consider the extent to which the SPD1 guidance is complied with in relation to these properties, and for this impact to be weighed up as part of an overall judgement. The SPD1 amenity impact tests and the development's performance against them are explained below.

### Privacy

90. In order to retain acceptable privacy levels to properties, the amenity impact considerations consider that all primary habitable room windows within the property should be at least 9m from the boundary with the private external amenity space of neighbouring properties or adjoining sites, except where the view on to that property would be to a part of the property which would serve as low value amenity space (e.g. the side access around a house). All secondary habitable room windows and non-habitable room windows should be obscure glazed if they cannot achieve this standard too. Furthermore, the proposed habitable room windows should achieve a full 18m of separation from the habitable room windows of other properties (apart from street facing windows). These standards are in the interests of protecting the privacy of neighbouring occupiers.

91. The above standards are achieved both internally between proposed blocks and between the proposed development and surrounding existing development with the exceptions of situations outlined above in paragraphs 57 and 58. Some further caveats to this are also detailed as follows. Block A will be positioned about 21m from the main western façade of Abbey Wharf, exceeding expectations in SPD1 guidelines for facing window separations. The red line boundary between these sites sits about halfway between these two façades. As with block A, block F borders with Abbey Wharf to the east. The block will sit about 21m from the main western façade of Abbey Wharf, exceeding expectations in SPD1 guidelines for facing window separations. The red line boundary between these sites sits about halfway between these two façades. To the west, the industrial context would not warrant consideration against these criteria. The block sits about 7m from the boundary with the industrial properties, although will not have any habitable windows which would rely on outlook across this site. As such, the placement of this block within 7m of the neighbouring industrial site is not considered to result in any prejudice the develop-ability of the neighbouring site.

### Overshadowing & Losses of Light

92. In the interests of ensuring that the development does not appear unduly overbearing to surrounding properties, SPD1 establishes a standard for new development to sit underneath a 45-degree line drawn from a 2m height at the nearest edge of an affected property (including side and rear garden boundaries) towards the proposed buildings. The proposed buildings should also sit underneath a 30-degree line drawn from a 2m height at the nearest habitable room windows within neighbouring properties that face towards the proposed buildings.

93. In the event that these relationships cannot be achieved, a careful balance of this harm in the context of the other considerations should be made. A full test of daylight and sunlight impact on surrounding properties can also assist in understanding and weighing up the harm in the balance of considerations. Daylight and sunlight testing has been carried out and is discussed in the next section.

94. Given the extent of the site, the tests of overshadowing and light loss as per the 45 and 30 degree line criteria will be reported building by building, as per the below.

### **South site**

#### **Block A**

95. Blocks A borders with Abbey Wharf to the east and 119 to 125 Carlyon Road to the south, across the Grand Union Canal. The separation with Abbey Wharf (in excess of 20m) is substantial and has been discussed above in relation to privacy. Despite the generous separation, the heights of the buildings are such that the 30 degree line test will not be met from the windows of the lower levels of the Abbey Wharf building, and the same is true of the proposed flats facing towards Abbey Wharf. Given the growth area setting and the generous separation which meets SPD1 criteria in relation to privacy, the relationship is

considered to be acceptable.

96. At its closest point, the block will sit 34.75m from the boundary with residential gardens along Carlyon Road (119 Carlyon Road is the closest). At this distance, the proposal will meet the 45 degree testing from this garden space. At its closest point, the block will sit 51m from the rear elevation of a dwelling along Carlyon Road (123 Carlyon Road). The 30-degree line test from this elevation will be marginally failed (by about 0.3 metres). The 30-degree line test will be passed from other properties along here, as it is a deep extension at no. 123 which is bringing the rear elevation closer to the development than with other properties.

### **Blocks B and C**

97. Blocks B and C border with 87 to 113 Carlyon Road to the south, industrial units to the west and 34 and 36 Woodside End to the north.
98. To the south, the block will sit 30.5m from the Carlyon Road gardens (at the closest point, to 99 Carlyon Road) and 45m from the Carlyon Road dwellinghouses (at the closest point, to 109 Carlyon Road). Relative to the garden boundary, the 45-degree line test is met for all properties. The 30-degree line test is failed to a small extent (maximum of 2m height) at properties that have been extended, although the test is fully met for un-extended properties.
99. To the north, the block will sit 22m from the rear boundary of properties along Woodside End and 38m the rear wall of 34 Woodside End and 41m from the rear wall of 36 Woodside End. The 45 degree and 30 degree tests are comfortably passed relative to these properties.

### **Block D**

100. Block D borders with 36 Woodside End to the west.
101. Block D has been designed to give significant clearance to 36 Woodside End as Block D's central garden space will sit largely along the edge of this property. For the 3 metres of depth beyond the dwellinghouse and into the garden of 36 Woodside End, the development will project at a relatively close distance of 9.4m. This relationship would not meet 45 degree testing, although would meet 1:2 rule testing which is considered to be a relevant policy in this context, when considering a projection alongside the rear of a domestic property. The property at 36 Woodside End would otherwise be given a generous clearance by the proposed development and the garden environment would largely continue to feel unconstrained and open in character.

### **Block E**

102. Block E is located centrally in the site, away from boundaries and does not raise concerns relating to overshadowing & losses of light.

### **Block F**

103. Block F is located along the eastern edge of the site, across from the emerging Abbey Wharf development. The separation with Abbey Wharf (in excess of 20m) is substantial and has been discussed above in relation to privacy. Despite the generous separation, the heights of the buildings are such that the 30 degree line test will not be met from the windows of the lower levels of the Abbey Wharf building, but the same is true of the proposed flats facing towards Abbey Wharf. Given the growth area setting and the generous separation which meets SPD1 criteria in relation to privacy, the relationship still considered to be acceptable.

### **North site**

### **Block G**

104. Block G sits adjacent to the rear boundary of 148 and 150 Mount Pleasant. 148 and 150 Mount Pleasant is a solely commercial retail building and does not warrant testing against residential amenity standards.

### **Block H**



105. Block H borders with 11 Woodside End.

106. Similar to the approach taken with Block D, block H has been designed to give significant clearance to its neighbouring property as its central garden space will sit largely along the edge of this property. For 1.5 metres of depth beyond the dwellinghouse and into the garden of 11 Woodside End, the development will project at a relatively close distance of 3.75m. This relationship would not meet 45 degree testing, although would meet the 1:2 rule test. The property at 11 Woodside End would otherwise be given a generous clearance by the proposed development and the garden environment would largely continue to feel unconstrained and open in character

#### **Block J**

107. Block J borders with 12 Woodside Place.

108. Similar to the approach taken with Blocks D and H, block J has been designed to give significant clearance to its neighbouring property as its central garden space will sit largely along the edge of this property. For 4.2 metres of depth beyond the dwellinghouse and into the garden of 12 Woodside Place the development will project at a relatively close distance of 3.6 metres. This relationship would not meet 45 degree testing and would also fail 1:2 rule guidance. The property at 12 Woodside Place would otherwise be given a generous clearance by the proposed development and the garden environment would largely continue to feel unconstrained and open in character. Nonetheless, the lack of compliance when assessed against both 1:2 rule relationship and 45-degree line testing is acknowledged.

#### **Block K**

109. Block K borders with 11 Woodside Place and 36 Woodside Close.

110. Similar to the approach taken with Blocks, D, H and J, block K has been designed to give significant clearance to its neighbouring property at 11 Woodside Place as its central garden space will sit largely along the edge of this property. For 4.5 metres of depth beyond the dwellinghouse and into the garden of 11 Woodside Place the development will project at a relatively close distance of 3.8 metres. This relationship would not meet 45 degree testing and would also fail 1:2 rule testing which is considered to be relevant in this context, when considering a projection alongside the rear of a domestic property. The property at 11 Woodside Place would otherwise be given a generous clearance by the proposed development and the garden environment would largely continue to feel unconstrained and open in character. Nonetheless, the lack of compliance when assessed against both 1:2 rule relationship and 45-degree line testing is acknowledged.

111. The northern part of this block borders close to the rear garden boundary with 36 Woodside Close. 36 Woodside Close's main rear elevation doesn't look towards the development, although block K will extend within close proximity of the garden (about 2.5m). The first 6m of the garden will see a noteworthy breach of the 45 degree line in terms of impact on that part of the rear garden of 36 Woodside Close. The building of block K will extend about 7m above the 45 degree line taken from this boundary.

#### **Block L**

112. Block L borders with the rear gardens of 122-144 Mount Pleasant.

113. Block L is the smallest block and is formed of the four terraced town houses to a height of three storeys. When testing the proposed block in the context of the affected houses, all of the relevant testing with the 45 degree and 30 degree lines is passed.

#### **Block M**

114. Block M borders with 134-146 Mount Pleasant.

115. Block M is formed of one of the smaller blocks of apartments on the north site, rising to a height of 4 storeys. When testing the proposed block in the context of the affected houses, all of the relevant testing with the 45 degree lines is passed, however when considering windows at the rear of the outriggers to these properties, the 30 degree line testing is marginally failed, with the worst breach being by a height of 1.75m.

#### **Summary**

116. Overall, the development has a guidance compliant relationship with its surroundings in many respects, although there are some breaches of SPD guidance as follows:
117. A number of properties for which 30 degree line, 45 degree line, and (where relevant) 1:2 rule testing is not fully complied with. To summarise, in terms of properties whose rear gardens and rear windows face the development site, all properties are compliant with guidance with the exception of some properties which have been extended and which sit along the north side of Carlyon Road, with the most severe breach to these properties stemming from block C, whose roof level extends above the 30 degree line from the Carlyon Road properties by up to about 2 metres. In addition, as a result of the height and placement of block M, some properties along the west side of Mount Pleasant will see windows in their outriggers fail 30 degree line testing, with the most severe breach seeing block M's roof project above the 30 degree line by about 1.75m. In addition, 36 Woodside Close will see a 6m deep section of its garden enclosed by a structure that is about 7m in excess of the 45 degree line. This results from the height and placement of Block K; however, this property is oriented away from the development and the main aspect from the house into the garden will retain an open character.
118. In terms of properties which sit alongside the development site and have a side-to-side relationship with it, 11 and 36 Woodside End sit alongside blocks H and D respectively and fail 45 degree testing for parts of the garden closest to the rear of the house. However, given the side-to-side relationship it has been deemed appropriate to apply the 1:2 guidance. The 1:2 guidance is complied with in these cases. 11 and 12 Woodside Place sit alongside blocks K and J respectively and fail 45 degree testing as with the above properties. In these cases, 1:2 rule testing is also failed, with the 1:2 guidance being breached by a depth of 2.6m relative to 11 Woodside Place and 2.4m relative to 12 Woodside Place.
119. Given the scale of development, the degree of non-compliance against SPD1 criteria is considered minor and is considered acceptable given the substantial benefits of this proposal.

### **Daylight, Sunlight and Overshadowing**

120. The applicants have submitted a daylight, sunlight and overshadowing assessment prepared by suitably qualified experts. The report looks at impacts this development would have on surrounding properties in terms of changes to daylight and sunlight exposure. Overall, testing shows that 80% of potentially affected windows will meet the typical recommendations (as set by the BRE) for good daylight and 86% of potentially affected windows will meet the typical recommendations for good sunlight.
121. Daylight testing is carried out through two tests, the Vertical Sky Component (VSC) and the No Sky Line (NSL) tests. The VSC test analyses impact on windows based on how much of the sky would be visible from the window in existing and proposed scenarios. The results are expressed in comparative percentage terms and the BRE considers a VSC score of less than 27% and less than 0.8 times its former value to result in reduced daylight to that window which is likely to be noticeable. The NSL test analyses the parts of a room from which the sky would be visible through particular windows in existing and proposed scenarios in percentage terms. The BRE considers an NSL score of less than 0.8 times its former value to result in reduced daylight that is likely to be noticeable. Generally, windows/rooms that pass one or both of the above tests are considered to result in BRE compliance.
122. Sunlight testing is carried out through the Annual Probable Sunlight Hours (APSH) tests. The APSH testing assesses windows that may be affected by the development whose orientations are within 90 degrees due south. The testing considers if these relevant windows can receive one quarter of the annual probable sunlight hours (APSH) based on the built form that may obstruct it. A second test considers whether at least 5% of the APSH will be received during the winter months between the autumn and spring equinoxes. If both tests are passed, then the room should receive enough daylight to maintain a good living environment.
123. BRE testing is to be used as a guide rather than strictly enforced. The BRE guidelines identify that the standards they establish generally represent acceptable impact in the context of a low density residential area and it is therefore widely understood that some flexibility and reasonably flexible judgement needs to be exercised at sites where a more urban character is sought. It is generally understood that across growth areas in London, VSC figures of between 10% and 20% are considered to be an acceptable reduced standard where a more urban character will be part and parcel of development that is intended to significantly boost housing numbers.
124. In terms of the individual breakdown, buildings along the following roads were tested for impact

as they had the potential to be detrimentally affected by the proposal: Woodside Close, Woodside Place, Woodside End, Carlyon Road and Mount Pleasant. In addition, the emerging Abbey Wharf development was tested for impact, although the considerations for Abbey Wharf are slightly different given that the building does not represent an established residential environment and is instead an emerging residential environment. The individual tests are discussed below.

### Woodside Close

125. Woodside Close is a road which borders the site from the north, some of the houses along here directly adjoin the site and have been tested for impact. Of the tested properties, 41, 43 and 47 Woodside Close (odds) and 26-36 Woodside Close (evens) will pass all BRE tests and will not experience any noticeable change in their daylight and sunlight under BRE guidelines.
126. Numbers 45 and 49 Woodside Close will experience some losses under BRE testing. 8 out of 12 of the windows tested on these properties meet the guidelines for the VSC test but the other 4 (2 at each property) fail, with reductions of between 21 and 35%. However, these windows are slim slot windows that form parts of bays whose other windows comfortably meet BRE criteria. As such, there is a clear justification for this impact being acceptable. These properties pass all tests associated with NSL and APSH testing.
127. 51 Woodside Close had 25 windows tested for VSC with 20 out of 25 passing. The other 5 experience relative reductions in the range of 20-29% (only slightly below the 20% reduction or 0.8 times former value benchmark for acceptability). 4 of the 5 failed windows are panes within the curved ground floor bay, although at least four other panes in this bay meet BRE criteria. The final window serves a utility room which has two other windows, thus also providing a clear justification for accepting this impact. This property passes all tests associated with NSL and APSH testing.

### Woodside Place

128. Woodside Place is a road which borders the site from the west. 4 properties (9, 10, 11 and 12) along this road were tested and all saw some deficiency in BRE compliance. For the house pair at no's 9 and 11, 16 of the 20 tested windows satisfy VSC criteria with the other 4 experience reductions in the ranged between 24% and 30%, but, all represent thin slot windows in the side of squared bays where the main windows serving these rooms would comfortably meet BRE recommendations. All criteria relating to NSL testing and APSH testing will be comfortably met.
129. In relation to testing at 10 and 12 Woodside Place, 21/23 tested windows will satisfy VSC criteria with the two deficient windows again representing secondary panes within bays. NSL and APSH testing is fully satisfied.

### Woodside End

130. Woodside End borders the site from the west and is the road which would be extended through the site. Numbers 26-32 (evens) met all BRE tests whilst numbers 9, 11, 34 and 36 see some failures. Across numbers 9 and 11, 24 out of 24 tested pass VSC testing, with 9 of those failing representing secondary pane windows to six-pane bay windows (reductions range between 23-39%). The 10<sup>th</sup> failing window is a secondary window within the flank of 11 Woodside End, close to the rear corner of the property. It is assumed that this window serves as a secondary window to a dual aspect room, whose main window would be to the rear. NSL and APSH testing is passed in full.
131. Numbers 34 and 36 see 24 of 30 tested windows meeting VSC criteria. Five of the six failures (23-55% reductions) are again to individual secondary panes within bays whilst the sixth window is a window within a side dormer window which looks over to the development site. This window has been established through extension of the property and currently enjoys very unobstructed views across the Abbey Industrial site, owing to its positioning at the end of the street. The window would retain 17% VSC from a starting point of 38% which falls below BRE recommendations. The window would also fail NSL testing, with a 42% reduction versus an acceptability benchmark of 20%. The window would pass APSH testing. The window likely serves a habitable room in this loft environment, but paying mind to its highly unobstructed nature at present and the inevitability of some impact where dense regeneration is proposed, the impact to this window is to be accepted on balance.

### Carlyon Road



132. Carlyon Road runs east to west to the south of the site, and is separated from the site by the Grand Union Canal. Houses on the north side of Carlyon Road back on to the southern towpath of the canal and some would sit directly across from the proposed development across the canal.
133. Numbers 85 – 135 (odds) have all been tested as potentially affected properties, with numbers 85 – 95, 125 – 129 and 133 – 135 meeting BRE guidance in full. This leaves numbers 97 – 123 and 131 (15 properties) as deficient in BRE terms. Across these properties 78 windows have been tested for VSC and 39 (50%) pass the test. The other 39 windows will experience relative reductions in VSC between 20 and 25%, slightly short of the 20% BRE acceptability criteria. NSL testing and APSH testing is passed in all cases.
134. The quantity of windows which fall short of standards (39) is notable, however the testing confirms that the extent of the failures to each of these windows is generally fairly small (up to 5% worse than the acceptable standard) and as such it is considered that the actual experienced outcome would likely be similar to a BRE compliant scenario. In view of the other benefits of the scheme, the impact to these properties is to be accepted.

### Mount Pleasant

135. Mount Pleasant runs to the east of the northern part of the site. Compared to the other roads tested, the houses along Mount Pleasant are older and have projecting outrigger features along their rear extents. This results in a number of the windows alongside the outriggers with low existing levels of light which, when subjected to the daylight modelling are very sensitive to changes in the environment in terms of the modelling, with relatively small absolute changes in the light being reflected as larger and somewhat misleading as percentage alterations. The BRE acknowledges this where its guidance states that “a larger relative reduction in VSC may also be unavoidable if the existing window has projecting wings on one or both sides of it, or is recessed into the building so that it is obstructed on both sides as well as above.”
136. 19 properties along this road were tested, including 77-87 (odds) and 120-146 (evens). 8 of the properties saw some breaches of BRE guidelines, whilst 11 were in full compliance. Numbers 128, 132 and 136 all saw some breaches of VSC but full compliance with NSL and APSH tests. At 128, 6 out of 7 windows meet VSC with the failure seeing a reduction in value by 22%. At 132, 6 out of 8 windows meet VSC with the two failures seeing reduction by 21-22%. At 136, 5 of 7 windows meet VSC with the two failures seeing reduction by 24-26%. These windows are generally rear bedroom windows with single aspect.
137. At number 138, 4 out of 7 windows will meet VSC criteria, with the three failing windows seeing reductions between 21 and 31%. NSL testing is met. APSH testing is not fully met as there is one room to this property (out of four tested) which fails the winter APSH test since only 1% of its APSH are likely to be experienced in the winter, where at least 5% is expected. However, this window will experience 33% of its APSH in the yearly context, notably exceeding the minimum expectation of 25%.
138. At number 140, 1 of 5 windows will meet VSC criteria, with the four failing windows seeing reductions between 20 and 32%. All of the rooms of the property will meet NSL criteria bar one which would experience a reduction of 32%. The room will retain light coverage to 67% of its extent and is served by a window that receives 25.5% VSC. The property meets sunlight testing guidelines.
139. At number 142, 1 out of 6 windows will meet VSC criteria, with the five breaching windows experiencing a reduction between 24 and 36%. Three of these windows have their existing baseline daylight obstructed by the rear additions to which they are adjacent, meaning that even in the existing scenario they fail VSC testing, with a figure of below 27% in the existing scenario. The other two windows are unobstructed but retain VSC figures which are close to the compliance levels (27%) of 24-26%. In terms of NSL testing, 1 out of 5 tested rooms meet BRE criteria. 2 of the 4 failed rooms experience reductions of between 24 and 26% which is only modestly beyond the guideline of 20%. The other two would experience reductions between 52 and 58%, however both of these rooms are located in a deep extension and are unusually close to their rear garden fence which limits daylight penetration to these rooms. In terms of APSH testing, 2 out of 5 rooms meet criteria for annual and winter APSH. Of the remaining 3, 2 meet BRE criteria for annual APSH but fall short on the 5% winter APSH benchmark, retaining 2-3% winter APSH rather than 5%. The remaining room is obstructed by the rear addition to which it is adjacent and does not meet BRE criteria in its existing scenario anyway. Despite this, the room retains 17% annual APSH, which falls short of the 25% target.

140. At number 144, 1 of 9 windows meet VSC criteria, with the 8 failures experienced relative reductions between 24 and 40%. Four of these windows are obstructed by the rear additions to which they adjoin resulting in sub 19% existing VSC for these windows. The remaining unobstructed windows will retain 19-23% VSC (where the target is 27%). NSL testing is met for all rooms. For APSH testing, 3 of 6 rooms meet BRE criteria, with 3 rooms failing on winter APSH levels (retaining 2-3% versus a target of 5). All rooms comply with year round APSH targets.
141. Number 146 has particularly deep outrigger rear additions which sees windows with low existing levels of light and leaves these windows very sensitive to changes in the environment. At this property 4 of 7 windows meet the VSC criteria with the 3 that fail to do so seeing reductions between 24% and 50%. One of these windows is heavily obstructed by the rear projection it is alongside, whilst the other two have highly unobstructed views (with existing VSC levels of 34-38% that reduce to 17-23% which is still relatively close to the target of 27%). All of the rooms meet NSL testing. In APSH testing, 1 of 4 rooms tested meets the BRE criteria for both annual and winter scenarios. 2 of the other rooms will achieve annual targets but not winter targets, retaining 1-3% versus a target of 5%. The remaining room is through to be a kitchen and retains 19% annual APSH, below the 25% target.

### Abbey Wharf

142. Abbey Wharf is the emerging development to the east of the south part of the development site. A key element of the Abbey Wharf development is the use of projecting balconies which overhang each of the windows below. The BRE guidelines acknowledge such situations as an additional constraint on achieving good daylight and sunlight levels as the balconies will establish a baseline position where the top part of the sky is blocked out. This means that even a modest obstruction opposite may result in a large relative impact on the VSC. To negate the effect of this, the applicants have tested a 'no balcony' scenario as well as a 'with balcony' scenario.
143. The existing site would also experience highly unobstructed views across the site given the existing low rise nature of the current uses. The growth area status and site designation seeking a development of density would naturally result in significant implications for the views becoming notably more obstructed. It is noted that the buildings proposed closest to Abbey Wharf would be of a similar height to Abbey Wharf itself, incurring a proportionate impact consistent with the emerging built form across both Abbey Wharf and the proposed development.
144. 254 windows were tested for VSC compliance and 152 (60%) of these windows passed the test. The failure range was significant, ranging from 29-82%. The more notable losses occur to the 56 windows that are recessed below large projecting balconies which is a defining characteristic of this building – the range of impact to these windows is 25-82%. Where balconies are not present, the impact to those 46 windows sits in a more modest 29-54% range. Where the balconies are removed and re-tested in this hypothetical scenario, VSC figures of over 16.5% are achieved in all cases, which compares favourably to the figures returned for the unobstructed windows and also compares favourably with many accepted VSC ranges at other growth areas in London. The residential typologies are clearly comparable to typologies seen across London and in Brent (such as Wembley) and the potential impact of the VSC figures is therefore considered differently and is still deemed acceptable, especially given that these residential units represent emerging homes rather than existing homes.
145. In terms of NSL testing, 97 of 193 rooms (50) meet BRE criteria. Those that fail the criteria experience relative reductions of 21-72%. 64 of the rooms falling short are bedrooms and 32 are open plan living spaces with kitchens. As is the case with VSC, the rooms currently receive abnormally high levels of daylight due to the nature of the development site at present.
146. In terms of APSH testing, 147 of 191 south facing rooms (77%) tested meet BRE criteria across both annual and winter scenarios. The remaining 44 rooms are all bedrooms oversailed by balconies and experience reductions of up to 87.5%. However, the 'no balconies' hypothetical test has returned results showing that all of these rooms meet APSH guidelines when the balconies are removed. This confirms that the impacts shown by the testing are far more attributable to the presence of balconies than by the proposal itself.

### **Overshadowing**

147. BRE overshadowing guidance seeks to establish criteria for retaining good levels of direct light to garden and other outdoor amenity spaces. The criteria for an acceptable impact is for at least 50% of a garden space to receive at least 2 hours of direct sunlight on the 21<sup>st</sup> March.

148. 31 separate private garden spaces were seen as potentially affected by this development. 25 (80.6%) of these garden spaces meet BRE overshadowing guidance, whilst 6 fall short of the target. The gardens which fall short serve 124, 134, 136, 140, 144 and 146 Mount Pleasant. 124 Mount Pleasant falls short of guidance as 49% of its garden receives the 2 hours of sunlight, just 1% short of the target. This also represents a 20.1% change on the existing situation. 134, 136 and 140 Mount Pleasant experience slightly greater reductions compared to the existing, of 22% to 31%. Finally, 144 and 146 Mount Pleasant will experience material reductions in light to their gardens with 9.3% and 0% of these gardens received at least 2 hours of direct sunlight respectively.
149. To provide an additional point of comparison, the same test has been carried out for the day with the most sunlight hours (21<sup>st</sup> June) where it is found that all of the gardens will experience 2 hours of direct sunlight to over 50% of their areas. This will ensure that even the gardens which are affected to a notable extent will retain good daylight in the summer months, even if their overall daylight exposure is below BRE guide lines.

## Summary

150. A large array of properties surrounding the site have been tested for relevant daylight and sunlight impacts. In the case of residential properties to the north and west (Woodside Place, Woodside End and Woodside Close), all of the properties will comply with BRE standards for daylight and sunlight, or possess very clear contextual features which justify accepting BRE breaches (breached windows serving secondary windows or peripheral panes of bay windows). One window in 36 Woodside End would fall short of daylight expectations and would serve a primary window to a habitable room. However, this window sits in a side dormer extension and currently benefits from an unusually unobstructed view across the site, at the end of its road.
151. In the case of Carlyon Road, VSC breaches are observed in some instances to rear facing windows and the quantity of windows which fall short of standards (39) is notable. However, the testing confirms that the extent of the failures to each of these windows is generally fairly small (up to 5% worse than the acceptable standard) and as such it is considered that the actual experienced outcome would likely be similar to a BRE compliant scenario.
152. In the case of properties along Mount Pleasant, the houses are older and have projecting outrigger features along their rear extents. This results in a number of the windows alongside the outriggers with low existing levels of light which, when subjected to the daylight modelling are very sensitive to changes in the environment in terms of the modelling, with relatively small absolute changes in the light being reflected as larger and somewhat misleading as percentage alterations. The BRE acknowledges this where its guidance states that “a larger relative reduction in VSC may also be unavoidable if the existing window has projecting wings on one or both sides of it, or is recessed into the building so that it is obstructed on both sides as well as above.” Some breaches of both daylight and sunlight tests are observed across these houses, although a number of these breaches are attributable to poor existing conditions along these properties.
153. The emerging Abbey Wharf site sees 40% of affected windows failing VSC testing, although it is acknowledged that the urban character of this block and its immediate siting next to another allocated site in a growth area does warrant reasonable acceptance of a more flexible standard (15% VSC) which would be consistent with the urban grain which is proposed and building typologies in other London growth areas. In terms of daylight testing, whilst a number of windows fall short of standards, supplementary testing has shown that this is attributable to the presence of oversailing balconies within the Abbey Wharf development rather than the proposal of this development.
154. Six residential gardens along Mount Pleasant will fall short of overshadowing guidelines for retaining good levels of direct sunlight to garden spaces, with two of these gardens failing to a material extent. All gardens meet an adjusted standard for direct sunlight during the summer solstice.
155. Taken as a whole, 75% of tested windows meet VSC guidance for daylight, 80% of rooms tested meet NSL guidance for daylight, 86% of rooms tested meet APSH guidance for sunlight and 80% of gardens meet overshadowing guidance. This clearly indicates that a notable percentage of surrounding sites will fall short of BRE expectations, but this also indicates a relatively high pass rate given the growth area status and the clear intent for this site to adopt a denser massing than its surroundings. Given the significant regenerative benefits of the scheme and the substantial number of new homes that will be delivered by it, officers accept the daylight and sunlight



impacts of the scheme and do not consider them to reflect an unusual or anomalous scenario given the scale of the development.

## **Transport**

**156.** The scale of this development is such that it would be likely to have a significant impact on local transport networks. A Transport Assessment is therefore required to consider this impact and this has been prepared and submitted with the application.

### Car parking

157. In terms of car parking, the site does not have good access to public transport services, so the higher residential allowances set out in Table 6 at Appendix 1 of the adopted DMP 2016 apply. The location of the site to the northwest of the Dudding Hill railway line also means that the Outer London employment standard of one space per 200m<sup>2</sup> applies.

158. The proposed residential units would therefore be allowed up to 639 car parking spaces. Between 6-15 spaces would be allowed for the commercial and affordable workspace areas, depending upon the exact subdivision between these uses.

159. The scheme proposes the provision of 172 off-street residential car parking spaces in the basement and undercroft car parks, plus nine on-street spaces and four spaces on the driveways of the houses. This accords with maximum standards, with the provision of 20 spaces at the outset for disabled drivers meeting Brent's and TfL's standards for Blue Badge parking. Headroom of 3.4m is shown for both car parks, allowing access by high-top conversion vehicles for wheelchairs.

160. The ratio of spaces to flats would be only about 32% though, giving rise to potential concerns regarding overspill parking in the surrounding heavily parked area. The continuing heavily parked nature of the surrounding area during both the daytime and overnight has been confirmed by parking surveys undertaken through the Transport Assessment in April 2018.

161. Car ownership data from the 2011 Census suggests that about 0.81 cars per flat are owned by residents in this area, which would result in about 287 cars overspilling from this development if car ownership stays at this level. With the Woodside Avenue area in particular experiencing high levels of parking, including extensive footway parking, this is a potential cause for concern.

162. To address this, it is recommended that £150,000 be provided towards the funding of a future Controlled Parking Zone in the area, with a 'permit-free' restriction also placed on all dwellings within this development to prohibit residents from obtaining permits once a CPZ is introduced. This will help to protect the amenities of existing residents in the Woodside Avenue area and further afield and help to maintain safe access to and from the site by vehicles and pedestrians.

163. No off-street parking is proposed for the commercial units and this is welcomed, helping to encourage the use of public transport to and from the site by staff and visitors.

164. Notwithstanding the above car parking provision, TfL have encouraged the further reduction in car parking on site. In response, Brent officers remain comfortable with the level proposed as it is considered that this strikes a good balance between ensuring practical and suitable living arrangements within this location with a low PTAL level and the need to encourage sustainable forms of transport within new developments.

165. TfL also requested that the 9 allocated car parking spaces on street are removed to minimise the car dominance of the public realm and to remove the 4 visitor parking bays across the road from block L as they are unnecessary. The 9 on street parking spaces are in the form of 4 private drive-ways to the houses forming block L and 5 parallel spaces to the rear of block M within a loop road around this block. The applicants have considered this request and have agreed to the removal of the 4 visitor parking bays and to instead replace this space within 1 bay for the use of a car club, as would be required as part of the applicant's travel plan obligations.

166. A Car Park Management Plan has been included within the Transport Assessment. Access to spaces within the car park is to be via a key fob operated barrier system, with fobs leased annually to allow flexibility in allocation as residents move in and out of the development in future years. Enforcement will

be undertaken using cameras and patrols. Details of the car park management plan are recommended to be conditioned to any forthcoming consent.

167. At least 20% of spaces will require active electric vehicle charging points and a further 20% passive charging points and this has been acknowledged in the Transport Assessment. However, the applicants are proposing to provide 20% active and 80% passive charging points, in line with the draft London Plan requirements, which is welcomed. Once again, it is recommended that EVCP are conditioned to any forthcoming consent.

### Cycling

168. The London Plan requires the provision of at least 910 long-term and 15 short-term bicycle parking spaces for residents, plus up to about 15 long- and short-term parking spaces for the commercial units (depending on their exact use).

169. A total of 1,069 secure long-term spaces on single-tier racks are indicated in storage rooms around the edges of the car parks and on the ground floors of blocks at the northern end of the site to meet long-stay requirements. A further 19 'Sheffield' stands (38 spaces) are shown within the public realm, around the entrances to blocks G, F and E. to provide visitor spaces. Originally, just 16 such visitor spaces were shown, however additional stands were added following TfL comments identifying a shortfall in visitor cycle parking.

### Servicing

170. In terms of servicing, the commercial units generally require access by 8m rigid vehicles, although a food retailer occupying the larger unit could require access by 12m urban artic vehicles. A parallel lay-by for loading measuring 14m x 3.5m to accommodate a large vehicle or two vans is proposed alongside the new spine road close to the commercial units to meet requirements.

171. For the residential units, the main spine road and the cul-de-sac from Woodside Place provide good penetration through the site to access bin stores and entrance cores for most Blocks. Further access to Blocks A, B and C along the southern side of the site will be provided via shared surface areas for use by pedestrians and service and emergency vehicles only.

172. Fire appliances would therefore be able to access all blocks in the development and a Fire Safety Strategy has been prepared to demonstrate that Building Regulation requirements will be met.

173. Refuse vehicles can also get to a point within 10m of all bin stores on the northern part of the site. However, most of the bin storage for the southern part of the site is located around the edge of the basement car park, so a management arrangement whereby bins are brought out to a central collection point close to the car park access ramp will be employed on collection days.

174. This will form part of a Delivery and Servicing Plan for the site; a Framework version of which has been included in the Transport Assessment. This sets out how the anticipated 47 deliveries that will be made to the development each day can be managed to reduce their impact.

175. The intention, once the development is occupied, is to gather survey data for all deliveries to the site over a two week period and to seek areas where deliveries by the same supplier or of similar goods could be consolidated to reduce overall vehicle movements. The other main aim will be to encourage off-peak deliveries where possible and whilst it is assumed that a delivery booking system will be used to achieve this, it has not been confirmed. Nevertheless, the Delivery & Servicing Plan will be a live document that will be subject to continuing review and submission and operation of a final DSP should be secured through an appropriate planning condition.

### Access routes

176. The main access to the development will be via a new central spine road through the site, connecting Mount Pleasant and Woodside End. This will be expected to be adopted as public highway through a S38 Agreement.

177. The road has been shown with an asphalt carriageway of 5.5m width with a 2m wide footway along its northern side and a 1.7m footway on its southern side laid in block paving. The southern footway should be widened to 2m to meet highway design standards, and revised details to achieve 2m wide southern

footpath are recommended to be conditioned

178. Otherwise, the carriageway could potentially accommodate casual pay and display parking along one side of the street for visitors. However, there is a pinch-point where the new road passes the corner of 150 Mount Pleasant, so the carriageway has been reduced to 3.5m width for a distance of 8m in this location. This will only allow single-file traffic flow, but this will serve as a traffic calming feature. Priority signs are proposed to indicate a right-of-way for vehicles entering the estate.
179. Aside from the pinch point, two speed tables are proposed in block paving along the length of the new road raised up to be flush with the footways with tactile paving to encourage crossing. These are welcomed as further traffic calming features, as is the 20mph speed limit proposed for the road.
180. As the new link road could offer potential scope for traffic to bypass peak-hour queues along Mount Pleasant, further S278 works to introduce traffic calming in Woodside Avenue, Woodside End and adjoining streets, with a 20mph speed limit, are also sought.
181. The kerb radii at the junction of the new road with Mount Pleasant are proposed to be increased to about 10m with the proposal to allow turning into and out of the site by refuse vehicles without overrunning opposing traffic lanes.
182. The accesses from the main spine road into the car parks are generally fine. The southern basement car park will be accessed via a 5.5m driveway to a gradient of 8.5% along the western side of the site, turning 90° into an 18m long, 7.5m wide (incl. 500mm margins & central strip), 12.2% (with transition lengths) gradient ramp into the basement. The northern undercroft car park is shown accessed via a 7.5m wide (incl. margins and median strip) ramp to a gradient of 10% directly from the spine road. The kerb radii at this entrance can be reduced to 2m or so though, as only access by cars is proposed. All junctions along the spine road will need to be provided with suitable dropped kerbs and tactile paving, which is missing from the detailed landscape drawings.
183. Oversailing balconies are proposed over the footway in two locations on Blocks F and G and oversailing licences under S177 of the Highways Act 1980 will be required for these.
184. The other vehicular access road into the site will be from Woodside Place, forming a cul-de-sac. This is again recommended for adoption through a S38 Agreement as far as the site boundary with Woodside Close and including the southern length of the T-shaped turning head (n.b. the loop to the rear of Block M is not considered suitable for adoption). This would mean that the five parking spaces indicated along the street would be incorporated into any future CPZ though, which would mean that with the proposed 'car-free' agreement, they would only effectively be available to Blue Badge holders or to casual visitors on a potential pay and display basis.
185. This cul-de-sac is proposed to be surfaced entirely in block paving and a smaller upstand of 25m or so between the footways and carriageway would be fine to provide more of a shared surface feel to the street. As with the spine road, an increased width of 2m for the southern footway is required (this could be taken from the carriageway width) and the kerb line needs to merge smoothly into the existing kerblines of Woodside Place.
186. The proposed provision of a pedestrian link to Woodside Close, comprising both a flight of 10 steps and a 30m long, 1.2m wide ramp, both with suitable corduroy tactile paving, is particularly welcomed in terms of providing permeability to and through the site for pedestrians and these links should also be included in the adoption agreement. This link will provide access from the northern end of the site to both Woodside Close and via a Brent Council maintained footpath to Mount Pleasant (westwards).
187. The scheme also includes pedestrian links on either side of the site to the Grand Union Canal, plus a path along the canal bank which would link to a new path fronting the adjoining development at Abbey Wharf. These paths are also welcomed, but would not be suitable for adoption as publicly maintainable highway. They should instead be secured as permissive paths for use by the public.

#### Transport Impact

188. To understand the volumes of traffic generated by the site at present, cameras were placed at the four separate entrances to the estate over a three day period (incl. a Saturday) in April 2018. These identified a maximum total of 1338 vehicular movements into and out of the estate between 7am-7pm on a



weekday. This in turn translated to average existing weekday peak hour flows of 33 arrivals/16 departures in the am peak hour (8-9am) and 54 arrivals/57 departures in the pm peak hour (5-6pm).

189. Journey to work data from the 2011 Census for the immediate area was then used to translate these flows into a multi-modal profile of total trips to and from the site by all modes, on the basis of an average of 42.6% of trips being by car drivers.
190. Estimates of future trips to and from the site by all modes of transport were then drawn from comparisons with seven other residential developments in outer London that have low levels of off-street parking. These sites comprise a mixture of town centre and suburban sites and are thus considered to produce an accurate comparison to this proposal.
191. For the commercial units, trip rates have been derived from comparisons with two office developments and three convenience foodstores in London, which are considered to represent a worst case.
192. In terms of vehicular trips (incl. taxis and delivery vans), the development is estimated to generate 57 arrivals/62 departures in the morning peak hour (8-9am) and 46 arrivals/44 departures in the evening peak hour (5-6pm).
193. When compared with existing flows into and out of the manufacturing estate, only the morning peak hour would therefore be likely to see an increase in traffic as a result of this development, with the afternoon peak hour seeing a fall in overall traffic flows.
194. The impact of the development on the priority road junctions of Woodside Avenue/Mount Pleasant and the main site access/Mount Pleasant was then tested using standard junction modelling software, including an allowance for future traffic growth to 2028. This exercise showed neither junction operating beyond 20% of its capacity in either peak hour, thus leaving plenty of spare capacity, so there are no concerns with the impact of traffic on junction capacity along Mount Pleasant.
195. With regard to flows further afield, the increase in the morning peak hour flows along Mount Pleasant would average about 4-5% above existing flows, which is not considered significant enough to cause concern. Flows in the evening peak hour would again fall from present values.
196. For other modes of transport, overall rail and Underground trips are estimated to increase by 73 trips in the morning peak hour and by 10 trips in the evening peak hour compared with the existing situation. Assuming Underground trips use Alperton station and rail trips use Stonebridge Park station, then this would amount to an additional 2-3 passengers per Underground train and 3-4 passengers per London Overground train in the morning peak hour, with less than one additional passenger per train in the evening peak hour. Discussions have taken place with TfL and an agreed contribution of £166,000 has been secured towards improvement of the step free accessibility of the closest tube station (Alperton). This would be secured within the section 106 agreement.
197. For buses, an additional 50 journeys in the morning peak hour and 8 journeys in the evening peak hour are predicted. This would amount to approximately one additional passenger per bus on average on the five bus services passing within 640 metres of the site in the morning peak hour, which is not considered to be significant.
198. However, only route 224 (4 buses/hour) currently passes close to the site along Mount Pleasant, with the other routes calling at Alperton station as the nearest stop. Transport for London propose to amend this by extending route 83 along Mount Pleasant and Beresford Avenue to terminate at Stonebridge Park station, which would be of use to residents of this development using that station. Whilst some funding has been secured for this from the nearby Northfields development, further funding may also be sought by TfL from this development, as this site would also benefit from such an extension.
199. It has been agreed between the applicant and TfL that the bus capacity contribution can change dependent on whether the commercial units are eventually occupied by A, B or D uses, as they attract different trip rates. The s106 agreement can capture this nuance. The bus contribution will be used to increase capacity along local bus routes since local bus services have been identified as at or over capacity by TfL, a trend which the trips generated by this development would likely worsen without suitable mitigation. The contribution amounts as agreed are as follows:

*Bus Capacity Improvements:*

In the event of a B use coming forward on site only: £513,000

In the event of a D or B & D uses coming forward on site: £622,250

In the event of an A or A & B or A & D or A, B & D uses coming forward on site: £717,250

200. For non-motorised modes, walking journeys are estimated to increase by 82 trips in the morning peak hour and 49 trips in the evening peak hour, whilst cycling trips are predicted to rise by 8 trips in the morning peak and 4 trips in the evening peak hour.
201. To assess the impact that these additional journeys may have on the road network, the quality of the existing surrounding pedestrian and cycling environments has been assessed using PERS and CERS audits.
202. The worst performing routes in this respect were Woodside Avenue and adjoining streets, where on-street parking causes significant obstruction, the quality of the paving is poor, the footways are interrupted by numerous dropped kerbs and where there is a shortage of dropped kerbs and tactile paving at junction crossing points.
203. Comments above have already referred to the likely need for a CPZ in the area to mitigate parking impact, for which a financial contribution is sought. This would help to address the footway parking issue if pursued.
204. Earlier comments have also referred to the need for S278 works along Woodside Avenue to provide traffic calming and any such scheme should also address the quality of the footways where necessary, such as through the provision of dropped kerbs and tactile paving at junctions.
205. In terms of crossing points, the PERS audit also identified shortcomings with the existing pedestrian refuges on either side of the Mount Pleasant/Woodstock Road junction, in terms of narrow width and lack of dropped kerbs and tactile paving. It is therefore recommended that improvements to these crossing points are also added to the scope of the S278 works.
206. It is also noted that although the junction of Mount Pleasant/Ealing Road scores well, it has limited pedestrian crossing provision. However, this is subject to further study and potential mitigation works connected with the nearby Northfields development proposals (ref: 18/0321), with Brent having separately developed a preliminary design for improvements. No further S106 funding is therefore sought from this development.
207. For public transport stops, it was noted that the two nearest stops along Mount Pleasant lack shelters and are squeezed between driveways to adjacent houses. However, it would be difficult to rectify this given the shortage of space available and as these are not major stops, this concern can be disregarded.
208. Shortcomings at Alperton station include lack of step-free access and lack of mapping information. A scheme to improve the forecourt area has been prepared, but requires final approval and implementation by TfL as land owners of the forecourt area. Funding towards this (and step-free access) would be a suitable use for any CIL funding from the development.
209. The CERS audit of cycling facilities rated most of the links and junctions around the site as average, so thus able to benefit from improvements such as cycle lanes.
210. However, the traffic-free east-west cycle route close to the site along the Grand Union canal towpath was not included in the audit, whilst the new spine road through the site will ultimately deliver a new pedestrian-cyclist link through the site to link to Atlip Road and Alperton station, as and when adjoining sites come forward for development.
211. For the route towards Stonebridge Park station, the Northfields development will also provide a new cycleway along Beresford Avenue and old North Circular Road. Intervening sites between this development and the Northfields site are generally providing increased highway width along their frontages as and when they come forward, which would ultimately provide additional space to extend allow a cycleway to be extended along Beresford Avenue to connect to this site.
212. The CERS audit also noted a shortage of cycle parking facilities at Stonebridge Park station, but there are proposed developments close to that station that would be better placed to deliver such facilities.
213. The accident history for the area over the five year period January 2013-December 2017 has also been

examined. This identified twelve accidents within about 200 metres of the site, predominantly along Mount Pleasant. One accident resulted in serious injury, whilst both a pedestrian accident and a cyclist accident were recorded at the zebra crossing to the east of the site. However, there were no particular recurring accident patterns in close vicinity of the site that would be likely to be exacerbated by this proposal.

214. A cluster of accidents was recorded further west at the junction of Ealing Road and Mount Pleasant and this area is known to have a poor accident history. A road safety scheme is shortly to be implemented along Ealing Road and as mentioned above, a preliminary design for improvements to pedestrian crossing facilities at the Mount Pleasant junction has been drawn up that can be funded from the Northfields development junction works budget.

### Travel Plan

215. To help to minimise car journeys and encourage greater use of sustainable transport to and from the site, a Residential Travel Plan has been prepared.

216. This aims to reduce the proportion of trips made to and from the site by car drivers by 10 percentage points from an estimated baseline of 17% to 7% over a five-year period. Please note though that the timescales for the Travel Plan may need to be adjusted depending upon the length of the overall construction programme, as it is to be delivered over 10 phases.

217. The Travel Plan is to be managed by a site-wide Travel Plan Co-ordinator, whose duties will include the provision of transport and marketing information through display boards, marketing brochures and welcome packs for new residents, promotion of cycling and encouragement of car sharing and Car Clubs at the site.

218. The proposed measures are very limited though (no mention is made of personalised journey planning for example) and there is a lack of firm detail or commitment regarding measures in the Travel Plan. In particular, no information has been provided on any engagement with a potential Car Club operator to ensure that the requisite financial support will be provided to establish Car Club vehicles on the site. To this end, it is essential that at least two years free membership of the Car Club is offered to all new residents of the development to help to make a scheme viable. Given the lack of detail in the Travel Plan, it is recommended that a Car Club be secured separately in the S106 Agreement for the development.

219. The Travel Plan is to be monitored biennially, with the first survey undertaken within the first year of occupation to firmly establish a baseline position. All surveys are confirmed as being in line with TRICS and/or i-TRACE methodology, as required.

220. As things stand, the submitted Travel Plan is too lacking in details and firm commitments to serve as a final document, but forms a reasonable framework from which a final Travel Plan can be developed and finalised prior to occupation of the development.

### Construction Management

221. Finally, a Framework Construction Logistics Plan has been submitted with the application. Whilst the construction programme has yet to be drawn up in detail, this framework plan sets out some principles regarding the management of construction works.

222. Works will be confined to 8am-6pm on weekdays and 8am-1pm on Saturdays, with HGV movements restricted to those hours and avoiding peak hours (7-8am & 5-6pm). All vehicles will approach and leave the site to/from the east, via North Circular Road, Beresford Avenue and Mount Pleasant, entering the site at the existing main access from Mount Pleasant. This is confirmed as being the most appropriate route, keeping traffic away from residential areas and the congested Ealing Road as much as possible.

223. Deliveries will be pre-booked and drivers required to phone ahead to ensure there is sufficient space within the site to receive the delivery.

224. Use of the Grand Union Canal for deliveries should also be explored.

225. It is confirmed that the site will be self-contained, with hoardings set up to protect the site that will not need to encroach over the public highway. All unloading and parking will take place within the site, although staff will nevertheless be encouraged to use public transport. The retention of pedestrian and



cyclist access from Woodside End will assist in this respect.

226. It is confirmed that wheel-washing facilities will be provided to minimise any muck carried onto the highway, whilst any damage to the highway will be monitored and repaired.

227. The Framework Construction Logistics Plan is therefore fine, but will need to be developed into a final document in line with TfL guidance prior to works commencing on site, once the main contractor is appointed and the construction programme is finalised.

### **Sustainability and Energy**

228. 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.

229. The proposed regulated development with 'Be Lean', 'Be Clean' and 'Be Green' measures incorporated within the residential part of the development is confirmed to emit 79 regulated tonnes of Carbon Dioxide per annum, which is down from a baseline emission of 587 regulated tonnes per annum when designed to meet minimum building regulation requirements. This equates to an 87% reduction on the minimum Building Regulations (2013) as required within the London Plan. A carbon-offset payment is required to achieve the zero carbon goal. The offset payment shall cover a 30-year period of emissions, with the payment being equivalent to £60 per tonne per annum. This payment (approx. £142,200) will be secured through the Section 106 agreement.

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

#### *Be Lean (total savings from 'be lean': 60 tonnes / 10%)*

A number of passive design measures and measures improving energy efficiency of building services have been included in the design to help to reduce the CO<sub>2</sub> emissions. MVHR ventilation is to be used in all flats in achieving these savings.

#### *Be Clean (total savings from 'be clean': 165 tonnes / 28%)*

The use of a gas powered Combined Heat and Power (CHP) system to minimise energy demand. The CHP will provide 86% of heat for space heating and hot water. The remaining 14% of heat demand will be covered by high efficiency gas boilers. Plans have been submitted that show how the CHP could be connected up to a future district heat network (if and when available), future proofing the development from this perspective – this would be secured by condition. The air quality report (discussed below) confirms that the CHP plant would meet a minimum emissions standard, and this is set out as one of the proposed air quality impact mitigation measures.

#### *Be Green (total savings from 'be green': 283 tonnes / 48%)*

A photovoltaic potential will be maximised by providing PV panels to all available roof space. It is expected that the flat roofs and pitched roofs will accommodate up to 1,841 PV panels with a total peak output of 662 kWp, when using the highest efficiency panels (Sunpower X22-360). The panels will be facing SE and SW to align with the buildings orientation and will be installed at a 15 deg pitch on the flat roofs and 15-35 degree pitch on the pitched roofs. This system will generate 545 MWh electricity per year, offsetting 283 tonnes of CO<sub>2</sub>.

231. The GLA has reviewed the energy and sustainability aspects of the proposal in depth and further information and analysis of the energy strategy has been exchanged with the GLA since the GLA's stage 1 response.

232. Policy CP19 of Brent's core strategy stipulates a requirement for all major non-residential floorspace (where the cumulative non-residential floorspace exceeds 1,000sqm) to achieve a BREEAM rating of 'Excellent'. The commercial floorspace is in excess of 1,000sqm and a S106 obligation will therefore be imposed which secures appropriate BREEAM verification, with testing being undertaken at both pre build and post build stages.

### **Overheating**

233. An overheating analysis has been undertaken in order to assess performance of the proposed development against criteria of thermal comfort and urban climate projections. A sample of the expected worst performing residential units, sample corridor and a sample commercial unit were modelled. The predicted internal temperature was simulated considering all aspects of occupancy, solar

gain and predicted internal heat gains. Specific weather conditions were tested to consider the building performance against urban heat island effects and projected future climate conditions.

234. The calculation results show that all tested residential units meet thermal comfort overheating criteria under 'future near extreme summer' conditions, demonstrating that the building is resilient to overheating during its lifetime. A complete series of tests, including 2 additional projected weather files representing distinct near-extreme summer conditions, informed the overheating strategy, which includes passive design considerations and mechanical ventilation. Mechanical cooling is not necessary for the residential units. However, commercial units are likely to require mechanical cooling to comply with thermal comfort requirements. Mechanical ventilation with heat recovery and summer bypass is required for ground floor residential units to comply with relevant criteria. It is also proposed for the commercial units, although the mechanical heating on its own does achieve compliance with overheating criteria for the commercial units.

235. Subsequent to the submission of the overheating assessment, non-material plan changes were requested and received which resulted in a number of habitable room windows being made larger, in the interests of providing more daylight into flats. This potentially has implications for the overheating assessment and associated mitigation. A condition will require that the overheating assessments and mitigation are updated to reflect the revised plans, and that the relevant mitigation is implemented prior to occupation.

### **Drainage and Flooding**

236. The applicant has submitted a drainage strategy and flood risk assessment with the application, which have been reviewed by Brent's Local Lead Flood Authority. The Local Lead Flood Authority makes the following observations:

237. This development falls within the Flood Zone 1 and the risk of flooding is very low. There are no historical records of any flooding at this site but there have been a number of isolated incidents of the onsite pumping station for the foul sewer system failing. This pumping station is part of the public sewer network and within the responsibility of Thames Water. As discussed earlier, the new development will deliver a new pumping station and this will be to a high standard with a minimal risk of failure.

238. In order to reduce the risks of flooding in the area and within the development site, the development will provide storage tanks, permeable paving and green roofs for surface water discharge with a flow control device. The flow will be restricted to 9 l/s. In addition, the proposals to introduce landscaping across the site will also reduce the flow compared to the non-permeable surfaces that are currently present across the site.

239. This proposal will result in a reduction in the surface water discharge to the existing drainage network from the site by approximately 80%. As a result, this development will reduce the flood risk in this area and will minimise associated risks for prospective residents of the site.

240. Existing surface water is discharged to the Grand Union Canal and it is proposed that the proposed development will utilise the existing outfalls to discharge to the Canal. The Canal and River Trust, who have commented in respect of the impact on the canal, have not raised concerns in relation to this.

241. A condition will require that the drainage and flood risk documents are adhered to in full.

### **Construction Management**

242. The development is within an Air Quality Management Area and located very close to other residential and commercial premises. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours. A requirement for a construction method statement is to therefore form a condition of the consent. The applicant did submit a Construction Management Plan however this is not suitable for this size of development and does not provide any details on whether any piling works will be undertaken. Full details will be secured through the full condition requirement.

### **Noise Impact**

243. The applicant has submitted a noise impact assessment which has identified that the sources of environmental noise are relatively low and the internal conditions of all flats would fall within the

acceptable range recommended in BS8233:2014. Potential for unacceptable noise impact in relation to construction and demolition for existing residents has been identified. The applicant's noise impact assessment includes a recommendation for Method Statements in relation to construction noise to be submitted. Similar details are to be required through a construction method statement which will be required by condition (as identified above).

244. Environmental Health officers have reviewed this assessment and agree with its methodology.

### **Air Quality**

245. The proposed site is within an air quality management area and therefore due to the size of the development the applicant is required to carry out an air quality impact assessment that should consider the potential emissions to the area associated with the development as well as the potential impact on receptors to the development. The applicant has provided an air quality assessment by Aether dated November 2018. This assessment methodology is accepted however the report was compiled prior to onsite energy generation being finalised and an updated air quality will therefore be needed. Brent's Environment Health officers are also not satisfied that the report clearly demonstrates an air quality strategy that will achieve the air quality neutral requirements set out in the Mayor's guidance. These matters will need to be addressed and an appropriate condition will require the submission of these details at a later date.

246. 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. A condition will require that these requirements are met.

### **Contaminated Land**

247. A land contamination assessment has been submitted with the application. The assessment is awaiting review from Brent's Environmental Health officers. Depending on the conclusions of the Environmental Health officers, a condition relating to further assessment into contaminated land may or may not be needed. In the draft decision notice, a condition requiring a full contamination assessment to be submitted has been included, although this may require amendment or removal in the final decision notice based on the outcome of officer review. As stated within the recommendation, the Head of Planning would reserve the right to amend this condition accordingly following presentation at committee.

### **Ecology, Trees and Landscaping**

248. The applicants have submitted a preliminary ecological assessment with the application. The report establishes the existing ecological value of the site and sets out a strategy for protecting and enhancing existing biodiversity on site. The application site was determined to be of negligible ecological interest, comprising industrial buildings and hardstanding. However, the buildings may support nesting birds and the adjacent canal could see use by bats as a foraging and commuting corridor.

249. The lack of notable ecological impacts identified would result in there being no further consideration of ecology at a later stage warranted, with the preliminary ecological study providing sufficient detail to inform the planning proposals.

250. Despite the lack of impact, the applicant's ecological assessment sets out a schedule of biodiversity mitigation and enhancements that will help to ensure a net gain in biodiversity is achieved through the development. The enhancements recommended for this site comprise:

- The installation of green/brown roofs and/or green/living walls
- The installation of bat boxes on elevations of the buildings adjacent to the canal
- The installation of bird next boxes into the external walls of the new buildings
- The use of native and/or wildlife friendly tree and shrub species
- The establishment of areas of species-rich wildflower grassland within areas of amenity grassland

251. A condition will require all of these aspects of mitigation and enhancement to be implemented.

252. The site sees minimal tree coverage, being heavily comprised of hardstanding and tight knit industrial development. The proposal would introduce extensive tree planting across the site which is welcomed. Tree planting is proposed along all of the new streets within the development. Brent's tree officer strongly



supports this and has requested that a detailed landscaping condition includes details of all proposed tree species, as well as details of a rain garden and the use of high retention soil for tree planting.

253. A comprehensive landscaping strategy forms part of the proposal which seeks to significantly improve the natural plant life and ecological value of the site. In terms of the public realm of the development, all new streets created by the development would see street tree planting, including a wide landscaping strip along the new adopted thoroughfare through the centre of the site. There will also be a particular focus on extensive landscaping by the canal frontage at the southern end of the site, with large grassed areas, defensible planting between the building lines and this area and numerous street trees. Significant planting is also proposed within the communal podium gardens, including strips of defensible planting around the edges of these spaces to assist with resident privacy and a large landscaping buffer at the northern end of the site to maximise softness to the edge of the site where it adjoins the triangular plot of land to the north west and to the houses at the rear.

254. The landscaping strategy is strongly welcomed and clearly offers a significant improvement compared to the existing situation, which currently sees a minimal/practically non-existent landscaping offer.

255. A condition will require that an external lighting plan is submitted.

### **Wind and Microclimate**

256. A wind and microclimate report has been submitted. 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. However, some areas where wind levels would exceed general tolerances have been identified, with those locations all being by the entrances to some of the blocks. Suitable wind mitigation has been recommended within the report and this mitigation would largely be achievable through additional vegetation which would buffer gusts of wind at these locations.

257. A condition will require that the mitigation measures set out in the wind and microclimate report are implemented prior to the first occupation.

### **Fire Safety**

258. The applicant has submitted a report setting out that the functional requirements of Part B of the Building Regulations can be satisfied for the development, in respect of fire safety. The report sets out preliminary details in respect of an evacuation strategy, a means of warning and escape system, the use of sprinkler systems in the taller blocks, minimisation of travel distances for residents, smoke ventilation, provision of refuge areas, emergency escape signage and lighting, limitation of internal and external fire spread and access and facilities for the fire and rescue service.

259. Fire safety is not a formal planning consideration; however, officers have sought to ensure that fire safety is an aspect that has been considered from the outset. Whilst more detailed design work will inevitably be needed, the fire safety report submitted provides a clear indication that fire safety is being considered and confirms, at this early stage, that the development is already likely to comply with the relevant part of the Building Regulations governing fire safety.

### **Archaeology**

260. The applicant has submitted an archaeological assessment to consider whether any subterranean heritage assets are likely to be encountered during the building of the development. For this purpose, it is confirmed that the site does not fall within an archaeological priority area as defined by Brent Council and that no archaeological designated heritage assets, as defined by the NPPF, are recorded as being on or in close proximity to the site.

261. The site can be considered to have a general low archaeological potential for all past periods of human activity and past activities and uses (industrial) on the site are considered likely to have had a severe negative archaeological impact. The survey's author does not recommend any further archaeological mitigation measures to be needed in this particular instance. Brent's heritage officer agrees with the findings of the report and does not consider that any planning conditions in relation to

archaeological findings are needed.

## Equalities

262. 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

263. 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 and completion of legal agreement.

264. 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, provision of public open space and the proximity to Grand Union Canal, 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**

This application is liable to pay **£9,874,118.19** \* 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): 18964 sq. m.

Total amount of floorspace on completion (G): 60529.77 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Dwelling houses	39521.63		27139.49	£200.00	£0.00	£8,141,846.48	£0.00
(Brent) General business use	1382.63		949.45	£40.00	£0.00	£56,967.09	£0.00
(Brent) Social housing	19625.51		13476.83	£0.00	£0.00	£0.00	£0.00
(Mayoral) Dwelling houses	39521.63		27139.49	£0.00	£60.00	£0.00	£1,618,676.62
(Mayoral) General business use	1382.63		949.45	£0.00	£60.00	£0.00	£56,628.00
(Mayoral) Social housing	19625.51		13476.83	£0.00	£0.00	£0.00	£0.00

BCIS figure for year in which the charging schedule took effect (Ic)	224	336
BCIS figure for year in which the planning permission was granted (Ip)	336	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£8,198,813.57</b>	<b>£1,675,304.62</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: 18/4919

To: Mrs R Jubb  
Bell Cornwell LLP  
Unit 2  
Meridian Office Park  
Osborn Way  
Hook  
RG27 9HY

I refer to your application dated **20/12/2018** proposing the following:

Demolition and erection of a mixed use development of buildings ranging between 3 and 14 storeys in height comprising residential units (use class C3), flexible commercial floorspace falling within use classes A1, A2, A3, A4, B1(a), B1(c), D1 or D2, associated car parking, landscaping and ancillary facilities (Phased Development)

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

at **1-26A, coachworks & storage areas, Abbey Manufacturing Estate, all units Edwards Yard, Mount Pleasant, Wembley, HA0**

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: 27/04/2020

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 National Planning Policy Framework (2018 - revised 2019)  
The London Plan (2016)  
Brent Core Strategy (2010)  
Brent Development Management Policies (2016)  
Brent Site Specific Allocations Document (2011)  
SPD1: Design Guide for New Development (2018)  
Alperton Masterplan (2011)  
Brent Draft Local Plan (2018)

- 1 The development to which this permission relates must be begun not later than the expiration of five 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):

Proposed South Site Basement - BM32835-01-B1-SH-A-01-00B1 D0-1  
Proposed South Site Ground Floor - BM32835-01-00-SH-A-01-0001 D0-2  
Proposed South Site First Floor - BM32835-01-01-SH-A-01-0002 D0-2  
Proposed South Site Second Floor - BM32835-01-02-SH-A-01-0003 D0-2  
Proposed South Site Third Floor - BM32835-01-03-SH-A-01-0004 D0-2  
Proposed South Site Fourth Floor - BM32835-01-04-SH-A-01-0005 D0-2  
Proposed South Site Fifth Floor - BM32835-01-05-SH-A-01-0006 D0-3  
Proposed South Site Sixth Floor - BM32835-01-06-SH-A-01-0007 D0-3  
Proposed South Site Seventh Floor - BM32835-01-07-SH-A-01-0008 D0-3  
Proposed South Site Eighth Floor - BM32835-01-08-SH-A-01-0009 D0-2  
Proposed South Site Ninth Floor - BM32835-01-09-SH-A-01-0010 D0-2  
Proposed South Site Tenth Floor - BM32835-01-10-SH-A-01-0011 D0-2  
Proposed South Site Eleventh Floor - BM32835-01-11-SH-A-01-0012 D0-2  
Proposed South Site Twelfth Floor - BM32835-01-12-SH-A-01-0013 D0-2  
Proposed South Site Thirteenth Floor - BM32835-01-13-SH-A-01-0014 D0-2  
Proposed South Site Roof Plan - BM32835-01-R1-SH-A-01-00R1 D0-1

Proposed North Site Basement - BM32835-02-B1-SH-A-01-00B1 D0-1  
Proposed North Site Ground Floor - BM32835-02-00-SH-A-01-0001 D0-3  
Proposed North Site First Floor - BM32835-02-01-SH-A-01-0002 D0-3  
Proposed North Site Second Floor - BM32835-02-02-SH-A-01-0003 D0-3  
Proposed North Site Third Floor - BM32835-02-03-SH-A-01-0004 D0-3  
Proposed North Site Fourth Floor - BM32835-02-04-SH-A-01-0005 D0-3  
Proposed North Site Fifth Floor - BM32835-02-05-SH-A-01-0006 D0-3  
Proposed North Site Sixth Floor - BM32835-02-06-SH-A-01-0007 D0-3  
Proposed North Site Seventh Floor - BM32835-02-07-SH-A-01-0008 D0-3  
Proposed North Site Eighth Floor - BM32835-02-08-SH-A-01-0009 D0-3  
Proposed North Site Ninth Floor - BM32835-02-09-SH-A-01-0010 D0-3  
Proposed North Site Roof Plan - BM32835-02-R1-SH-A-01-00R1 D0-2

Proposed South Elevations 01 & 02 - BM32835-01-ZZ-SH-A-03-0001 D0-2  
Proposed South Elevations 03 & 04 - BM32835-01-ZZ-SH-A-03-0002 D0-3  
Proposed South Elevations 05 & 06 - BM32835-01-ZZ-SH-A-03-0003 D0-3  
Proposed South Elevations 07 & 08 - BM32835-01-ZZ-SH-A-03-0004 D0-2  
Proposed South Elevations 09 & 10 - BM32835-01-ZZ-SH-A-03-0005 D0-1

Proposed North Elevations 11 & 12 - BM32835-02-ZZ-SH-A-03-0006 D0-3  
Proposed North Elevations 13 & 14 - BM32835-02-ZZ-SH-A-03-0007 D0-3  
Proposed North Elevations 15 & 16 - BM32835-02-ZZ-SH-A-03-0008 D0-3  
Proposed North Elevations 17 & 18 - BM32835-02-ZZ-SH-A-03-0009 D0-3  
Proposed North Elevations 19 & 20 - BM32835-02-ZZ-SH-A-03-0010 D0-3  
Proposed North Elevations 21 & 22 - BM32835-02-ZZ-SH-A-03-0011 D0-2  
Proposed North Elevations 23 - BM32835-02-ZZ-SH-A-03-0012 D0-1 D0-2

Proposed Basement Plan - BM32835-00-B-SH-A-90-00B1 D0-1  
Proposed Ground Floor Plan - BM32835-00-00-SH-A-90-0001 D0-2  
Proposed First Floor Plan - BM32835-00-01-SH-A-90-0002 D0-2  
Proposed Second Floor Plan - BM32835-00-02-SH-A-90-0003 D0-2  
Proposed Third Floor Plan - BM32835-00-03-SH-A-90-0004 D0-2  
Proposed Fourth Floor Plan - BM32835-00-04-SH-A-90-0005 D0-2  
Proposed Fifth Floor Plan - BM32835-00-05-SH-A-90-0006 D0-2  
Proposed Sixth Floor Plan - BM32835-00-06-SH-A-90-0007 D0-2  
Proposed Seventh Floor Plan - BM32835-00-07-SH-A-90-0008 D0-2  
Proposed Eighth Floor Plan - BM32835-00-08-SH-A-90-0009 D0-2  
Proposed Ninth Floor Plan - BM32835-00-09-SH-A-90-0010 D0-2  
Proposed Tenth Floor Plan - BM32835-00-10-SH-A-90-0011 D0-2  
Proposed Eleventh Floor Plan - BM32835-00-11-SH-A-90-0012 D0-2  
Proposed Twelfth Floor Plan - BM32835-00-12-SH-A-90-0013 D0-2  
Proposed Thirteenth Floor Plan - BM32835-00-13-SH-A-90-0014 D0-2  
Proposed Roof Plan - BM32835-00-R1-SH-A-90-00R1 D0-1

Existing Site Location Plan - BM32835-00-00-SH-A-90-1001 D0-2  
Proposed Site Location Plan - BM32835-00-00-SH-A-90-1002 D0-2  
Proposed Block Plan - BM32835-00-00-SH-A-90-1004 D0-2

Hard & Soft GA Plan Legend - 32835-SW-XX-RD-L-91-100 D0-1  
Hard & Soft GA Plan 01 - 32835-SW-XX-RD-L-91-101 D0-2  
Hard & Soft GA Plan 02 - 32835-SW-XX-RD-L-91-102 D0-2  
Hard & Soft GA Plan 03 - 32835-SW-XX-RD-L-91-103 D0-1  
Hard & Soft GA Plan 04 - 32835-SW-XX-RD-L-91-104 D0-1  
Hard & Soft GA Plan 05 - 32835-SW-XX-RD-L-91-105 D0-1  
Hard & Soft GA Plan 06 - 32835-SW-XX-RD-L-91-106 D0-2  
Hard & Soft GA Plan 07 - 32835-SW-XX-RD-L-91-107 D0-1  
Hard & Soft GA Plan 08 - 32835-SW-XX-RD-L-91-108 D0-1  
Hard & Soft GA Plan 09 - 32835-SW-XX-RD-L-91-109 D0-2

Landscape Masterplan - 32835-00-G1-SH-A-91-0001 D0-2

Proposed Ground Floor Plan Canal Public Pathway Intersecting Red Line Boundary -  
BM32835-01-00-SH-A-01-0015 S2-1

District Heat Network Future Connection - 6277-M101-P

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

- 3 No part or phase of development (save for enabling works and demolition) shall commence within Phases 1, 2, 3, 4, 5, 6 and/or 7 as shown on the approved Phasing Plan with reference PL5, unless and until all estates and interests comprised in that part or phase of development are subject to and bound by the terms relating to Phase 1a, as appropriate, set out in the Section 106 Agreement dated [ ] made between the Council (1) and [ (2) ] (with the intent that all of the covenants contained therein will be enforceable without limit of time not only against all of the owners of the land, but also their successors in title and any person corporate or otherwise claiming through or under them an interest or estate in the land)

Reason: To ensure that the potential impacts of the development are mitigated through the obligations set out within the Section 106 legal agreement.

- 4 The development hereby approved shall be carried out in full accordance with the phasing plan



with reference: PL1, PL2, PL3, PL4 and PL5.

The phases of development identified on this plan are to be referred to for the purposes of considering other relevant conditions pursuant to this planning permission that require details to be discharged on a phase-by-phase basis.

The phasing plan may be updated from time to time subject to the written approval of the Local Planning Authority. Any revised phasing plan submitted shall show the location of phases, the sequencing for those phases and indicative timescales for their delivery. Any revised phasing plan which is approved in writing by the Local Planning Authority shall be implemented in full from the point at which it is approved. Any revised phasing plan which is approved in writing by the Local Planning Authority, shall, for the purposes of considering other relevant conditions pursuant to this planning permission that require details to be discharged on a phase-by-phase basis, become the relevant phasing plan to refer to.

Reason: To allow the Local Planning Authority to understand the relevant phase of development that is subject to condition discharge, and to ensure coordination between the phasing plan as approved.

- 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 car parking spaces, bicycle storage and residential and commercial refuse stores for each phase of the development shall be provided and made available prior to the first occupation of the relevant phase of the development hereby approved. These provisions shall thereafter be maintained for the lifetime of the development unless alternative details are first approved in writing by the Local Planning Authority.

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

- 7
  - a) The affordable workspaces within the first floor of block G and ground floor of block F shall only be used for purposes within the use class B1(c), unless otherwise agreed in writing by the Local Planning Authority.
  - b) The 645sqm commercial unit within the basement and ground floor of block G shall only be used for purposes within uses classes A1, A2, A3, A4, B1, D1 or D2, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure appropriate use of the retail units in line with expectations.

- 8 Unless otherwise agreed in writing by the Local Planning Authority, no individual commercial unit larger than 499 square metres of gross internal area shall operate within the development site.

Reason: To ensure that the vitality of Brent’s retail centres is not detrimentally affected by this development.

- 9 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.

- 10 A communal television aerial and satellite dish system for each building shall be provided, linking to all residential units within that building 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.

- 11 The residential units hereby approved shall at no time be converted from use class C3 residential to a use class 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 equivalent provision in 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.

- 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 Unless alternative details are first agreed in writing by the Local Planning Authority, the details of mitigation set out in section 7 of the submitted Flood Risk Assessment (prepared by Odyssey, dated December 2018) and the drainage and SuDS strategies set out in sections 4 and 5 of the submitted Drainage Strategy (prepared by Odyssey, dated November 2018) shall be fully implemented for each phase of the development prior to first occupation of the relevant phase of the development hereby approved.

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

- 14 Unless alternative details are first agreed in writing by the Local Planning Authority, the details of biodiversity mitigation and enhancement set out in section 6.0 of the submitted Preliminary Ecological Assessment (prepared by ACD Environmental, dated November 2018) shall be implemented in full for each phase of the development prior to first occupation of the relevant phase of the development hereby approved.

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

- 15 Prior to first occupation of any residential dwellings within block E, the development shall be implemented in full accordance with the details shown on plan ref 6277 M 101 P to allow for a future connection to a district heating network.

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

- 16 The scheme hereby approved shall contain 581 residential units as detailed in the drawings hereby approved, unless other agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

- 17 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.

- 18 Prior to the commencement of the development hereby approved:

- A survey of the condition of the waterway wall and a method statement and schedule of works identified shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Canal and River Trust. The repair works identified shall be carried out in accordance with the agreed method statement and repairs schedule by a date to be confirmed in the repairs schedule.

Following the completion of the works and within 6 months of first occupation of phases 5, 6 and 7 of the development hereby approved, as indicated on phasing plan PL5:

- A further survey of the waterway wall shall be carried out, and the details submitted to and approved in writing by the Local Planning Authority in consultation with the Canal and River Trust, to demonstrate that any necessary repair works have been carried out and that no additional damage to the wall has occurred.

Reason: To ensure that the structural integrity of the Grand Union Canal is retained.

Pre-Commencement Reason: The integrity of the Grand Union Canal has the potential to be compromised during construction and details must therefore be agreed prior to commencement.

- 19 Prior to the commencement of phases 4, 5, 6 and 7 of the development, as indicated on phasing plan PL5, a detailed Impact Assessment shall be undertaken and submitted to and approved in writing by the Local Planning Authority in consultation with the Canal & River Trust, to demonstrate that ground movement loading generated throughout the construction phases and permanent design shall not pose a threat to the integrity of the Canal walls, foundations, lining, lock's, weirs and any other associated canal infrastructure.

Reason: To ensure that the structural integrity of the Grand Union Canal is retained. Information should be provided prior to commencement as impacts on the canal corridor may occur during the initial construction and demolition phases.

Pre-Commencement Reason: The integrity of the Grand Union Canal has the potential to be compromised during construction and details must therefore be agreed prior to commencement.

- 20 No development shall take place until the details of a Risk Assessment Method Statement (RAMS) have been submitted to and approved in writing by the Local Planning Authority for all activities which have a potential to impact the integrity of the Canal or any of its associated infrastructure,. These details shall include a programme of implementation in accordance with the Canal & River Trust Code of Practice for Third Party Works.

The requirements set out in the RAMS shall be followed, save for minor variations which are

otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the structural integrity of the Grand Union Canal is retained. Information should be provided prior to commencement as impacts on the canal corridor may occur during the initial construction and demolition phases.

Pre-Commencement Reason: The integrity of the Grand Union Canal has the potential to be compromised during construction and details must therefore be agreed prior to commencement.

- 21 Notwithstanding the details of the submitted air quality assessment (prepared by Aether, dated November 2018) Ref: AQ\_assessment/2018/Alperton, 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.

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 and agreed up front.

- 22 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.

Reason: To ensure an acceptable impact on the surrounding environment during construction.

Pre-commencement Reason: The impacts being controlled through this condition may arise during the construction phases and therefore need to be understood and agreed prior to works commencing.

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

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

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

Pre-commencement Reason: Contamination needs to be addressed prior to construction as the soil will not be as accessible following this.

- 24 Prior to commencement of the development, excluding demolition and site clearance, a plan indicating the provision of electric vehicle charging points within at least 20% of the approved car parking spaces within the site shall be submitted and approved in writing by the Local



Planning Authority. Thereafter, the agreed electric vehicle charging points shall be provided and made available for use. The provision of electric vehicle charging points shall be in accordance with adopted London Plan standards, providing both active and passive charging points.

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

- 25 Prior to commencement of each phase of the development, excluding demolition, site clearance and works below ground level, a revised overheating assessment for the relevant phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The overheating assessments shall assess the potential for overheating in the context of changes to the number, positioning and size of the windows in the development since the initial submission of the application. The overheating assessments shall also set out details of any additional mitigation required to ensure an acceptable internal heat environment for the residential units.

The development shall thereafter be carried out in accordance with the approved overheating assessments and all relevant mitigation measures shall be installed prior to first occupation of the relevant phases of the development.

Reason: To ensure that an acceptable internal heat environment will be experienced in each residential unit, in the interests of providing a good quality of accommodation.

- 26 Details of materials for each phase of the development, 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 on the relevant phase of the development, excluding demolition, site clearance and laying of foundations. 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.

- 27 Details of suitable mitigation to establish a comfortable pedestrian environment in respect of wind conditions experienced by pedestrians at the entrances of that building, as identified in figure 2.4 of the submitted Wind Microclimate Desk Study (prepared by BMT, dated November 2018 – Ref: 600010rep1v2 Release: 2) shall be submitted to and approved in writing by the Local Planning Authority, prior to any works commencing on the relevant phase of the development, excluding demolition, site clearance and laying of foundations. The approved details shall thereafter be implemented prior to first occupation of the relevant phase of the development, or, other timescales as agreed in writing by the Local Planning Authority.

Reason: To ensure a suitable pedestrian comfort level for the development.

- 28 Notwithstanding the details already submitted, further details of external noise and its effect on the residential development for each phase shall be submitted to and approved in writing by the Local Planning Authority, prior to any works commencing on the relevant phase of the development, excluding demolition, site clearance and laying of foundations. The revised details shall show results (and any associated mitigation that is necessary) of an assessment meeting the requirements of BS4142 which fully considers the impact of nearby industrial units, including those within the Liberty Centre.

The approved details shall thereafter be implemented in full for each phase of the development prior to first occupation of the relevant phase of the development hereby approved.

Reason: To ensure an acceptable noise environment for prospective residents.

- 29 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, in consultation with the Canal and River Trust.

The submitted scheme shall identify:

- The landscaping associated with each phase.
- All plant species, densities of planting as well as species and soil densities for all proposed trees and plants.
- Details of any new habitat created.
- Detailed plans of the child play spaces.
- Details of the use of rain gardens and high retention soil.
- External lighting locations and lux levels.
- Details of vehicle barriers preventing vehicles from being driven into the canal.

The approved landscaping for each phase of the development shall be completed prior to first planting season after the occupation of the relevant phase 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. To ensure the character of the Grand Union Canal is retained, and to maximise biodiversity benefits, in accordance with the Blue Ribbon Network Policies of the London Plan.

- 30 Where photovoltaic panel arrays are proposed on the roof as part of a phase of the development hereby approved, detailed drawings showing the photovoltaic panel arrays shall be submitted to and approved in writing by the Local Planning Authority within six months of the commencement of development for the relevant phase.

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

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

- 31 Prior to the commencement of phases 4, 5, 6 and 7 of the development hereby permitted, as indicated on phasing plan PL5, a revised Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Canal and River Trust. The Construction Environmental Management Plan shall include details of:

Proposed surface water arrangements (either via drains or surface water run-off) during the demolition/construction works. Details should confirm the following:

- No surface water (either via drains or surface water run-off) or extracted perched water or groundwater should be allowed to be discharged into the canal during the demolition/construction/enabling works. Such waters should be discharged to the available foul sewer or be tankered off-site.
- The existing surface water drains connecting the site with the canal must be capped off at both ends for the duration of the works – i.e. at the point of surface water ingress and at the outfalls to the canal.
- Whether the drainage system discharging to the canal serves residential or commercial areas and how many car parking spaces it serves.

Reason: To ensure demolition and construction works do not have any adverse impact on the water quality of the Grand Union Canal.

- 32 Prior to the first occupation of the development hereby permitted, confirmation must be provided to the Local Planning Authority that all wastewater network upgrades required to accommodate

the additional flows from the development have been completed.

Alternatively, a housing and infrastructure phasing plan relating specifically to the provision of wastewater network upgrades has been agreed with the Local Planning Authority, in consultation with Thames Water, to allow additional properties to be occupied.

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

Reason: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development.

- 33 In the event that one or more of the commercial units hereby approved 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.

- 34 Prior to occupation of the development hereby approved, a car parking management plan shall 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.

- 35 Prior to occupation of each phase of the development hereby approved, a delivery and servicing plan for that phase 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.

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

Reason: To safeguard the amenity of the neighbours.

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](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 Notwithstanding the approval of this application, further consideration should be given to the facade treatment on the blocks where metal cladding is currently proposed at high level. In discharging the condition requiring details of materials to be submitted and approved, alternative facade finishes should be tested to better complement the brick selection.
- 5 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 The Canal and River Trust advise the applicant of the following:
  - Any access to, or oversailing, the Canal & River Trust's land or water during the construction must be agreed in writing with the Canal & River Trust before development commences. Please contact Bernadette McNicholas in the Canal & River Trust's Estate Team at [Bernadette.McNicholas@canalrivertrust.org.uk](mailto:Bernadette.McNicholas@canalrivertrust.org.uk) for further information.
  - Any surface water discharge to the waterway will require prior consent from the Canal & River Trust. Please contact Chris Lee from the Canal River Trust Utilities Team ([Chris.Lee@canalrivertrust.org.uk](mailto:Chris.Lee@canalrivertrust.org.uk)).
  - The applicant/developer should refer to the current Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained, and liaise with the Trust's Third Party Work's Engineer:  
<http://canalrivertrust.org.uk/about-us/for-businesses/undertaking-works-on-our-property>.
  - Any additional moorings require the approval of the Canal & River Trusts' Business Boating Team. The applicant is advised to contact the Boating Business Manager, Tom Jackson if they wish to pursue this ([Tom.Jackson2@canalrivertrust.org.uk](mailto:Tom.Jackson2@canalrivertrust.org.uk)) to discuss this
- 7 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 8 The Council recommends that the maximum standards for fire safety are achieved within the development.





Any person wishing to inspect the above papers should contact Toby Huntingford, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1903

## Agenda Item 03

### Supplementary Information Planning Committee on 6 May, 2020

Case No. 18/4919

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Location	1-26A, coachworks & storage areas, Abbey Manufacturing Estate, all units Edwards Yard, Mount Pleasant, Wembley, HA0
Description	Demolition and erection of a mixed use development of buildings ranging between 3 and 14 storeys in height comprising residential units (use class C3), flexible commercial floorspace falling within use classes A1, A2, A3, A4, B1(a), B1(c), D1 or D2, associated car parking, landscaping and ancillary facilities (Phased Development)

#### Agenda Page Number: 11-160

Within the 'Loss of Employment' section on page 100 of the committee report pack, the quantum of affordable workspace is referred to as both 575sqm and 545sqm at separate points. To clarify, the correct quantum of affordable workspace is 545sqm. For full clarification, the employment floor space figures within the proposal are as follows:

1,254sqm of commercial floor space, comprised of:

- 709sqm of market commercial floor space
- 545sqm of affordable workspace

**Recommendation: Recommendation remains to grant consent, subject to referral to the Mayor for his Stage 2 response and subject to the s106 heads of terms and conditions set out in the March 2020 committee report, with the s106 heads of terms revised to account for the adjusted affordable housing offer if it is supported by Members**

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

6 May, 2020  
04  
19/1241

## SITE INFORMATION

RECEIVED	1 April, 2019
WARD	Sudbury
PLANNING AREA	Sudbury Town Neighbourhood Forum
LOCATION	Car Park next to Sudbury Town Station, Station Approach, Wembley, HA0 2LA
PROPOSAL	Re-development of existing car park for the erection of two blocks of residential dwellings, with associated residential amenity space, refuse storage, cycle parking, landscaping and other ancillary works, together with re-provision of disabled car parking bays nearest to Station Approach to serve Sudbury Town Underground Station (DEPARTURE FROM POLICY CP21 OF BRENT'S LOCAL PLAN).
PLAN NO'S	Refer to 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_144685">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_144685</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 "19/1241" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

1. That the Committee resolve to GRANT planning permission subject to:
  - A. Any direction by the Secretary of State pursuant to the Consultation Direction
  - B. The prior completion of a legal agreement to secure the following planning obligations:
    - a) Payment of legal and professional costs
    - b) Notification of commencement
    - c) Provision of affordable housing
      - 52 units at an intermediate rate (80% of market rate),
      - Approval and implementation of a Marketing Methods Plan
      - Payment of £197, 181 towards the provision of off-site affordable housing
    - d) A detailed 'Sustainability Implementation Strategy' shall be submitted to the Local Planning Authority and approved in writing prior to material start of the development hereby approved. This shall demonstrate:
      - How the scheme will achieve a minimum CO2 reduction of 35 % from 2013 TER (regulated) including a minimum of reduction of 20 % through on-site renewables (after "be lean" and "be clean" measures have been applied) or other such revised measures as approved by the Council which achieve the same levels of CO2 reduction;
      - The applicant shall implement the approved Sustainability Implementation Strategy and shall thereafter retain those measures.
    - d) Carbon offset contribution of £39,078 to be paid, or an opportunity to resubmit an improved energy statement and reduce the offset payment
    - e) Contribution of £30,000 towards (i) the expansion of controlled parking zones in LB Brent, and (ii) improvements to cycle parking associated with Sudbury Town Station
    - f) Contribution of £20,000 towards the review and potential expansion of controlled parking zone in LB Ealing
    - g) Training and employment of Brent residents, with the aim of providing (during construction) 1:10 of the projected amount of construction jobs to Brent residents and for every 1:100 jobs provide paid training for a previously unemployed Brent resident or Brent school leaver for a 6 month period, as set out within Brent's Planning Obligations SPD.
    - h) Travel plan to be implemented and monitored including funding of subsidised membership of the Car Club for three years for all new residents
    - i) Any other planning obligation(s) considered necessary by the Head of Planning (which meets the tests of CIL Regulation 122)
2. That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.
3. That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### Conditions

1. Time Limit for commencement (3 years)
2. Approved drawings/documents
3. 52 x 1-bed units to be provided
4. Removal of C4 permitted development rights for the flats
5. Five wheelchair accessible units to be provided
6. Retained car park spaces to not be used other than for blue badge holders using Sudbury Town LUL Station
7. Obscure glazed windows to north facing windows of Building A
8. Air quality measures to be implemented
9. Drainage plan to be secured
10. Water consumption to be limited in line with regulations

11. Non-road mobile machinery
12. EVCP to be secured
13. Cycle and refuse facilities to be secured
14. Communal TV aerial and satellite dish system to be secured
15. Tree protection measures to be secured
16. Ecology measures to be secured
17. Construction method statement to be submitted
18. Construction logistics plan to be submitted
19. Land contamination and remediation report to be secured
20. Piling method statement to be submitted
21. Material samples to be submitted
22. Details of landscaping (including roof terrace) to be submitted
23. Amendments to highways layout
24. Noise and vibration assessment to be submitted
25. Details of soundproofing
26. Details of PV panels
27. Details of roof terrace screening to be submitted
28. Plant to be installed in accordance with acceptable noise levels
29. Travel Plan submitted
30. Parking permit free for all future occupiers
31. Agreement with TfL requiring protective measures against noise and disturbance to be submitted


### Informatives

1. CIL liability
2. Party wall information
3. Guidance notes from Thames Water
4. Fire safety advisory note
5. London Living wage for all construction workers
6. Soil contamination measures
7. Any other informative(s) considered necessary by the Head of Planning

4. 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.

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

### **SITE MAP**

	<p><b>Planning Committee Map</b></p>
	<p>Site address: Car Park next to Sudbury Town Station, Station Approach, Wembley, HA0 2LA</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>



This map is indicative only.



## PROPOSAL IN DETAIL

This TfL owned site forms a part of the Mayor of London programme to build 10,000 new homes in a number of locations across London. The proposals are for the re-development of the car park to provide two residential blocks, referred to as Building A and Building B.

Building A is located to the west of the site closest to Station Approach. It is proposed at three storeys high. Building B is located to the east of the site and is proposed at part three, part five storeys high. In total, 52 one bedroom flats are proposed.

All flats would meet floorspace standards with 38 sqm of floorspace (GIA), and 100% would be affordable units, on the basis of being sold at 80% of market rate (see further consideration of this below).

The proposed development is proposed to be 'car-free', however three disabled parking bays would be retained nearest to Station Approach, for users of the Station. An access road is also retained along the northern boundary of the site, to enable continued access for TfL vehicles using the depot to the west of the site, as well as for servicing to the proposed development.

## EXISTING

The existing site is an 84-space pay and display car park (TfL owned, NCP operated) used to serve the adjacent Sudbury Town LUL Station, which is on the Piccadilly Line. The site area is approximately 0.22ha, currently accessed from Station Approach to the west of the site, and is adjacent to the station forecourt and a bus terminal and waiting area. The site is allocated for residential development within the draft Local Plan, with an indicative 30 homes being provided (NB this number is based on a conventional housing mix being proposed).

Although not located in a conservation area, Sudbury Town Station is Grade II\* listed, which includes the access ramp and bridge immediately adjacent to the site, providing access to the southern platform and Orchard Gate to the south. To the north-west, the site abuts the southern elevation of No. 29 Station Approach, with an area of single storey garages to the immediate east of No. 29's rear garden. To its north-eastern end, the site borders the rear gardens of properties on the southern side of Barham Close. An existing TfL depot is located to the east of the site, also currently accessed from Station Approach.

To the immediate south is a designated green / wildlife corridor, which provides relief to the underground line and railway embankment immediately beyond. It also lies within the boundaries of Sudbury Town Neighbourhood Plan.

The site has a largely suburban, residential character with buildings predominantly between 2-3 storeys. It has a PTAL of 5 (very good), and is situated within Controlled Parking Zone 'ST' which operates during weekdays and on Wembley Stadium event days.

## AMENDMENTS SINCE SUBMISSION

Initially, a part-three, part-four storey building (Building 'A') was proposed to the west of the site closest to Station Approach, with a second five storey building (Building 'B') proposed erected to the east of the site, creating a total of 61 1-bed units, with associated cycle and refuse storage, and provision of communal amenity space.

In October 2019, a number of amendments were made to the scheme in response to officers concerns regarding the impacts of the scheme in heritage and townscape terms, impacts to neighbouring residential amenity, and the types of accommodation being provided. The key changes to the scheme are summarised as follows:

- The reduction in height of Building A to become solely three-storeys, and reduction in part of the height of Building B, so that it would now be a part-three, part-five storey block. This had the effect of reducing the number of proposed 1-bed units from 61 to 52;
- The creation of small gardens to ground floor units, increasing the overall amount of amenity space (both private and communal) across the development to 594 sqm;

- The provision of 5 adaptable wheelchair user dwellings (to Building Regulations M4(3)(2)(a)) across the scheme.

A 21-day re-consultation exercise was undertaken following receipt of these changes.

A further set of revised drawings were submitted in February 2020, proposing the following non-material changes to the scheme:

- Alterations to proposed road surface types
- Bike shed material
- Fencing material
- Type of proposed bench
- Brick detailing
- Window mullions on some elevations
- Entrance features
- Staircase window – one window per floor, rather than two.

## SUMMARY OF KEY ISSUES

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

1. **Objections from adjoining neighbours, resident amenity groups and local councillors:**  
135 properties were consulted on the proposal. In response 27 objections were received from adjoining occupiers, as well as a petition and further objections raised from Sudbury Town Residents Association Forum. Objections have also been received from Cllrs Daly and Stephens. Concerns are summarised as increased parking pressures due to the loss of the car park and knock-on effects of the additional residential development, traffic congestion and servicing, scale and height of the proposed building, heritage impacts, lack of genuinely affordable housing and amenity impacts to adjoining properties.
2. **Principle of redevelopment of the site and loss of car park (with the exception of three blue badge spaces):** The re-development of this car park site to provide additional residential accommodation accords with both current and emerging policies of both Brent's Local Plan and the London Plan. The site has an allocation of 30 units within the draft Local Plan, based on a conventional scheme with mix of unit sizes. It is acknowledged that a number of objections have been received from local residents based on the impacts of the loss of the car park to users of the Station, and the impacts of additional demand on surrounding streets. However, the loss of the car park is considered to be in line with Local and London Plan policies to promote more sustainable modes of travel. The proposal is not considered to have an unacceptable level of impact on car park users and proposed new homes would be parking permit restricted, with CPZ contributions sought.
3. **Affordable Housing and Mix:** The scheme would provide 100% affordable 1-bed units at an intermediate rate (sold at 80 % of market value), which does not fully accord with Brent and London Plan policy targets. However, sufficient justification and other benefits have been secured which officers consider outweigh this policy conflict.
4. **Design, layout and height:** The proposed building would be a maximum of 5 storeys high, which is considered to be appropriate for the context of the site, given the site's location next to an underground station. The building closest to the Grade II\* listed station has been reduced to three storeys to ensure its setting and special character is preserved. The blocks utilise good architecture with quality detailing and materials in order to maximise the site's potential whilst regulating its height to respect surrounding development.
5. **Quality of the resulting residential accommodation:** The residential accommodation proposed is of sufficiently high quality, meeting the particular needs and requirements of future occupiers. The flats would have good outlook and light. The amount of external private/communal space is below standards, but would include high quality external communal terraces which would significantly improve the enjoyment of the site for future occupiers. This is considered acceptable for a high density scheme.

6. **Neighbouring amenity:** Although there would be some impacts to neighbouring residential properties in terms of loss of light and outlook, a BRE daylight and sunlight study confirms these would be minor breaches of the Council's SPD1 guidelines for protecting light and outlook to neighbours. The proposal would have a higher level of impact on the rear of the gardens of three properties (Nos. 7, 8 and 9 Barham Close), with the rearward 4 m of the garden not according with the 45 degree guidance. However, the level of impact is not considered to be unduly detrimental given the length of the associated gardens. The overall impact of the development is considered acceptable, particularly in view of the wider benefits of the scheme in terms of the Council's strategic objectives.
7. **Highways and transportation:** The scheme is to provide suitable provision of cycle parking for the residential units and will encourage sustainable travel patterns, with a section 106 agreement to secure a parking permit restricted scheme for future occupiers. Three disabled parking bays would be retained for users of the station.
8. **Environmental impact, sustainability and energy:** The measures outlined by the applicant achieve the required improvement on carbon savings within London Plan policy, and subject to appropriate conditions, the scheme would not have any detrimental impacts in terms of air quality, land contamination, noise and dust from construction, and noise disturbance to future residential occupiers from the neighbouring underground line and the remaining TfL depot to the immediate east.

## RELEVANT SITE HISTORY

There is no relevant planning history on the site.

## CONSULTATIONS

### Public Consultation

#### First consultation stage: May 2019

A total of 135 addresses within Barham Close, Barham Court, District Road, Station Approach and Station Crescent were initially notified of the development on 07/05/2019:

A Site Notice was displayed 07/05/2019.

A Press Notice was published 07/05/2019

A total of 27 objections were received to the proposals at this stage. The grounds for objection can be summarised as follows:

Objection	Response
Proposals represent an over-development of the site	The principle of development is considered within paragraphs 1-7
Loss of car park will have a detrimental impact on on-street parking in surrounding area, causing increased traffic and congestion	See paragraphs 84-95
Loss of step-free access for those in wheelchairs/ less physically able to use Station, insufficient disabled parking spaces retained	See paragraphs 84-94
Proposals would be detrimental to the character and setting of the listed Station	See paragraphs 22-28
Proposed 4-5 storeys would be out of scale with surrounding character and appear too dominant	See paragraphs 29-37
Increased pressures on local	See transport section.

services including local bus routes	
Overlooking and loss of privacy to 29 Station Approach	See paragraph 60
Impact of deliveries and servicing vehicles on local streets	See paragraphs 102-104
Proposed development would lack adequate amenity space for residents	See paragraphs 77-81
Proposed units would not be genuinely affordable for local people, question viability	See paragraphs 8-21
Increased crime and anti-social behaviour	The development has been designed with SBD principles in mind and there are not considered to be any specific concerns in this regard.
Noise and disturbance to proposed flats from underground line	See paragraphs 118-119

Sudbury Town Residents Association Forum have raised objections on the following grounds:

Objection	Response
Historic air-raid shelter and WWII bunker within/ beneath the Station is a site of archaeological interest which has not been fully considered as part of the proposals by the Council or Historic England	Both Historic England and the Council's Heritage Officer are satisfied that heritage and archaeological interests have been fully considered in connection with the proposed development.
Proposals do not meet the Mayor's policies on fully inclusive and accessible design	See paragraphs 82-83
Proposals fail to provide a mix of housing types to meet Brent need, including lack of wheelchair units, Older Persons housing or for catering for large families	See paragraphs 8-21
Lack of sufficient parking, increase stress on surrounding streets	See paragraphs 96-100
Proposed 4-5 storeys would be out of scale with surrounding character and appear too dominant	See paragraphs 29-37
Proposed design and materials (windows, roof profile, lack of active frontage) all out of keeping	See paragraph 38
Removal of trees contrary to policy and harmful to biodiversity	See paragraphs 129-131
Preliminary Environmental Study insufficient and inconclusive in regard to contaminated land	See paragraph 123
Impact of proposals on ground stability, issues not fully assessed/ considered	See paragraph 123
Insufficient details to assess impacts of proposed development on local air quality	See paragraphs 116-117



Proposed development would destroy SINC/ Wildlife corridor adjacent to underground line	See paragraphs 129-133
Ecological Appraisal not sufficient, needs further consideration	See paragraphs 132-133

Furthermore, a petition with 522 signatures has been received, from adjoining occupiers and users of Sudbury Town Underground Station. The petition states that the signatories object to the sale of Sudbury Town Underground Car Park, on the basis that this is the only station that is completely step-free from the car park to the station platforms, with no assistance required. The petition also states that the step-free access from car park to both platforms is vital, since the nearest neighbouring underground stations, Acton Town and Uxbridge stations do not have car parks, and passengers require assistance at Hillingdon station. This means that 80 parking spaces\* are required at all times, and the three retained disabled spaces would be inadequate to meet both current and future demands.

Officer comments: These issues are addressed in further detail within the Highways and Transportation section of the main considerations below. \* Please note that there are 84 spaces within the car park.

Cllr Stephens raised objections to the proposals by email on 19/05/19. The main grounds for objections can be summarised as follows:

- The proposals would not accord with Brent's policies on affordable housing, including the need for a wider mix of units including family housing, affordable rented and owned housing at a much lower percentage of market value, and social rented accommodation
- Lack of viability assessment for providing social rented accommodation as part of the proposals
- Range of costs and affordability issues relevant to Brent residents aren't stipulated in the development
- Loss of car parking next to Station will put pressures on surrounding roads
- Surrounding streets outside of CPZ and therefore 'car-free' restrictions can be easily got around
- Insufficient disabled parking spaces for proposed development
- Impact of noise from adjoining Piccadilly Line trains on potential future occupiers of development has not been adequately considered;
- Significant amount of 'unsightly and derelict' land to be retained, including a TFL depot
- Lack of acknowledgement of noise from buses and TFL-related activities
- Lack of adequate amenity space for future occupiers

Cllr Daly raised initial objections to the proposals by email on 15/05/19. The main grounds for objection can be summarised as follows:

- Disputes claims made by the applicant that the Pocket product offers affordable intermediate housing
- Lack of genuine mix and affordability in housing offer, failing to meet Brent policies
- Loss of light and overlooking to 8-12 Barham Close and 27 and 29 Station Approach
- Proposals within 4 metres of properties on Barham Close
- Overlooking to properties on Station Approach and Barham Close resulting from proposed roof terraces
- Proposed noise and disturbance from underground line and lack of consideration from activity from buses and activity from TfL depot
- Lack of adequate, high quality private or communal amenity space - communal courtyard required as a turning area for utility and emergency vehicles, therefore not properly usable
- Lack of wheelchair accessible units and no disabled parking for future residents
- Impact on parking stress levels within the surrounding streets, would not be curbed by the proposed 'car-free' scheme
- Proposed development should not dominate views of the Grade II listed building

10 letters of support were received from residents and people working in the Borough during the initial consultation stage. The grounds for support are summarised as follows:

- Proposed development would be a good use of currently underused land;
- Proposals would enable young people to get onto the housing ladder, which it is out of reach for many of those currently living in the Borough due to house prices being unaffordable;

- Proposed site is in a sustainable location, with Sudbury having good bus and tube connections

### **Re-consultation on revised proposals - October 2019**

A further 21-day consultation exercise was undertaken in October 2019, with all those initially notified and those objecting during the first consultation period being sent letters notifying them of the proposed changes. A total of 8 further responses were received as a result of this exercise, largely re-iterating previous concerns, in particular the impact of loss of car parking spaces for people using the Station with mobility impairments (including those who don't have Blue Badges).

Further objections were received from STRA in November 2019, re-iterating initial comments and also making the following additional comments:

Objection	Response
Proposed mitigation measures outlined in applicant's acoustic report insufficient and not in compliance with UK or European legislation	See paragraphs 118-119
Reduction in height of blocks does not overcome concerns over building being intrusive and overbearing to Station	See paragraphs 22-37
Not all relevant views from important surrounding vantage points taken into consideration	See paragraph 28
Policies don't support loss of short-term public parking or lack of parking provision within application site	See paragraphs 2, 84-95
No proposed parking for the 5 wheelchair accessible dwellings, and lack of ability to prevent disabled residents using the retained parking spaces for Station users	See paragraphs 92-94
Although wheelchair accessible units now proposed, no wheelchair adaptable units	See paragraphs 82-83
Overshadowing to Station, harming views and the setting of the listed building	See paragraphs 22-28
Query over accuracy of daylight and sunlight study findings	See paragraphs 40-50
Proposals would harm local air quality conditions	See paragraphs 116-117

A further 24 letters of support were received from residents and people working in the Borough, re-iterating the perceived benefits of the scheme in terms of affordability and use of an un-developed site.

Further objections were raised by Cllr Daly on 02/12/19, following the receipt of revised proposals and a subsequent re-consultation exercise. As well as re-iterating initial concerns, further grounds for objection can be summarised as follows:

- The applicant has not undertaken adequate parking surveys to demonstrate that the existing car park is underused, particularly in regard to the three disabled spaces;
- Proposal discriminates against disabled users/ those with mobility problems who do not hold Blue Badges, but still require access to the car park on a regular basis in order to travel via the Station. Inadequate and unsafe parking spaces on street are not a feasible alternative;

- The retained disabled spaces will be shared by online supermarket delivery vans and other servicing vehicles, and therefore won't always be available;
- Proposals would result in overshadowing and loss of daylight and sunlight to 29 Station Approach, particularly to their rear garden and shed.

### **Statutory/ External Consultees**

#### Historic England

No objections following revised submission, removing fourth storey of Block A, and façade changes.

#### London Underground:

No objections subject to conditions ensuring that the applicant enters into an agreement requiring protective measures in such a format as TfL specifies to adequately protect the Transport Undertaking and the Transport Assets in carrying out any works, and agreement on protection for TfL against future claims from residents regarding disturbance from the railway or adjacent compound, or other claims that affect the operation, maintenance of future upgrade of the transport network.

In addition, a condition requiring a revised Noise and Vibration assessment to include an allowance for future worsening (night time operation and track ageing), vehicle movements through the site serving the track compound and noisy works within the track compound at any time.

#### Transport for London (Spatial Planning)

No objections, subject to conditions requiring:

- A parking design and management plan to be submitted for approval prior to occupation of any units, in order to ensure at least one disabled space is secured for occupiers of the flats;
- A delivery and servicing management plan to be submitted and approved prior to occupation;
- A revised Noise and Vibration Assessment to include allowance for future noise worsening, vehicle movements etc related to the adjoining underground line and TfL depot;
- Details of protective measures (as agreed with TfL) to adequately protect the Transport Undertaking and Assets in carrying out works, and agreement on protection for TfL against future claims from residents regarding disturbance from the railway or adjacent compound, or other claims that affect the operation, maintenance of future upgrade of the transport network;
- A Construction Management Plan prior to any works commencing.
- 

Officer comments: TfL have subsequently confirmed that these details of protective measures can be secured by a pre-occupation condition, rather than pre-commencement.

#### Thames Water

No objections subject to conditions requiring the submission of a Piling Method Statement before works commence, and appropriate informatives.

#### LB Ealing

No objections, subject to a £20,000 payment to LB Ealing secured via s106 agreement to enable review of its Controlled Parking Zone and to seek to implement any changes that are deemed necessary.

#### London Fire Brigade

No objections subject to confirmation that there is a sufficient turning facility between the two buildings for a fire engine to turn round.

Officer comment: This was confirmed within the revised design and access statement.

### **Internal consultation**

#### Environmental Health

Environmental health supports the application subject to a number of conditions relating to internal noise levels, construction noise and dust and air quality impact. See detailed considerations section of report for further comments on these issues.

## **POLICY CONSIDERATIONS**

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, Brent Development Management Policies 2016 and Sudbury Town Neighbourhood Plan 2015.

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

Key policies include:

### **Regional**

#### **London Plan 2016**

- 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
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.4 Local character
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality

### **Local**

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

- DMP 1 - General Development Management Policy
- DMP 7 - Brent's Heritage Assets
- DMP 8 - Open Space
- DMP 9 - Waterside Development
- DMP 9a - Managing Flood Risk
- DMP 9b - On Site Water Management and Surface Water Attenuation
- DMP 12 - Parking
- DMP 13 - Movement of Goods and Materials
- DMP 15 - Affordable Housing
- DMP 18 - Dwelling Size and Residential Outbuildings
- DMP 19 - Residential Amenity Space

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

- CP 1 - Spatial Development Strategy
- CP 2 - Population and Housing Growth
- CP 5 - Placemaking
- CP 6 - Design and Density in Place Shaping
- CP 15 - Infrastructure to Support Development



CP 17 - Protecting and Enhancing the Suburban Character of Brent  
CP 18 - Protection and Enhancement of Open Space, Sports and Biodiversity  
CP19 - Brent Strategic Climate Change Mitigation and Adaptation Measures  
CP 21 - A Balanced Housing Stock

#### Sudbury Town Neighbourhood Plan (2015)

The Sudbury Town Neighbourhood Plan forms a part of the Development Plan and the site falls within the Neighbourhood Plan area. However, there are no policies within the Plan that are considered to be relevant to this proposal. The neighbourhood plan does not allocate or identify any sites for development. The primary focus of the neighbourhood plan is on improving the quality of the town centre. The objectives of the plan include improvements to the quality of streets and spaces, a better mix of shops, improved green spaces, better conditions for pedestrians and cyclists, and promoting the redevelopment of existing inappropriate town centre uses to enhance the High Street and provide better facilities for local people.

#### Brent Supplementary Planning Guidance Documents

Brent Supplementary Planning Guidance:  
SPD1 Design Guide for New Development

The draft London Plan has been subject to an Examination in Public and an “Intend to Publish version” has now been published. This now carries greater weight in the assessment of planning applications.

The council is currently reviewing its Local Plan. Formal consultation on the draft Brent Local Plan was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 24 October and 5 December 2019. At its meeting on 19 February 2020 Full Council approved the draft Plan for submission to the Secretary of State for examination. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officer’s that greater weight can now be applied to policies contained within the draft Brent Local Plan.

Key relevant policies include:

#### **Draft London Plan (intend to publish version) 2019**

Key policies include:

D4: Delivering good design  
D6: Housing quality and standards  
H1: Increasing housing supply  
H2: Small Sites  
H4: Delivering affordable housing  
H10: Housing size mix  
T2: Healthy Streets  
T4: Assessing and mitigating transport impacts  
T5: Cycling  
T6: Car parking

#### **Brent’s Local Plan**

Key policies include:

BP7: South West  
BD1: Leading the Way in Good Urban Design  
BD2: Tall Buildings in Brent  
BH1: Increasing Housing Supply in Brent  
BH5: Affordable Housing  
BH6: Housing Size Mix  
BH13: Residential Amenity Space  
BG12: Trees and Woodlands  
BHC1: Brent's Heritage Assets  
BT2: Parking and Car Free Development

## **DETAILED CONSIDERATIONS**

## **Principle of development**

1. The proposed development would replace an existing car park containing 84 spaces (which includes three disabled bays), serving users of Sudbury Town Underground Station, with two residential blocks providing 52 flats and three disabled parking bays for users of the station.

### Loss of car park

2. Paragraph 118(d) of the NPPF states that planning decisions should promote and support the development of under-utilised land, including car parks. The site contains a car parking area providing 84 spaces. The loss of a car park in this location is considered to be acceptable in principle, subject to further consideration of the impacts of parking displacement and other parking matters which will be assessed in detail later in this report.

### Re-use for residential accommodation

3. The NPPF expects the planning system to boost significantly the supply of housing, including by identifying key sites in the delivery of their housing strategy. Brent's Core Strategy Policy CP1 also aims to concentrate housing growth in well located areas that provide opportunities for growth, creating a sustainable quality environment that will have positive economic impacts on deprived neighbourhoods that may surround them.

4. Policy H1 of the draft London Plan encourages the re-development of brownfield sites such as car parks in order to optimise capacity, and support Brent in its target to supply 23, 250 homes over the next ten years. Furthermore, Policy H2 also supports the intensification of small sites (up to 0.25ha) in order to help meet these targets, and particular on sites in areas close to public transport nodes, such as this.

5. The draft Brent Local Plan identifies Sudbury Town Car Park as Site BSWSA13 within the Site Allocations list. It has been recognised that this site has potential for residential development, with an indicative 30 homes being provided (this number is based on a conventional mix being proposed).

6. The site is located within an area with a very good PTAL rating, directly next to Sudbury Town Underground station and a number of bus routes, in an area which has a predominantly residential character. It is within 5-10 minutes walking distance of nearby shops and amenities, including Barham Park to the north. The re-use of the car park for residential purposes has also been acknowledged within Brent's draft Local Plan Review which allocates the site for 30 homes (based on a conventional housing mix).

7. On this basis, the principle of using the site for residential accommodation is therefore supported, subject to all material planning considerations being fully assessed, including the proposed mix of units in terms of size and tenure, the quality of accommodation and other significant issues.

## **Affordable housing and mix**

8. The NPPF states that planning policies should expect affordable housing to be provided on site.

9. Policy DMP15 (a) of the Brent Local Plan sets the target for 50% of new homes delivered in the borough to be affordable. The policy seeks maximum reasonable affordable housing to be sought in individual applications. Part b of the policy states that, in regard to the affordable housing element, 70% of this should be either social/affordable rented housing, and the remaining 30% should be provided at an intermediate rate, meeting local needs. This tenure split is reinforced in policy BH5 of Brent's draft Local Plan.

10. London Plan Policy 3.12 states that boroughs should seek the maximum reasonable amount of affordable housing on individual private residential and mixed-use schemes. London Plan Policy 3.11 seeks a split of affordable housing to a ratio of 60% social/affordable rent and 40% intermediate rent/sale.

11. However, Policy H6(A) of the draft London Plan changes this slightly, setting out a requirement for the following tenure split in relation to affordable products for residential development:

- 1) a minimum of 30 per cent low cost rented homes, as either London Affordable Rent or Social Rent, allocated according to need and for Londoners on low incomes
- 2) a minimum of 30 per cent intermediate products which meet the definition of genuinely affordable housing, including London Living Rent and London Shared ownership

3) the remaining 40 per cent to be determined by the borough as low cost rented homes or intermediate products (defined in Part A1 and Part A2) based on identified need.

12. Furthermore, policy CP21 seeks for an appropriate range and mix of self contained accommodation types and sizes, including family sized accommodation (capable of providing three or more bedrooms) on suitable sites providing 10 or more homes. Policy CP2 has a strategic target of 25% of new homes within the Borough being family sized units. This is reinforced within emerging policy BH6 which can be given some weight.

13. Pocket units are sold at a minimum of 20% below market value. Purchasers must earn below the GLA intermediate affordability household income threshold levels (currently £90,000), not own another property and must live or work in the Borough in question in the first instance. These eligibility restrictions also apply to re-sales and as such the properties remain affordable in perpetuity and would be secured through a S106 agreement. Pocket Living advise that their average salary across their developments is £42,000 and thus is considerably below the GLA threshold. However, actual salary levels will vary between developments and areas.

14. On this basis, officers accept that the proposed units would meet the definition of 'affordable housing' as set out within the NPPF. However, all of the units would be offered at an intermediate rate (discount market rate), and therefore the scheme would be contrary to Policy DMP15(b) of the Local Plan, and both Policy 3.11 and emerging Policy H6 of the London Plan as no flats would be offered at a social or affordable rate. It is also important to note that the scheme would provide 100% 1-bed units, and therefore there would be no mix of unit sizes, including any family-sized units, contrary to Policy CP21 which specifies that schemes should include a proportion of family sized accommodation.

15. As with other schemes which do not deliver policy compliant levels of affordable housing, a Financial Viability Assessment (FVA) has been submitted with the application, to demonstrate that a higher proportion or policy compliant mix would not be viable. This has also been revised in order to account for the reduction in number of proposed units from 61 to 52.

16. The FVA has suggested that 11 Affordable Rented homes and 5 Intermediate homes could viably be provided within a notional conventional scheme (i.e. a scheme which provides a mix of units, and a 50% affordable scheme with a 70:30 social: intermediate split). However, it is also important to note that:

- (a) it has also been concluded that the proposed 100% intermediate rate scheme would not be financially advantageous to the applicants, when assessed against this notional conventional scheme; and
- (b) the proposed scheme would deliver 20 more units on the site, i.e. 52 rather than the 32 which would be provided by a notional conventional scheme.

c) for the avoidance of doubt, an application for a conventional scheme has not been made on this site and is therefore not under consideration. There are further constraints relating to this site that would suggest that a conventional mix of unit sizes also may not be appropriate and this is discussed below.

17. Notwithstanding that the proposed scheme would not be more financially advantageous to the applicants compared to a notional conventional scheme, differences between some of the applicants' and the Council's assumptions (notably on predicted sales values) have been identified. Using mid-points of these assumptions, the scheme is considered to result in a £197,181 surplus above the base appraisal. Noting that the scheme already provides 100% affordable housing, officers consider that this level of contribution is appropriate and the payment would be sufficient to fund the provision of 2 off-site affordable rented, 3-bedroom units within an alternative scheme in the Borough, if used in a similar way to affordable housing grant (precise details of which would be agreed in discussions with LB Brent Housing officers). This would be secured via the section 106 agreement. In light of the particular circumstances of this site, the applicant has agreed to make this contribution to the provision of off-site affordable housing.

18. Additionally, officers consider that some weight should be placed on the evidence which has been submitted by the applicants, in the form of their "Assessment of Demand for Affordable Homes for First Time Buyers in Brent", which demonstrates that the size and type of affordable housing proposed is needed in this location. The assessment does provide evidence that there is demand for 1-bed homes of around 1,100 per annum within the Borough, and that the flats (which would be made for sale, rather than for rent) would appeal to a growing number of people living and working in the Borough who are interested in low cost ownership initiatives.

19. Furthermore, the affordable housing demand assessment highlights that there is evidence that intermediate housing completions within Brent have been low in recent years (between 2015/16 and 2017/18 there were 96 intermediate housing completions, out of a total 6,297), and that there is a particular lack of

one-bedroom intermediate provision within this part of the Borough, characterised by family housing, which the proposals would help to address. It is noted that 2018-19 Intermediate completions are higher (208 homes). However, there continues to be significant need for intermediate homes.

20. With particular regard to the lack of mix, officers also place some weight on the particular site circumstances. The site is highly constrained, bounded the Underground line to the south and requiring 24 hour access to be maintained to the TfL depot to the immediate south-east. As outlined in later sections, constraints also exist in terms of the proximity to the Grade II\* listed station, and the proximity to adjoining residential properties which mean that both height and site coverage have been impacted. Given these circumstances, while some mix of units would be preferred, officers acknowledge that the site is not ideally suited to the provision of family-sized units.

21. In conclusion, officers have carefully weighed up the significant benefits presented by Pocket's particular housing proposal and the 100% affordable housing this would represent, against the policy conflicts which do exist in terms of the lack of units provided at a social/ affordable rate, and the lack of unit size mix. Officers consider that the additional off-site contribution towards affordable housing, enabling the provision of family-sized accommodation elsewhere in the Borough, provides sufficient justification to ensure that the scheme would accord with the objectives of Policies CP2, CP21, DMP15 and Policy 3.11 of the London Plan, as well as emerging local and regional policies, despite not being in accordance with the Affordable Housing tenure mix specified within those policies nor the provision of any family sized units being delivered on site.

### **Heritage and impact on the Grade II\* listed station**

22. Section 12 of the NPPF deals with conserving and enhancing the historic environment, in paragraphs 126 to 141. The NPPF places much emphasis on heritage 'significance', which it defines in 'the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'

23. Paragraph 126 of the NPPF encourages local planning authorities to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. On the other hand the same paragraph recognises the fact that new development can make a positive contribution to local character and distinctiveness, which is one of the factors to be taken into account, and that, is reiterated again in paragraph 131.

24. Paragraph 131 indicates that a number of considerations should be taken into account, first of which is the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It also requires taking into account sustainable communities, including economic vitality, as well as local character and distinctiveness.

25. Brent Policy DMP7 relates to heritage assets together with emerging Local Plan Policy BHC1, Policy 7.8 of the adopted London Plan and HC1 of the draft London Plan. These policies set out that proposals should demonstrate a clear understanding of the significance of the heritage asset, provide a detailed analysis and justification in relation to potential impact, retention of structures and features where their loss would cause harm, to sustain and enhance the significance of the asset and to contribute to the distinctiveness, form, character and scale of the asset. They set out the need to conserve their significance and avoid harm.

26. The Council's Heritage officers and Historic England have reviewed and commented on the proposals. Historic England initially raised objections to the height of Building A, commenting that the fourth storey element would make this block appear bulky and tall in comparison with the listed station, and the fenestration not being in harmony with the three-storey element. The heritage officer confirmed that while Building A was well-designed to reflect the character of the modernist-style station, the fourth storey element meant it was disproportionate to the rest of the façade, in turn causing harm to the setting of the Grade II\* listed station.

27. The revised proposals have simplified the form of the new Building A, removing the fourth storey from the scheme. The building closest to the station would now be a simple rectangular block of three storeys, with a façade designed with a regular rhythm of windows to solid brick, using high quality materials and fenestration detail which would successfully refer to the adjacent listed station. The heritage officer confirms that the revised form of building A would now be of a very high quality, and would not compete visually with the station. In this way, it would sustain and enhance the significance of the heritage asset, and comply with both Brent and London Plan policies. It has also been confirmed that Building B would not affect



the setting of the Station, nor impair views to it when looking down Station Approach, given its significant set back from street level.

28. Both Historic England and the heritage officer have confirmed that their initial objections have been overcome as a result of the revisions. Wider views of the blocks from surrounding vantage points have been assessed, including from the Station platforms, and from both Station Approach and Orchard Gate. The proposals would not be harmful to the setting or special character of the Grade II\* listed station, and would therefore comply with Policy DMP7 of the Local Plan, and the overarching aims of the NPPF.

### **Scale, height, layout and massing**

29. Brent Policy DMP1, emerging policy BD1 and Brent SPD1 promote high quality design that is appropriate for its context. Section 3.1(a) of SPD1 (Sites appropriate for tall buildings) states that 'tall buildings will only be encouraged in areas identified as appropriate for tall building and be of outstanding design, following best practice guidance'. The supporting text explains that tall buildings are defined as structures that are more than 6m taller than the local context, or 30m and over. It states that 'new development should optimise the potential of the site while respecting the existing context and character and make efficient use of land through good design.'

30. Emerging policy BD2 (tall buildings in Brent) also reflects this approach, directing tall buildings to the zones identified on the proposals maps, intensification corridors, town centres and those identified in site allocations. Outside of those areas, this policy specifies that tall buildings will only be permitted on sites of a sufficient size to successfully create a new character area while responding positively to the surrounding character and stepping down towards the site edges. The taller element of Building B would be a maximum of five storeys, which is between two and three storeys taller than the surrounding context, and therefore would be classified as a 'tall building' as defined under SPD1. Although this site is not defined as being appropriate for tall buildings within the emerging Local Plan (i.e. an Intensification Corridor or within a town centre), it is considered that there is justification for an increase in height above the prevailing context due to the high public transport accessibility associated with the proximity to the tube station, the overall high quality design of the scheme presented, and the fact that the setting of Grade II\* listed station would be preserved.

31. With regard to site layout, the revised proposals would create a three-storey rectangular block to the north-west of the site (Building A), and a part-three, part-five storey block to the south-eastern part of the site (Building B), with a central courtyard separating the two. Officers consider this to be the best approach given the site's constraints, bordered by the listed station to the east, the underground line to the south, and adjoining residential properties to the north and north-east. The residential units at ground floor level facing towards the station will ensure an active frontage, while the quality of the communal courtyard has been improved to ensure a good quality public realm and a good level of natural surveillance between the two blocks.

32. A separation distance of between 9 and 15 metres would be maintained between the two blocks. Building A would be set away from Sudbury Town Station by 10 metres, and increased separation distances have been proposed to both No. 29 Station Approach (a minimum of 5.5m maintained to this boundary) and the rear gardens of Barham Close. The relationships are reviewed in more detail below, and assessed in relation to the specific guidance set out in SPD1.

#### **Building A**

33. With regard to its bulk and massing, the revised three-storey block ensures it would remain suitably subservient to the Grade II\* listed station, particularly when seen in public views from Station Approach, as well as ensuring a more comfortable transition from the two-storey terraced properties to the immediate north. At the same time, the building would maintain a strong, distinct presence which is important given it directly addresses Station Approach, and would be viewed by large numbers of people using the Station and adjacent bus routes.

34. The massing of the block is broken up successfully by the proposed fenestration pattern and detailing to the front elevation, having a clear base, middle and top. A number of CGIs from key vantage points in the surrounding area have been submitted by the applicants, including from Station Approach, Orchard Gate (to the south) and the station platforms. The views demonstrate that the block would not appear overly dominant or overbearing when seen from these vantage points, and Historic England agree with this view.

#### **Building B**

35. Building B proposes a part 3-5 storey building, which is positioned towards the south-eastern side of the site. The building would be broken up into two main blocks (west and east), ensuring it would not have an overly horizontal emphasis. The five-storey element maintains at least a 9m distance to Building A through the courtyard, helping to reduce the impact of this additional bulk when seen from surrounding properties.

36. The revised design would ensure that the three-storey element of the scheme would maintain a minimum of 4.6m to the northern boundary of the site, which abuts the rear gardens of properties on Barham Close. The proposals would also retain some degree of set back to both the Underground line to the south, and the TfL depot to the east, ensuring that the block does not appear cramped or overbearing when seen from surrounding properties and key vantage points.

37. The proposal is considered to accord with adopted and emerging policy with regard to its height, scale, layout and massing.

### **Architecture and materiality**

38. As alluded to in para. 27 above, the proposed architecture and materials have been carefully considered and would achieve a very high quality appearance, particularly to the front façade of Building A, which addresses Station Approach and the Grade II\* listed station. The palette of materials is relatively simple, with the buildings predominantly built in a light multi buff brick, with concrete lintels used to divide the bays vertically, which replicates the profile of the station. The windows and doors would be framed in powder coated aluminium, and further details of these materials, including paving, balustrading to balconies and entrances would be conditioned to ensure a high quality finish for officers' approval. The proposed development is considered to accord with adopted and emerging policy with regard to architecture and materiality.

### **Impact on neighbouring amenity**

39. Brent Policy DMP1 sets out that development should provide high levels of both internal and external amenity. The Council's Supplementary Planning Document (SPD1) sets out a number of parameters for the consideration of potential impacts on the amenities enjoyed by neighbouring occupiers. Objections have been raised regarding the potential impact of the proposed development on neighbouring amenity, most particularly to Nos. 29 Station Approach and the rear gardens of properties on Barham Close.

### Daylight

40. The applicant has submitted a daylight, sunlight and overshadowing analysis of the impact of the development on surrounding properties, utilising the recommendations set out in the BRE 'Site layout planning for daylight and sunlight - a guide to good practice (2011)' document. Officers are satisfied that the report successfully identifies all neighbouring properties which could be affected by the proposed development, which are summarised as follows:

- 8to 12a Barham Close
- 7 & 29 Station Approach
- 48 to 56 Orchard Gate
- Sudbury Town Station and
- the garages to the rear of 29 Station Approach

41. BRE guidance (para. 2.2.4) specifies that loss of daylight to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window.

42. On this basis, the rear facing windows of Nos. 4 - 7 Barham Close, to the immediate north/ north-east of the site, would be at least 48 metres away from the five-storey element of Building B, which has a maximum height of 17.5m. Given a typical existing ground floor window would be 1.5m above ground level, the impacts on these windows more than  $3 \times (17.5 - 1.5) = 48\text{m}$  away need not be analysed. Officers are therefore satisfied that there would be no harmful impact on light levels to these properties.

43. For daylight, an assessment was undertaken using two tests, namely the Vertical Sky Component (VSC) and, where room layouts are known, Daylight Distribution (or No Sky Line) (NSL) in line with BRE guidelines. The results of these tests for the properties identified above is summarised as follows:

44. 8 to 12a Barham Close

These properties are situated to the north/ north-east of the site, with the rear windows of these properties being more than 30 metres away from the nearest part of Building B. The report identifies that all windows would be within 0.8 times their former value, with only small losses in VSC being recorded. A daylight distribution test has been carried out to Nos. 9 and 12a Barham Close, which also demonstrates that there would be either no or a negligible impact on levels of daylight. No NSL testing has been carried out to No. 8, 10, 11 or 12 Barham Close; however the drawings clearly demonstrate that Building B would pass a 25-degree test to the ground floor rear facing windows of these properties, and therefore officers are satisfied that no further analysis of daylight loss would need to be undertaken, in line with BRE guidance.

45. 27 and 29 Station Approach

These properties are situated to the north/ north-west of the site, with the rear facing windows approximately 9-10 metres away from the nearest part of Building A. The report identifies that there would be no adverse impact on these neighbouring windows, passing both VSC and NSL tests, aided by the revised set back in Building A from the boundary to No. 29, and the part-reduction in height of this block.

46. 48 to 56 Orchard Gate

These properties are situated to the south / south-west of the site, on the other side of the Underground line, with the rear facing windows approximately 35-40 metres away from the blocks. Again, the report identifies that there would be no adverse impact to any windows of these properties, all retaining at least 0.9 times their former value.

47. Sudbury Town Station

The Station sits to the immediate west of the site. The report identifies some windows which would experience a significant adverse impact as a result of the proposed development. However the majority of windows would retain values of at least 0.8 times their former value, and it must be acknowledged that the windows affected are non-domestic and therefore do not have the same requirement or expectation of daylight, as recognised by the BRE guidelines.

48. Garages to rear of 29 Station Approach

The commercial garages sit to the north of Building A, and the report identifies that one of the windows would experience a minor adverse impact (VSC level of 0.76 times the former value). However, again it must be acknowledged that this window would be 'non-domestic' and therefore does not have the same expectation of daylight, as set out in the BRE guidelines. On this basis, the proposed development would be acceptable in terms of impacts on neighbouring daylight levels.

### Sunlight

49. With regard to sunlight, an assessment was undertaken in line with BRE guidelines, testing for adverse affects to all habitable rooms which have a window facing within 90 degrees of due south. The tests undertaken consider loss of annual probable sunlight hours (APSH), and loss during winter sunlight hours (WPSH).

50. The report identifies that there would be some impact during winter months to rear habitable windows serving both Nos. 8, 9B and 10 Barham Close, and 29 Station Approach which receive less than 5% of APSH between April and September, and would have a WPSH less than 0.8 times their former value as a result of the proposed development. However, the total reduction in sunlight received to these windows over the whole year would not exceed 4% of its APSH, and therefore on balance, the proposals would comply with BRE guidelines in regard to sunlight.

### Overshadowing to gardens and open spaces

51. The BRE guidance recommends that at least 50% of the area of external amenity spaces (including gardens, playgrounds, sitting out areas) should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sunlight on 21 March is less than 0.8 times its former value, then the loss of light is likely to be noticeable.

52. The assessment undertaken demonstrates that there would be some overshadowing impact to neighbouring gardens, particularly those to the north on Barham Close. However, all gardens would benefit from more than 50% of their areas retaining at least two hours of sunlight on 21st March.

#### Outlook and sense of enclosure

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

54. Particular concerns were raised by officers regarding the potential impacts of the originally proposed blocks on No. 29 Station Approach, and the rear gardens of Nos. 1-9 (consecutive) Barham Close, in terms of their height and massing, which would be contrary to SPD1 advice above. Building A has been set further away from the side elevation of 29 Station Approach, ensuring it would now be a minimum of 5.5m from the boundary to this property. This, together with the reduction in height, ensures that the objectives of SPD1 have been met by respecting both the 30-degree and 45-degree rules to this property.

55. Officers also raised concerns about the proximity of Building B to the rear gardens of Nos. 1-9 Barham Close, particularly given the height and massing of the block to the south-east portion of the site. It is important to note that at least 30m is maintained between this block and the main rear elevations of these properties to the immediate north on Barham Close, and in some cases this increases to more than 55m. However, these properties are characterised by having generally, long, narrow rear gardens which extend more than 30 metres and immediately abut the northern boundary of the site.

56. In response to this, the applicants have carried out a thorough and detailed analysis of the relationship between the proposed development and neighbouring gardens to the immediate north (Nos. 1-9 Barham Close). The table below summarises this relationship between the block and these rear gardens further, and explains where mitigating factors exist to offset the harm resulting from the blocks to these properties:

Address	Comments
1 Barham Close	Doesn't benefit from a garden; property would be more than 55m away from application site
2 Barham Close	Rear garden more than 10m away from northern boundary of site; property more than 55m away
3 Barham Close	Tall trees/ vegetation to rear garden immediately adjoin the site boundary, thereby ensuring that there would be no direct overlooking resulting from the proposed block
4 Barham Close	Rear garden does not extend the full depth as with adjoining properties, and ends more than 25m away from the site boundary
5 Barham Close	Large shed exists to the far end of the site, and also has tall foliage/ screening which ensures there would be no significant sense of enclosure or overshadowing impacts
6 Barham Close	Rear garden does not extend the the full depth as with adjoining properties, and ends more than 15m away from the site boundary
7 Barham Close	Directly adjoins site and appears well kept, would be SPD1 breach – see detailed comments below
8 Barham Close	Directly adjoins site and appears well kept, would be SPD1 breach – see detailed comments below
9 Barham Close	Directly adjoins site and appears well kept, would be SPD1 breach – see detailed comments below

57. Having identified the potential for significant overshadowing and increased sense of enclosure to the rear gardens of Nos. 7, 8 and 9 Barham Close, the height of the block has been partly reduced from 5 to 3 storeys, where it sits directly adjacent to these three rear gardens. Officers acknowledge that despite this reduction in height and massing, there would still be a technical breach of the SPD1 guidance, given the block would remain a minimum of 4.6 metres from these garden boundaries. However, the applicants have demonstrated that this reduction would minimise the breach significantly, accounting for only the 4 metres of garden furthest away from the respective properties. Given these gardens all measure at least 30 metres long, this effectively reduces the proportion of 'impacted' garden from approximately 33% to approximately 13%.



58. On this basis, although Building B would fail to fully accord with the guidance in Principle 5.1 of SPD1, it is considered that the proposals would not unduly harm the neighbouring amenity of the occupiers of Nos. 7, 8 and 9 Barham Close, and therefore would accord with Policy DMP1 of the Local Plan.

#### Overlooking / privacy

59. Section 5.1 (Privacy and amenity) of SPD1 states that directly facing habitable room windows will require a minimum separation distance of 18m, while a distance of 9m should be kept between gardens and habitable rooms or balconies.

60. The revised proposals ensure that a minimum distance of 5.5m would be maintained between the north elevation of Building A and the boundary to the rear garden of No. 29 Station Approach, which increases to over 9m nearest to the rear elevation of this property. Although not fully compliant with SPD1 in this regard, it is noted that there would be no windows serving habitable rooms looking directly towards the rear garden of this property, with the only openings on this elevation serving the communal stairwell to this block. The proposed drawings indicate that these windows would be obscure glazed; officers have recommended a condition to ensure this remains the case for the lifetime of the development. The main windows to this block would be north-east and south-west facing, ensuring that any views to No. 29 Station Approach would be at obscure angles.

61. As outlined in earlier sections of the report, the impact of Building B is significantly mitigated by the long gardens present to the rear of properties on Barham Close (particularly Nos. 7, 8 and 9), with at least 30 metres maintained between the north elevation of this block and the nearest rear facing habitable windows of the adjoining properties, thus significantly exceeding the minimum 18m separation distance between directly facing habitable room windows as set out in SPD1. In addition, some of the potentially affected gardens have large outbuildings or significant existing vegetation which is considered sufficient to mitigate the potential impact. However, the south-eastern-most three gardens are relatively open to the rear, Nos. 7, 8 and 9 Barham Close.

62. The building reduces to three storeys nearest to these properties, however a distance of 4.6 metres (minimum) would be maintained from the northern boundary where it meets these gardens. There are four flats with habitable room windows that face those gardens, two on the first floor and two on the second. However, as discussed above, the gardens are very long, and the rearward-most 4.4 m of the gardens which are typically in excess of 35 m in depth would be affected. One of the gardens (7 Barham Close) currently has a chain-link fence which allows views through from the car park into the garden, so levels of privacy for this property would actually increase as a result of this proposal. It is also noted that the opposite end of the affected gardens (immediately to the rear of the houses within those properties) are splayed, and there already exists a greater level of overlooking of those gardens from the adjoining properties than a typical property with a relatively straight rear garden. On balance, it is not considered that further mitigation is required given the length and nature of those gardens, existing levels of over-looking and the number of windows that would fall short of the 9 m distance set out in SPD1 (from habitable room to garden).

63. A communal roof terrace is also proposed above the three storey element of Building B. However, this would be set back from 1.8m from the northern parapet, thereby ensuring that it would maintain a separation distance of between 6.5m and 8.5m to the boundary with rear gardens of Nos. 7-9 Barham Close, and more than 40 metres to the nearest rear facing windows of these properties. Planters and landscaping, as well as an indicative balustrading are shown to this elevation to further mitigate any overlooking impacts. However, precise details of this screening would be secured by condition before any of the units are occupied, to ensure that there is no loss of privacy to occupiers to the immediate north of the site. While the terrace would not be any closer than the windows discussed within the previous paragraph, it is considered that the level of over-looking perceived by adjoining residents may be higher, hence why officers consider that approval of proposed screening detail is sought by means of a planning condition

64. The proposals would result in new openings looking south and east, however given these would look onto the London Underground line and the TfL depot respectively, this relationship is considered acceptable.

65. The proposal is considered to accord with adopted and emerging policies with regard to the impact on surrounding properties and uses.

#### **Quality of proposed accommodation**

##### Minimum floorspace standards

66. DMP18 outlines that the size of dwellings should be consistent with London Plan Policy 3.5 Table 3.3 Minimum Space Standards for New Dwellings. The proposed residential units meet the London Plan floorspace requirements in terms of their overall size, for 1 storey/1 bedroom units respectively at 38sqm. All units also have sufficient levels of internal storage space.

67. The London Plan sought a provision for 'accessible and adaptable homes' standards and 10% to meet M4(3) 'wheelchair accessible homes' standards. The proposals have been revised to ensure that five units would be adaptable wheelchair user dwellings (Building Regulations M4(2)(a)), which meets the 10% requirement, while the remainder would be to M4(2) standard – accessible and adaptable dwellings. This is considered acceptable, and officers recommend a condition is attached to ensure this is achieved.

#### Daylight

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

69. The sun on ground results demonstrate that the majority of the proposed amenity spaces will achieve over 95% of the suggested 2 hours of sunlight, except for garden 10 because of the Sudbury Town Station building. However, the occupiers of garden 10 would also have access to the communal amenity spaces and therefore this small deficiency is considered to be acceptable.

#### Outlook and privacy

70. The Mayor's Housing SPG seeks to avoid single aspect north facing units wherever possible, or single aspect units that are at risk of being exposed to detrimental noise levels.

71. The residential units of Building A would have primary outlook south-east onto the central courtyard, or north-west onto the landscaped frontage of the site. Building B would have primary outlook onto either (a) the TfL depot at the east/ south-east, (b) to the north/ north-east, with over 40 metres maintained to the main rear elevation of properties on Barham Close, or (c) to the railway with over 30m to neighbouring properties beyond.

72. With regard to separation distances between the two blocks, a minimum of 10m would be maintained to the southern element of the blocks, which would increase to approximately 13.8m to the northern portion, across the communal courtyard. The angle of the two blocks ensures that there would be no direct overlooking between windows, and therefore the relationship between the two is considered acceptable.

73. The overall scheme will deliver 36 units which will have true dual aspect, representing about 69% of the total. Given the constraints of the site and its deep length, this is considered to be a reasonable provision and could not be notably increased without losing a significant amount of accommodation. A further 21 of the single aspect flats have either north-east or south- west facing outlook, which is considered to be ideal as there are often problems associated with the provision of units that are solely north facing (lack of direct sunlight) or solely south facing (problems with overheating). Only 6.5% of units would have a north facing, single aspect, which is an acceptable level given the scale of development on the site, its constraints and the high quality of accommodation being provided. It is considered that the level of outlook for all flats is acceptable.

74. The development has secure entrances in locations which are overlooked so as to maintain security, and in turn would overlook public areas in a more positive way than the existing buildings do. This is therefore considered acceptable and will achieve good outlook in line with SPD1. Overall, the general arrangement and layout of the proposed units are considered to provide acceptable separation distances and relationships.

#### Overheating

75. An Energy Statement has been submitted which includes the results of overheating. The Mayor's London Plan seeks to avoid overheating and excessive heat generation within Policy 5.9.

76. The Energy Statement outlines that the proposed development has been designed in accordance with the cooling hierarchy to minimise cooling demand and limit the likelihood of high internal temperatures in

summer months. Mitigation measures such as an appropriate glazing ratio and g-value, high levels of insulation and minimisation of internal heat gains are targeted. Through these measures, the relevant areas of the Proposed Development will achieve compliance with Criterion Three of the Building Regulations Part L (2013).

### Amenity and play space

77. Brent Policy DMP19 and emerging policy BH13 requires that all new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 20sqm per flat. The Mayor's Housing SPG and emerging London Plan policy DH6 set a target of private outdoor space for 1-2 person dwellings. However DMP19 recognises that where this cannot be fully met, the shortfall can be offset through communal amenity space.

78. Based on 52 flats, DMP19 requires 1050sqm of private external amenity space. Only the 11 ground floor flats would have access to private amenity space, ranging from 5.5sqm to 21.4sqm. Overall there is a shortfall in private external amenity space across the scheme by 913sqm.

79. In order to partly mitigate this, the proposal would include a total of 476sqm of communal amenity space in the form of a communal courtyard positioned centrally between the two buildings (329sqm) and a roof terrace above Building B (147sqm), which all units across the two blocks would have access to. The courtyard would also serve as a turning head when required for servicing vehicles. The level of use of this is expected to be low and the courtyard has been designed to be used as an amenity space for when not used for turning. However, it has some effect on the usability of the space.

80. However, justification is provided by the proximity to Barham Park (around 300 metres) and other open spaces, and the lack of any family-sized units. Officers have ensured that the quality of the communal courtyard has improved to ensure this would be a useable, well-enjoyed space by future occupiers. Officers have also considered the implications which would arise from installing balconies to both blocks, which could result in additional levels of overlooking to adjoining properties. A roof terrace to Building A was also omitted following concerns that this would impact on the setting of the Grade II listed building. In addition, PV panels need to be installed to the roof of the both Buildings A and B in order to meet sustainability requirements, and therefore this part of the roof cannot be used as additional communal amenity space. The provision of 1-person dwellings only and the absence of family sized units is also considered to be an appropriate way to help to ensure a good standard of accommodation for future residents. Given the site's particular circumstances, the proposals are therefore considered acceptable on balance.

81. The London Plan requires children play area for major schemes. The applicant's planning statement states that no external child play space has been proposed as the development is of one bed homes and expected to be largely for single people. Furthermore, Barham Park is within 300m of the site, which provides public open space as an off-site alternative option for the future occupiers of the development, which is considered acceptable.

### Accessibility

82. The scheme has also been amended to ensure 5 of the units would be wheelchair accessible, and therefore is broadly in line with the 10% requirement set out in the London Plan.

83. The proposal is considered to result in a good standard of accommodation for future residents in accordance with adopted and emerging policy, despite the levels of external space which fall below levels set out within policy DMP19, emerging policy BH13 and the Mayor's Housing SPG.

## **Highways and Transportation**

### Loss of existing car park (including retention of Blue Badge parking bays)

84. Concerns have been raised from Cllr Daly and from a number of neighbouring residents regarding the impact of the loss of the car park will have on users of the station, particularly those who are not necessarily Blue Badge holders but may have other mobility difficulties which mean they are car reliant, for example the elderly or those who are pregnant.

85. As outlined above, three disabled parking spaces are proposed to be retained for the use of the station at the western end of the site, as required by Transport for London. It should also be noted that there are two Blue Badge spaces available to the southern end of the Station, on Orchard Gate, which are directly

outside the Station and provide alternative step-free access to the Station for users.

86. TfL have made the decision to close the car park (with the exception of the blue badge spaces) to allow the development of this site in line with the Mayor's objective to promote sustainable transport and deliver housing including affordable housing. The provision of the car park is not currently required by any planning condition or obligation and the closure of the car park would not require planning permission. Nevertheless, the proposal involves the development of land that is currently used as a station car park so the potential impacts resulting from the car park's loss on particular groups who may be more car-reliant has been examined, as well as the impacts on parking displacement more generally.

87. To assess its existing level of use, parking beat surveys were undertaken by the applicant over a weekday in November 2018 and a Saturday in January 2019 between 5am and 9pm. On the weekday, this showed car park occupancy peaking at 30 cars between 12-2pm, meaning the car park was no more than 37% parked. On the Saturday, occupancy peaked at 38 cars (46%) between 6-8pm, although the survey attributes some of this to a nearby house, which was observed to be holding a party/ social event on that particular evening. No more than five cars were observed parking within the car park at 5am, so it is very lightly used overnight.

88. The closure of the car park may displace station parking onto surrounding streets. However, there is a Controlled Parking Zone operating on Brent's streets to the north of the station that operates between 8am-6.30pm Mondays to Saturdays, with streets in Ealing to the south also having a CPZ operating between 10-11am and 3-4pm on weekdays. These CPZ's limit on-street parking to residents' permit holders only, so would protect residents from any displaced parking during CPZ hours, particularly by station commuters. The main exception to this is along District Road, which is currently outside of any year-round Controlled Parking Zone (although it is in the Wembley Stadium event day zone).

89. Parking could take place freely after 6.30pm on Brent's nearby streets though and any such impact is likely to be greatest on a Saturday night when about 38 cars could be displaced onto adjoining streets if existing car park users continue to drive to this station, rather than using other modes or driving to alternative stations.

90. The parking beat surveys have also considered parking occupancy along adjoining streets in the area. These suggest that the nearby streets in Brent (Station Approach, Station Crescent, District Road) are fairly heavily parked in the evenings, but that roads to the south of the station in Ealing have a reasonable amount of spare capacity, with Orchard Gate in particular having sufficient spare capacity to absorb all of the parking displaced parking from the car park.

91. It is considered necessary to examine the potential impacts on certain characteristics, including older people, pregnant women or those who feel more vulnerable (particularly late at night) due to their gender or sexual orientation. However, it has been outlined that the Station would still be served by the 204 bus route (which runs via Wembley Central, Colindale and Edgware) and there is a taxi drop-off facility immediately outside the Station, which provide accessible, alternative means of getting to and from the Station. It is also important to note that the CPZ does not currently apply during the evenings or weekends, so those who feel more vulnerable travelling at such times would be able to park on Station Approach after 6.30pm. While there is some reduction in the levels of access for these groups, the loss of the car park (except for blue badge parking) is not considered to result in an unacceptable level of impact on any protected characteristics and would result in a level of access that is commensurate with many other stations.

92. In terms of disabled use, the re-provision of the blue badges within the car park for users of the Station is considered to mitigate impact. However, additional spaces may need to be provided on-street if required during construction, for residents (if the scheme is consented and built) or if additional blue badge spaces are needed in the future. In theory, there is scope to provide an additional Blue Badge space within the local streets if required. Officers consider that a review of this situation can be secured as part of the wider £30,000 financial contribution which has been requested to review CPZs in this part of the borough, through the section 106 agreement, and the applicants have agreed to this.

93. As such, retention of a car park for the station is not considered essential (aside from disabled parking) as it simply encourages Underground users to drive to the station rather than walk, cycle or using the bus. The proposals also accord with both Brent Local Plan policy BT1, and London Plan draft policy T1, which set out overarching objectives to prioritise sustainable modes of travel, with the Mayor's strategic target of 80% of all trips in London to be made by foot, cycle or public transport by 2041.

94. Transport for London have also confirmed that the proposed loss of the car park is acceptable in



principle, on the basis that the three disabled bays are retained for users of the Station, and would meet expected demand.

95. As outlined above, officers recommend a financial contribution of £30,000 to allow a review of the extent and hours of operation of the adjoining CPZ's in Brent, to address the possibility that increased parking pressure at evenings and weekends does lead to parking problems. This would be secured via a section 106 agreement. LB Ealing have also requested a £20,000 contribution towards a review of CPZs within the Borough, which is considered reasonable given the proximity of the site to Ealing's boundary (the other side of the underground line, to the south) and the likelihood of overspill parking associated with the development affecting them also.

#### Car parking provision for proposed development

96. The site has a PTAL 5 given its proximity to the Station and local bus routes, and this very good access to public transport services means the lower residential parking allowance of 0.75 spaces per 1-bedroom flat set out in Table 6 at Appendix 1 of the adopted DMP 2016 applies. This gives a total parking allowance of 39 spaces and with no residential parking proposed for the flats, maximum standards would not be exceeded.

97. Policy DMP12 does also require that any overspill parking can be safely accommodated on-street though and in this respect, the parking surveys mentioned above do highlight the limited availability of parking on nearby streets within Brent. This is reinforced by Policy BT2 of the emerging Local Plan, which states that development will be supported where it does not:

- a) add to on-street parking demand where on-street parking spaces cannot meet existing demand such as on heavily parked streets, or otherwise harm existing on street parking conditions;
- b) require detrimental amendment to existing or proposed CPZs. In areas with CPZs access to on-street parking permits for future development occupiers other than for disabled blue badge holders will be removed or limited;
- c) create a shortfall of public car parking, operational business parking or residents' parking.

98. However, both current and emerging policies also encourage parking permit restricted development in areas with good access to public transport such as this. Officers therefore recommended that a parking permit restricted agreement to remove the right of future residents to on-street parking permits, which it is recommended to be secured by condition. Disabled 'Blue Badge' holders would be exempt from such any agreement, allowing them to use nearby residents' parking bays.

99. Transport for London have commented that, with respect to disabled car parking for the occupiers of the new units itself, they would recommend one blue badge space is provided, which would meet the requirements of draft Policy T6.1.

100. However, given the constraints of the site, the need to provide a continued vehicle access in connection with the TfL depot to the east, and the proximity to the Grade II\* listed station, it would not be feasible to provide this within the site. As outlined in para. 92 above, there is scope to provide an additional Blue Badge space within the local streets if required, and this will be reviewed as part of the planning obligation to review CPZs in this part of the borough. On this basis, it is considered that TfL's concerns are satisfactorily addressed.

#### Cycle parking

101. London Plan standards require a secure bicycle parking space to be provided for each unit. As part of the revised proposals, the main bike store (providing 52 spaces) has been relocated to the southern edge of the site and amended to provide suitable width for a double-height storage rack for 52 bikes, in accordance with requirements. Two Sheffield stands are also proposed for visitors in front of Building A, which is acceptable. As outlined above, part of the financial contribution to be secured via section 106 agreement will be used to improve cycle parking facilities for Station users.

#### Vehicular Access and servicing

102. Gated access is to be retained across the northern side of the site for the yard to the east. This access route would also provide access for delivery, refuse and emergency vehicles to the eastern end of the site to meet access requirements for Block B. A turning facility has been incorporated into the layout between the two proposed blocks to allow refuse vehicles to get to within 10m of the bin stores and fire appliances to within 45m of the rear block, so that they are not required to reverse long distances, with tracking diagrams

confirming that adequate space is provided for refuse vehicles. Officers recommend a condition requiring further details of the surfacing of the turning space to be submitted before relevant parts of the works commence, in order to demonstrate that this is robust enough to withstanding loading by HGV's.

103. Otherwise, the vehicular access routes through the site are proposed to be surfaced in block paving as a shared surface, which is fine in principle for the limited amount of vehicle traffic expected through the site.

104. Following concerns raised by highway officers regarding the narrow width of the access road where it passes Block A, this block has now been repositioned further southwards to allow the fence-fence access width to be increased to 4.1m. While this is welcomed, officers recommend a condition to ensure drawings clearly show 300mm protective margins to the northern boundary fence, and to any fence alongside the amenity area for Block A, ensuring there is clear separation between the access route and pedestrian use.

#### Pedestrian accessibility

105. Highways officers raised concerns about the lack of legibility with regard to the block entrances, and the need for pedestrian access from the station forecourt to be improved from its current unwelcoming state.

106. To address this, the revised proposals now show the omission of the planting bed across the existing gap in the boundary wall from the adjoining pedestrian bridge facing Station Approach, which ensures that this route can continue to be used by pedestrians, rather than the narrow access road (shared by vehicles) into the site. It is recognised that further improvements, including re-configuring the portal and pedestrian bridge, are very difficult to achieve because this part of the Station is also Grade II listed, as well as being owned by Transport for London. It is considered that the proposed measures are considered to result in an acceptable environment, subject to the details of the hard surfacing materials and lighting being secured through condition.

#### Wider trip generation

107. In terms of impact on the wider transport network, the applicant's transport consultant has compared the development with three other similar blocks of flats in well served areas of London. As those other developments include a proportion of larger 2- and 3-bedroom flats though, the derived trip rates are likely to be higher than for this purely 1-bed apartment scheme, so are considered to be robust.

108. A revised Transport Statement has been submitted to account for the proposed reduction in number of units from 61 to 52. In terms of trip generation, estimated future trips have been reduced pro rata, so that 6 arrivals/33 departures in the morning peak hour (8-9am) and 13 arrivals/7 departures in the evening peak hour (5-6pm) are now predicted by all modes of transport.

109. Public transport trips are predicted to total 19 rail/Underground and 14 bus trips in the morning peak hour and 9 rail/Underground and 8 bus trips in the evening peak hour, which again amounts to less than one additional passenger per train/bus in the area, and is therefore considered insignificant.

110. The development would still generate some vehicular traffic for deliveries, but these have been estimated total just five deliveries per day, mostly by car or small van. The three retained disabled parking spaces for the station would also generate some movements into and out of the site, but far fewer than for the existing 82 space car park. Therefore, this element of the proposals is considered acceptable.

#### Travel Plan and Construction Logistics

111. A draft Travel Plan has been submitted with the application. This proposes to appoint a Travel Plan Co-ordinator to manage the provision of welcome packs (to include timetables, maps, journey planning information etc.) and instigate cycle training. As the development is 'car-free' anyway, the aim will be to increase the proportion of residents walking and cycling to and from the site. Surveys are proposed to be undertaken within 6 months of first occupancy (or when 75% of the development is occupied) to establish an initial modal split and then every two years thereafter to monitor progress.

112. However, as the scheme is 'car-free' anyway and is of a relatively modest scale, a simple Travel Plan Statement is fine and there is no need for on-going monitoring results to be obtained. Officers therefore recommend that the implementation of the listed Travel Plan measures can be secured by condition.

113. Objections have been received from adjoining residents regarding the impact of construction traffic

and congestion from deliveries of materials, spoil from demolition etc. The construction of developments does inevitably result in some impacts on local residents whether this relates to an extension to a house or a Major development. However, planning cannot reasonably prevent development from taking place because of this impact.

114. Nevertheless, this is classified as a Major development and officers consider it reasonable to secure the approval and implementation of a Construction Method Statement (CMS) by condition, in order to mitigate impacts on surrounding residents as much as possible during the construction period.

#### Transportation Conclusion

115. A large number of objections were received on transport and highways grounds. However, it is considered that the proposed development, including the loss of the station car park (except for the disabled parking), would accord with adopted policy and would not have a significantly detrimental impact on local parking or highways conditions, subject to a legal agreement secure financial contributions of £30,000 towards (i) a review of local CPZ operating hours and boundaries; and (ii) towards improved bicycle parking facilities at Sudbury Town station and £20,000 for LB Ealing to review of its Controlled Parking Zone and to seek to implement any changes that are deemed necessary; as well as conditions which secure a car-free development and minor revisions to the layout plan which show 300mm margins between the edge of the access road and any adjoining walls or fences and suitably robust paving for the turning area within the central courtyard.

#### **Environmental Health considerations**

##### Air quality

116. An air quality assessment considering the impacts of the proposed redevelopment of the site on air quality has been submitted. The report has considered the impacts that would be incurred during the construction phase, impacts that would be incurred by traffic generated by the development, and impact of heating plant emissions. This has been reviewed by Brent's regulatory services team.

117. Officers consider that the assessment is sufficiently robust and detailed, considering the potential emissions to the area associated with the development (in particular the proximity to the TfL depot and adjoining Underground network) as well as the potential impact on receptors to the development. Officers have assessed the proposals and are satisfied with the methodology used. No mitigation measures are required and the development meets the air quality neutral criteria in accordance with adopted and emerging policy.

##### Noise from end use and impact of existing noise on proposed units

118. The residential nature of the scheme is such that the proposed development is not likely to result in unduly detrimental end use noise issues in itself. However, the south-west elevation of Building B in particular is situated within 5 metres of the Underground line to the south, and therefore appropriate mitigation measures are required to ensure there is no noise disturbance to occupiers of these flats in close proximity. A noise assessment has accordingly been submitted to support the proposal.

119. The assessment identifies that noise reduction associated with the fenestration within the scheme will need to achieve noise reduction levels of between 29 and 36 dB. However, officers recommend a condition to ensure that (a) details of adequate glazing are submitted for approval before works commence, and (b) a further set of results, clearly demonstrating that the glazing offers adequate soundproofing, are submitted before occupation of these flats.

##### Construction noise and nuisance

120. Objections have been received from adjoining occupiers regarding noise and disturbance during the construction process. The development is also within an Air Quality Management Area and located very close to other residential and commercial premises. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours.

121. It should be noted that in relation to these matters, there is also control through environmental health legislation and a planning cannot duplicate any controls that are available under other legislation. However, the council's regulatory services team have recommended a condition requiring a Construction Method Statement to be submitted for approval before works start. This would be required to cover highways issues

as well, and has been attached.

122. A further standard condition is also attached requiring all non-road mobile machinery to meet low emission standards, as set out within the London Plan.

### Contaminated land

123. The site to be redeveloped has been identified as previously contaminated and the applicant has provided a Phase 1 desk top study by RSK (ref 29474R01(00) dated September 2017). The Phase 1 has identified that a Phase 2 site assessment should be conducted. The Council's Regulatory Services team are satisfied that the proposals are acceptable, subject to a condition requiring the Phase 2 assessment to take place before works commence, to ensure the safe development and secure occupancy of the site.

### **Sustainability and energy**

124. A detailed Energy Statement has been submitted with the application.

125. The proposed regulated development with 'Be Lean', 'Be Clean' and 'Be Green' measures incorporated is confirmed to emit 22 tonnes of Carbon Dioxide per annum. This equates to a 43% reduction on the minimum building regulations (2013) as required within the London Plan, although does not achieve the zero carbon goal and as such requires an offset payment. The offset payment shall cover a 30-year period of emissions, amounting to a total of £39,078. This will be secured via section 106 agreement.

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

Be Lean (total savings within the dwellings from 'be lean': 1 tonne CO<sub>2</sub>/year: 1% reduction on Regulated total)

- Using building fabric which significantly improves on the thermal performance of a building regulation compliant building
- High levels of air tightness throughout the scheme
- The use of energy efficient lighting and heating and controls
- The use of mechanical ventilation with heat recovery (MVHR)
- Heating provided to each dwelling through individual combi boilers, and use of room thermostats and other heat monitoring systems

Be Clean (total savings within the dwellings from 'be clean': Zero)

- It has been explained that the baseload heat demand is not sufficient to support the installation of a site wide heating system or combined CHP engine

Be Green (total savings from 'be green': 16 tonnes CO<sub>2</sub>/year: 43% reduction on Regulated total)

- Review of air source heat pumps, biomass CHP, wind turbines and photovoltaics.
- Considered that PV panels were most appropriate in the context of this development
- Anticipated that a total of 211 sqm of PV panels will be installed at roof level, to the flat roof of the five-storey element of Building B

127. The council's sustainability officer has been consulted on the proposals and is satisfied that the proposals would meet the 35% target for on-site reduction in carbon emissions without the need for a CHP system to be installed. Officers recommend a condition to ensure that full details of the PV panels (including drawings and a technical specification) are submitted and approved by the Council to ensure they are suitably screened and are as efficient as possible.

128. London Plan policy 5.15 states residential developments are to be designed to meet the target of 105 litres or less per head per day. It is highlighted this will be sought, but final calculations based on sanitary ware specifics will need to be undertaken. It is recommended that a condition is attached to ensure this standard will be achieved.

### **Trees and landscaping**

129. The Arboricultural Assessment identifies that although the site is largely hard surfaced, there are a number of low value trees to the southern boundary of the site. Three Grade C trees would be directly removed as a result of the development, and the Council's arboricultural officer is satisfied with the assessment that these would have a low value and therefore their removal is acceptable. There are no trees



which are subject to a Tree Preservation Order which would be affected by the proposal.

130. A scheme of re-planting of 16 replacement trees is specified as a part of a broader landscape plan, which would result in an increase in the number of trees on site. Brent's arboricultural officer has stated that a greater variety of species should be used, above the Himalayan Birch which has been initially identified. However, officers are satisfied that this can be considered in further detail as part of a condition requiring full details of tree planting, which will be secured as part of a detailed landscaping strategy.

131. A detailed landscaping masterplan and outline planting strategy has also been submitted as part of the applicant's design and access statement. This demonstrates a high quality of both hard and soft landscaping, in particular to the residents' communal courtyard centrally to the site. A full landscaping strategy, including details of all species of all new trees, shrubs and hedges, including those to the proposed roof terrace, will be secured via condition.

## **Ecology**

132. Although the majority of the site is hard surfaced, there is a thin strip of land adjacent to the railway embankment which forms part of a designated wildlife corridor. The applicant has therefore provided an Ecology Report as part of the submission.

133. The report indicates that the site itself and neighbouring sites are considered to be of negligible value for birds and bats and of no value to protected fauna. However, it does state that enhancement measures such as bird and bat boxes are included within the development in order to improve the ecological value of the site. Officers therefore recommend a condition to secure these measures as part of the development. The report also refers to potential enhancement through the provision of green walls and/or roofs. However, the applicant has confirmed that due to fire regulations, green or living walls cannot be provided. The execution of a high quality soft landscaping scheme as part of the development can also contribute in this respect, and a high degree of planting has been shown to the available roofs of both buildings.

## **Flood Risk and Drainage**

134. The site falls within flood zone 1 of the Environment Agency's flood designations (the lowest flood risk). Nonetheless, given the scale of the development, the applicant has submitted a drainage strategy for the site which would significantly reduce surface water discharge rates of the site from their existing levels, in line with the requirements of London Plan policy 5.13. The developer will achieve this by providing rainwater storage tanks and suitable sustainable urban drainage (SuDS) measures which will result in a reduction in the existing rate of discharge to the sewage network.

135. The document has been reviewed by Brent's flood risk consultants and it is confirmed that the approach to flood risk and sustainable drainage for this development is acceptable and in line with Brent and London Plan standards. A condition will require that the measures as outlined in the drainage strategy are adhered to throughout the development.

136. Thames Water has also reviewed the application and have raised no in principle objections to the application. However, they have requested a condition requiring the submission of a piling method statement for approval before works commence, given the proximity of the development to a strategic sewer. They have also provided information relating to the requirements for connecting the development to the public sewer, and minimising groundwater discharge during construction. This information will be communicated to the applicant by way of informative.

## **Fire Safety**

137. Fire Safety is formally considered at Building Regulations stage, however the applicants have clarified a fire safety strategy within their planning submission. It is important to note that the main vehicle access through the site (i.e. to the northern boundary) would be sufficient to accommodate emergency vehicles, with an appropriate turning space within the communal courtyard.

138. Both cores will have fire evacuation lifts and escape stairs which provide protected routes direct to the outside at ground level. Emergency egress windows and external doors would be provided from all main habitable rooms at ground floor to provide occupants with an secondary means of escape, while on upper floors cross-corridor doors would be provided to limit travel distances to 7.5m.

139. It has been confirmed that as the blocks are less than 30m high, internal sprinkler systems

would not be required.

## Statement of Community Involvement

140. The applicant has set out the level of pre-consultation that was carried out, as required through the Localism Act (2011). The consultation process was based around the following methods:

- A public consultation was held by the applicants at Barham Community Library on 21.11.18, with further consultation held with the Sudbury Town Residents Association, local councillors and other interested parties on 12.02.19. Concerns raised included the likely impact of on street parking and spillover on to Station Approach, overlooking from Building A, and concerns about security between the proposed development and rear gardens of properties on Barham Close. An update newsletter was sent to local residents in October 2019.

## Equalities

141. 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

142. Officers consider that the scheme meets planning policy objectives and is in general conformity with the majority of local, regional and national policy (both adopted and emerging), and the Sudbury Town Neighbourhood Plan. The scheme delivers 100% affordable housing, delivering 52 new homes which are considered to meet an identified local need, in a highly sustainable location, which is considered to be a significant planning benefit. The lack of family sized units is considered to be acceptable given the constraints of the site and the provision of 100% affordable housing. The benefits of 100% affordable housing combined with the financial contribution which could be used to deliver affordable rented accommodation elsewhere within the Borough, outweighs the harm associated with lack of on site affordable rent homes.

143. Whilst meeting London Plan standards, amenity space falls below levels set out in adopted policy DMP19 and emerging policy BH13. However, the proposal is considered to provide a good standard of residential accommodation due to the quality of the amenity spaces that are proposed, the proximity to nearby open spaces and the housing mix (1-person homes only). The proposal would make a positive contribution to the area, whilst having an acceptable impact on and relationship with the existing surrounding development.

144. Officers recommend the application for approval subject to the conditions and obligations set out in this report.

## CIL DETAILS

This application is liable to pay **£1,028,839.28** \* 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): 2875 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Dwelling houses	2875		2875	£200.00	£0.00	£857,366.07	£0.00
(Mayoral) Dwelling	2875		2875	£0.00	£60.00	£0.00	£171,473.21

houses							
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BCIS figure for year in which the charging schedule took effect (lc)	224	336
BCIS figure for year in which the planning permission was granted (lp)	334	
<b>TOTAL CHARGEABLE AMOUNT</b>	£857,366.07	£171,473.21

\*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: 19/1241

To: Mr Rogers  
Terence O'Rourke  
Third Floor  
7 Heddon Street  
LONDON  
W1B 4BD

I refer to your application dated **01/04/2019** proposing the following:

Re-development of existing car park for the erection of two blocks of residential dwellings, with associated residential amenity space, refuse storage, cycle parking, landscaping and other ancillary works, together with re-provision of disabled car parking bays nearest to Station Approach to serve Sudbury Town Underground Station (DEPARTURE FROM POLICY CP21 OF BRENT'S LOCAL PLAN).

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

at **Car Park next to Sudbury Town Station, Station Approach, Wembley, HA0 2LA**

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: 27/04/2020

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
  - Sudbury Town Neighbourhood Plan 2015
  - Brent's Supplementary planning Document 1: Design Guide for New Development 2018
  
- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.
  
- 2 The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

0001; 0002; 0003 Rev P01; 0200 Rev P02; 0201 Rev P02; 0202 Rev P02; 0203 Rev P02; 0204 Rev P02; 0205 Rev P02; 0300 Rev P02; 0301 Rev P02; 0302 Rev P02; 0400 Rev P02; 0401 Rev P02; 0402 Rev P02; 0500 Rev P02.

PLL-STB\_HTAL\_00\_DR\_0900 Rev A; PLL-STB\_HTAL\_00\_DR\_0901 Rev B;  
PLL-STB\_HTAL\_00\_DR\_0902 Rev A; PLL-STB\_HTAL\_06\_DR\_0903 Rev B;  
PLL-STB\_HTAL\_06\_DR\_0901 Rev B.

Planning statement (including Affordable Housing Statement and Statement of Community Involvement) from Terence O'Rourke dated March 2019 (addendum received October 2019);  
Design and access statement from HTA Design dated March 2019 (Addendum 01 received 09.10.19)  
Heritage Statement (including Archaeological Assessment) from Terence O'Rourke Ltd dated February 2019 (Addendum received October 2019);  
Air Quality Assessment (including Air Quality Neutral Assessment) from Air Quality Assessments Ltd (ref. J0279/1/F1) dated 27.03.19 (Technical Note Update received 09.10.19);  
Assessment of the Demand for Affordable Homes for First Time Buyers in LB Brent Revised Daylight and sunlight study (Neighbouring Properties) from Right of Light Consulting dated 04.10.19;  
Daylight and sunlight study (Within Development) from from Right of Light Consulting dated 22.02.19  
Drainage Strategy (ref. P4500194-REP-001) from Whitby Wood dated February 2019;  
Energy Statement from TUV Sud dated March 2019;  
Noise and Vibration Assessment (ref. 18262.NVA.01) from KP Acoustics Ltd dated 31.10.2018;  
Transport Assessment (ref. 31115/D01a) from Transport Planning Practice dated February 2019 (Addendum received October 2019);  
Draft Travel Plan (ref. 31115/D02) from Transport Planning Practice dated February 2019;  
Preliminary Ecological Appraisal (ref. POC22148\_PEA Rev P1) from ACP Environmental dated 01.02.19;  
Arboricultural Impact Assessment and Method Statement (ref. POC22148aia-ams) from ACD Environmental dated 21.02.2019;  
Tree report ref. POC22148tr (including Tree Protection Plan ref. POC22148-3) from ACD Environmental received February 2019;  
Phase 1 Environmental Study (ref. 29474 R01 (00)) from RSK Environment Ltd dated September 2017;  
Fire Engineering Review (ref. CL6025/NH/15hta) from Jeremy Gardner Associates dated

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

- 3 The development shall provide the 52 one-bed dwellings (Class C3), as shown on the approved plans, unless otherwise approved by the Local Planning Authority.

Reason: To ensure the development delivers this specific housing type to meet the specific needs of the Borough.

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

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

- 5 The development hereby approved should be built so that 90.4% of the residential units (47 of the total number) achieve Building Regulations requirement M4(2) – ‘accessible and adaptable dwellings’ and that the remaining 9.6% of the residential units (5 units) achieve Building Regulations requirement M4(3)(2)(a) - adaptable wheelchair user dwellings

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

- 6 Notwithstanding what is shown on the approved drawings, the three Blue Badge parking spaces shall be retained on site and made available for users of Sudbury Town Station users throughout the construction of the development , unless otherwise alternative temporary parking proposals are approved as part of the Construction Logistics Plan pursuant to condition 18 of this consent. Following the completion of the development, the three Blue Badge parking spaces shall be provided and made available for Sudbury Town Station users for the life of the development.

Reason: To ensure sufficient car parking capacity for Blue Badge holders is retained.

- 7 The northeast facing windows to the flank elevation of Building A (as shown on drawing 0400 Rev P02) shall be constructed with obscure glazing and shall not have openings (except if required for fire safety) below a height of 1.8m measured from the floor level of the rooms which the windows serve. These windows shall be maintained in accordance with the above requirements for the lifetime of the development, unless alternative details are first agreed in writing by the Local Planning Authority.

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

- 8 The development hereby approved shall be carried out in full accordance with the mitigation measures stipulated in the approved Air Quality Assessment (including Air Quality Neutral Assessment) from Air Quality Assessments Ltd (ref. J0279/1/F1) dated 27.03.19 (and Technical Note Update received 09.10.19).

Reason: To appropriately mitigate air quality impact.

- 9 The development hereby approved shall be carried out in full accordance with the details stipulated in the approved Drainage Strategy (ref. P4500194-REP-001) from Whitby Wood dated February 2019.

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

residential use.

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

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

- 11 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

- 12 Prior to first occupation of the development hereby approved, an electric vehicle charging point shall be provided to one of the three Blue Badge spaces retained, whilst the remaining two will provide passive charging facilities. The provision of electric vehicle charging points shall be in accordance with London Plan standards, providing both active and passive charging points.

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

- 13 The cycle storage facilities and visitor cycle stands, and refuse storage shall be installed prior to occupation of the development hereby approved and thereafter retained and maintained for the lifetime of the development. The cycle storage facilities (both for occupiers and visitors) shall not be used other than for purposes ancillary to the occupation of the building hereby approved.

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

- 14 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.

- 15 All tree protection measures as recommended within the submitted BS 5837:2012 Arboricultural Impact Assessment and Method Statement (ref. POC22148aia-ams) from ACD Environmental dated 21.02.2019 and Tree report ref. POC22148tr (including Tree Protection Plan ref. POC22148-3) from ACD Environmental received February 2019 shall be adhered to throughout the construction of the development.

Reason: To protect trees surrounding the site from damage associated with construction processes.

- 16 All recommendations set out within section 6.20 of the Preliminary Ecological Appraisal (ref.

POC22148\_PEA Rev P1) from ACP Environmental dated 01.02.19), with the exception of the provision of green walls and/or roofs to the proposed apartment buildings and bike shed, shall be adhered to throughout the construction of development .

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

- 17 Prior to the commencement of the development, a Construction Method Statement which incorporates a dust management plan shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise, construction traffic and other environmental impacts of the development. The approved statement shall be implemented throughout the duration of construction.

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

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.

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

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

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

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

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

- 20 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 anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

- 21 Details of materials for all external work, including samples which shall be made available for viewing on site, shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing (excluding any demolition, site clearance and the laying of foundations). 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.

- 22 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), a scheme shall be submitted to and approved in writing by the Local Planning Authority that provides details of all landscaped areas of the development. Such approved landscaping works shall be completed prior to first occupation of the development hereby approved and thereafter maintained.

The submitted scheme shall include details of:

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

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.

- 23 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), revised details showing the following shall be submitted to the Local Planning Authority for approval:

- minor amendments to the site layout plan to show 300mm margins between the edge of the access road and any adjoining walls or fences and suitably robust paving for the turning area within the central courtyard

The development shall be constructed in accordance with these details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure safe and convenient vehicular and pedestrian access through the site.

- 24 No more than 6 months after the commencement of development (excluding any demolition, site clearance and the laying of foundations), a revised Noise and Vibration assessment should be submitted to the Local Planning Authority for approval. The assessment should include an allowance for future worsening (night time operation and track ageing), vehicle movements

through the site serving the track compound and noisy works within the track compound at any time.

The development shall be constructed in accordance with the approved details, and remain as such unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 25 The development hereby approved shall be constructed to provide sound insulation against internally generated noise. This sound insulation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), and thereafter carried out in full accordance with the approved details. .

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

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

- 26 Within six months of commencement of work on site, detailed drawings showing the photovoltaic panel arrays to the roof of Buildings A and B 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.

- 27 Prior to occupation of any of the units hereby approved, details of screening (whether obscure glazed balustrade, planters or other appropriate measures) to the roof terrace at roof level of Building B shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved plans.

**Reason:** In the interests of the amenities of the adjoining occupiers.

- 28 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.

- 29 Prior to occupation of any of the units hereby approved, a revised Final Travel Plan Statement shall be submitted to the Local Planning Authority for approval, committing to implementing the measures set out within the draft Travel Plan submitted by Transport Planning Practice dated February 2019 (ref. 31115/D02).

The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.

Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with London Plan (2016), Brent's Core Strategy (2010) and Brent's Development Management Policies (2016).

- 30 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 Controlled Parking Zone (CPZ) 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.

- 31 Prior to occupation of any of the units hereby approved, the applicant shall enter into an agreement with Transport for London (TfL) requiring protective measures in such a format as TfL specifies to adequately protect the Transport Undertaking and the Transport Assets in carrying out any works, and agreement on protection for TfL against future claims from residents regarding disturbance from the railway or adjacent compound, or other claims that affect the operation, maintenance of future upgrade of the transport network. The tenant cannot limit or affect the rights of TfL to deal with its adjoining land and Transport Assets or be entitled to make any objection or complaint in respect of any noise, vibration or discharge or any electromagnetic disturbance from the Transport Assets arising from the operation of the Transport Undertaking.

Confirmation that this agreement has been entered into and secured with TfL shall be submitted to the Local Planning Authority, unless otherwise agreed in writing.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2016 Table 6.1, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

## 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 applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also

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

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

- With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.  
[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_developers.thameswater.co.uk\\_Developing-2Da-2Dlarge-2Dsite\\_Apply-2Dand-2Dpay-2Dfor-2Dservices\\_Wastewater-2Dservices&d=DwIFaQ&c=OMjwGp47Ad5otWI0\\_IpOg&r=G\\_hzVvySAkixNxE\\_J\\_EjNJR\\_FDWFjexJLES8DRQ06qKk&m=Mo6YrmF80h48BJ7RfUaDCKzplVD12hp4Vkmisp0jzQtcs=pnrHLmYhyndzdboP2R5yMD\\_jTKRBZJPsr6m3OxiZH3o&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Apply-2Dand-2Dpay-2Dfor-2Dservices_Wastewater-2Dservices&d=DwIFaQ&c=OMjwGp47Ad5otWI0_IpOg&r=G_hzVvySAkixNxE_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=Mo6YrmF80h48BJ7RfUaDCKzplVD12hp4Vkmisp0jzQtcs=pnrHLmYhyndzdboP2R5yMD_jTKRBZJPsr6m3OxiZH3o&e=)
- 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).
- There are public sewers crossing or close to the development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. Thames Water will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.  
[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_developers.thameswater.co.uk\\_Developing-2Da-2Dlarge-2Dsite\\_Planning-2Dyour-2Ddevelopment\\_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwIFaQ&c=OMjwGp47Ad5otWI0\\_IpOg&r=G\\_hzVvySAkixNxE\\_J\\_EjNJR\\_FDWFjexJLES8DRQ06qKk&m=Mo6YrmF80h48BJ7RfUaDCKzplVD12hp4Vkmisp0jzQtcs=chB8p-8X95GEJKTcuk-oQKuTr0rrZ8aUQMXqA9ntRzM&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwIFaQ&c=OMjwGp47Ad5otWI0_IpOg&r=G_hzVvySAkixNxE_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=Mo6YrmF80h48BJ7RfUaDCKzplVD12hp4Vkmisp0jzQtcs=chB8p-8X95GEJKTcuk-oQKuTr0rrZ8aUQMXqA9ntRzM&e=)

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

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 With regard to soil contamination requirements, 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.

7 Delete this and enter unique informative here



Any person wishing to inspect the above papers should contact Neil Quinn, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5349

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## Agenda Item 04

### Supplementary Information Planning Committee on 6 May, 2020

Case No. 19/1241

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Location	Car Park next to Sudbury Town Station, Station Approach, Wembley, HA0 2LA
Description	Re-development of existing car park for the erection of two blocks of residential dwellings, with associated residential amenity space, refuse storage, cycle parking, landscaping and other ancillary works, together with re-provision of disabled car parking bays nearest to Station Approach to serve Sudbury Town Underground Station (DEPARTURE FROM POLICY CP21 OF BRENT'S LOCAL PLAN).

#### Agenda Page Number: 161-202

#### Further representations

Seven additional objections have been received from local residents to the proposal, as well as a further objection from the Sudbury Town Residents' Association and an objection received from three residents writing on behalf of the "South Sudbury Residents Association" who describe themselves as a community support group consisting of over 300 residential properties form District Road, Central Road, Station Crescent and Station Approach, but are not registered with the Council as a formal Residents' Association.

Firstly, objections raised concerns regarding the impacts associated with the loss of the car park (e.g. on families and disabled people) and, on local parking stress. Officers have responded to both of these points of objection in the committee report.

Secondly, one objection has been received querying whether the TfL depot should be included in the development site and the development layout amended to free up land closer to the entrance to the station (towards the pedestrian ramp) for the retention of a larger number of car parking spaces (including for visitors and some loading and unloading), as well as a depot when required by TfL. An assertion has also been made that the depot would be accessed to the east of the site, from Barham Close.

The Council must consider whether the development that is proposed is acceptable, and cannot consider other options that are not proposed by the applicant. Notwithstanding this, TfL have advised that they continue to require the site to the immediate east as a depot for maintenance purposes, and it has not been a viable option to include this as part of the development site. Officers have made their assessment solely on the proposals as presented on the submitted drawings and supporting documents.

TfL have advised that there is no access to the depot from Barham Close. A retained access to the depot from Station Approach, through the site, is therefore required. The merits of this are discussed within the committee report.

Thirdly, objections raise concerns with the density of development given the current context of the Covid-19 pandemic. There is no reason why the management of the Covid 19 Pandemic could not be managed in a block of this nature in the same way as many other blocks across the borough. The density of development and quality of accommodation is discussed within the main committee report and this is considered to remain acceptable for the reasons set out in the report.

Fourthly, objections are raised concerning the 'virtual' nature of the committee meeting, and a perceived lack of transparency and public participation as a result of this. The Sudbury Town Residents Association have commented that certain statutory requirements have not been met and have asked that this item is deferred. However, they do not advise which statutory requirements they consider to not have been met. Officers consider that all statutory requirements have been met. The Government has legislated to enable Council meetings to take place virtually and has made it clear it wants Councils to continue to hold public meetings and make decisions to enable it to continue to carry out its functions. The Planning Committee will operate in the usual way but via Zoom rather than in the Civic Centre. People will continue to be able to register a request to address the Planning Committee and may speak on-line, using the Zoom app or using a telephone. The Committee will be live streamed as usual so anyone who might have come to the Civic Centre to watch, but not participate in the meeting, will still be able to observe proceedings. The planning committee meeting will continue to be transparent and public participation has not been reduced. The

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Ref: 19/1241 Page 1 of 2*

Council also has not extended “delegated powers” (i.e. the range of decisions determined by officers rather than committee) during the lock-down as some Councils have done.

The absence of a Planning Committee site visit or a site meeting with residents has also been raised by objectors. The objectors have raised concern that the planning committee may not be able to fully understand a number of matters, such as the availability of disabled parking, levels of on-street parking, the relationship with adjoining sites (and associated impacts) and the relationship with the depot. Planning Committee site meetings are not held for committee items, either with residents or the applicant / agent.

A planning application will have been already evaluated and the site inspected by planning staff and it is not necessary for a formal Planning Committee site visit to be made. There is no legal requirement for this to happen. Site visits may be held for a limited number of committee items when it is considered helpful to visit the site to understand the proposal and the site context. Committee members may visit a site in their own time should they consider it necessary to understand the site and its context. It is considered that members can evaluate the proposal using the application submission documents, site photos, committee report and other resources that area available (such as Google Earth and Google Streetview). The objectors state that such visits (or meetings) are important to enable the public to put their point of view forward. However Committee site visits are for observations only and not for conversations with members of the public or applicants – the place for this is at committee. There is a reasonable expectation the Planning Committee members are able to make a well informed decision from the information available to them.

Objections are raised on the grounds that letters received in support of the application have come from parties living outside the immediate area, and therefore should have less validity in the decision making process. Officers have a duty to report any correspondence received in connection with the planning application, whether for or against the scheme, received from those either working or living in the Borough or its immediate surroundings in line with the Council's guidelines. The decision makers can give more less weight to comments received as they feel appropriate. This has been detailed within the committee report and this supplementary report.

#### Support

Finally, two further letters of support have been received to the proposal. The grounds for support re-iterate those already set out in the committee report.

#### Amendments to main report

Paragraph 73 of the committee report is incorrect with regard to the number of dual aspect units within the scheme. This should read as 20 units, rather than 36 units referred to in the first sentence. The paragraph is amended to read as follows:

'73. The overall scheme will deliver 20 units which will have true dual aspect, representing approx. 38% of the total. Given the constraints of the site and its deep length, and the implications of installing openings to elevations which would result in overlooking concerns to neighbouring properties, this is considered to be a reasonable provision and could not be notably increased without losing a significant amount of accommodation. The majority of the remaining flats have a north-west, south-west or south-east facing outlook, which is considered to be ideal as there are often problems associated with the provision of units that are solely north facing (lack of direct sunlight) or solely south facing (problems with overheating). Only 2 of the units would have a predominantly north facing, single aspect, which is an acceptable level given the scale of development on the site, its constraints and the high quality of accommodation being provided. It is considered that the level of outlook for all flats is acceptable.'

**Recommendation: Continues to be grant, subject to the conditions and s106 Heads of Terms as set out in the committee report.**

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

6 May, 2020  
05  
19/3092

## SITE INFORMATION

RECEIVED	30 August, 2019
WARD	Wembley Central
PLANNING AREA	
LOCATION	Ujima House, 388 High Road, Wembley, HA9 6AR
PROPOSAL	Demolition of the existing building and erection of a new building up to a maximum height of 39.6m comprising up to 5,000sqm residential floorspace (Use Class C3), up to 600sqm of flexible workspace (Use Class B1A, B and C), with ancillary cafe (Use Class A3) up to 600sqm ancillary floorspace, associated hard and soft landscaping, wheelchair car and cycle parking.
PLAN NO'S	Please see condition 3.
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_146781">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_146781</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 "19/3092" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>

## RECOMMENDATIONS

To resolve to grant outline planning permission, subject to the Stage 2 referral to the Mayor of London and the conditions and informatives recommended in this report.

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

1. Any direction by the London Mayor pursuant to the Mayor of London Order
2. Any direction by the Secretary of State pursuant to the Consultation Direction

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

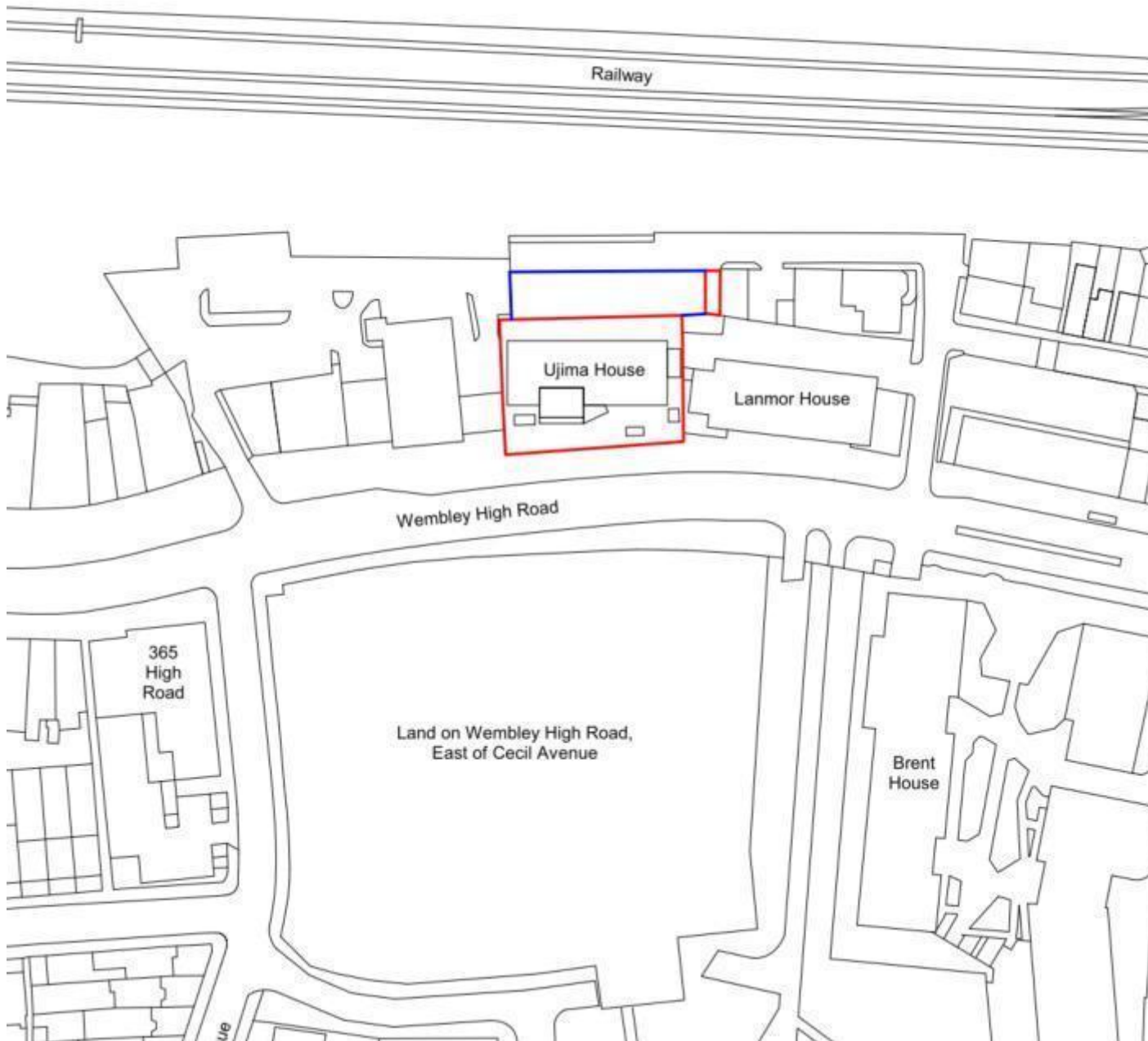
1. Time Limits for Reserved Matters and Commencement of Development
2. Approval of Reserved Matters details
3. Approved drawings and documents
4. No conversion from C3 to C4 without planning permission
5. Use of parking and cycle storage
6. Non Road Mobile Machinery
7. Construction tolerance plan
8. Provision of employment floorspace prior to residential occupation
9. Affordable housing provision including two-stage viability review
10. Construction Method Statement
11. Construction Logistics Plan
12. Training and employment plan
13. Detailed design stage Energy Assessment and initial carbon offsetting contribution
14. Site investigation for contaminated land
15. Details of internal noise levels
16. Materials samples and design details
17. Landscaping details including maintenance and replanting
18. Fire Strategy
19. Retain provision for permissive rights of way for pedestrians and cyclists
20. s278 agreement to secure highway works
21. Lighting assessment
22. Remediation and verification of contaminated land
23. Parking permit restriction agreement
24. Travel Plan including two years free car club membership
25. Thames Water infrastructure capacity
26. Delivery and Servicing Plan
27. Commercial kitchen plant
28. Plant noise assessment
29. Post completion Energy Assessment Review and final carbon offsetting contribution

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

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

E. That 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



This map is indicative only.

## PROPOSAL IN DETAIL

The application seeks outline planning permission to redevelop the site, with all matters reserved.

The existing building would be demolished and replaced by a new building of up to 39.6m in height. The building would comprise up to 5,000sqm of residential floorspace, up to 600sqm of flexible workspace in use classes B1(a), B1(b) and B1(c) with ancillary cafe, and up to 600sqm of ancillary floorspace. The workspace would be located on the ground floor and basement floor, and residential uses would be located on the floors above. Associated hard and soft landscaping would be provided, together with car and cycle parking.

## EXISTING

The existing site comprises a five-storey office building known as Ujima House together with a partly landscaped frontage, and an area of hardstanding to the rear which provides 42 parking spaces for the use of occupants of the building. The site is located on the northern side of Wembley High Road.

The site is not in a conservation area and does not contain a listed building. It is located within Wembley Town Centre and Wembley Growth Area as designated in Brent's Core Strategy 2010, and within Wembley Housing Zone as designated by the Mayor of London. The surrounding area contains a mix of commercial and retail uses with residential uses above ground floor. To the north of the site is a railway embankment and the Chiltern Line railway tracks.

## AMENDMENTS SINCE SUBMISSION

Revisions to the indicative ground floor plan shown in the Design & Access Statement were submitted (in the form of a Design & Access Statement Addendum) on 7 February 2020. The revisions proposed are:

- providing a dedicated entrance lobby for residential use, rather than an entrance shared with the workspace / cafe use. The lobby would be 3m wide and finished in robust materials, to allow cycles to be brought through the entrance lobby to the cycle store at the rear of the building, thus avoiding the need for cyclists to enter the site via Ecclestone Place;
- amending the residential cycle storage to provide some larger non-standard spaces and Sheffield stands in addition to two-tier spaces;
- indicating space for additional Blue Badge parking spaces;
- providing access controlled gates to the parking area and yard space;
- relocating short stay cycle parking to accommodate a gate to the yard space.

These revisions do not materially alter the proposal and would not prejudice the interests of any neighbouring residents, and further consultation was not necessary on this occasion.

## SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. One letter of objection was received regarding some of these matters. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

**Neighbour objections:** One neighbour objections has been received, raising concerns about the access from Ecclestone Place and nuisance caused by construction works. These issues are considered at the relevant points in the report.

**Principle of development:** The site has been allocated for mixed use residential-led redevelopment since 2015. The proposal is for outline planning permission. It would bring forward new employment floorspace which would create an active frontage along the High Road, and would contribute to the vitality and viability of the town centre while helping to foster new economic opportunities. It would also provide residential units to contribute to Brent's housing targets (indicatively 54 units) and improved public realm to the front of the site. It would secure future pedestrian and cyclist rights of way as adjoining sites come forward for redevelopment. The loss of the existing office space is considered acceptable in this instance given the planning benefits of redeveloping the site. The proposal responds well to the adopted and emerging site allocations, and is strongly supported in principle.



**Housing mix and affordable housing:** The proposal would deliver 41.4% affordable housing (by habitable room) (35% by number of units) with a proposed tenure split of 63:37 affordable rent to shared ownership. The applicant’s financial viability appraisal has been robustly reviewed by independent consultants and this process has demonstrated that the offer is beyond the maximum reasonable amount of affordable housing that the site can support. The proposal would provide 15% of family sized units and whilst this falls below Brent’s policy target of 25% it is considered acceptable on this constrained and highly urbanised site. Of the affordable rent units, 32% would be family-sized and this would contribute to the specific need for these homes in Brent.

**Design, scale and appearance:** The proposed building would be rectangular in form, making effective use of the site and responding to the character of the area. The maximum height of 39.6m is considered acceptable within the emerging street scene and would allow for a building of eleven stories including a set back eleventh floor to define the top of the building. The architectural composition and detailing would be considered under reserved matters. Overall the design approach is strongly supported.

**Impact on heritage assets:** The impacts on archaeological interest has been assessed and it is considered that no harm would occur.

**Residential living standards:** The indicative layout shows that the building could provide 54 residential units of high quality on the upper floors, a high proportion being dual aspect and all having generously sized balconies. A communal roof terrace would be available to all residents and would include areas for play. The overall amount of amenity space is considered to be of good quality and acceptable, despite it falling short of the requirements set out in Policy DMP19.

**Relationship with neighbouring properties:** The proposed building would comply with Brent’s standards for separation distances to adjoining sites. Detailed analysis of the impact on daylight to neighbouring properties shows that these impacts would mainly affect the proposed new development to the south of the site (Land at Cecil Avenue and High Road, ref 19/2891), and this is considered inevitable in high density urban contexts.

**Sustainability and energy:** The proposal would achieve a 32% reduction in residential carbon emissions compared to the 2013 Building Regulations baseline and a 56% reduction in non-residential emissions. Further opportunities to reduce emissions would be sought in the detailed design and construction process, and a financial contribution to zero carbon offsetting, estimated to be £60,273, would be secured by condition.

**Environmental health considerations:** Air quality, noise and vibration, and land contamination have been assessed, and environmental health officers have recommended conditions as appropriate to mitigate any impacts, including those arising from the construction process.

**Transport:** The proposal includes three car parking spaces for Blue Badge holders at the rear of the site, which complies with Brent’s maximum allowance and London Plan requirements for disabled parking, and a single point of vehicle access from Ecclestone Place. The site is in a Controlled Parking Zone with excellent access to public transport, and future residents would not be eligible for on-street parking permits. Cycle parking would be provided in compliance with London Plan standards, and waste storage and collection arrangements would be acceptable. Highway works and a Travel Plan would be required by conditions.

**MONITORING**

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

**Floorspace Breakdown**

Primary Use	Existing	Retained	Lost	New	Net Gain (sqm)
Assembly and leisure	0		0	0	
Businesses / research and development	0		0	0	
Businesses and light industry	0		0	0	
Businesses and offices	1988		1388	-788	
Drinking establishments (2004)	0		0	0	
Financial and professional services	0		0	0	

General industrial	0		0	0
Hot food take away (2004)	0		0	0
Hotels	0		0	0
Non-residential institutions	0		0	0
Residential institutions	0		0	0
Restaurants and cafes	0		0	0
Shops	0		0	0
Storage and distribution	0		0	0

### Monitoring Residential Breakdown

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
EXISTING ( Flats û Market )										
EXISTING ( Flats û Social Rented )										
EXISTING ( Flats û Intermediate )										
PROPOSED ( Flats û Market )	23	10	2							35
PROPOSED ( Flats û Social Rented )	1	5	6							12
PROPOSED ( Flats û Intermediate )	4	3								7

### RELEVANT SITE HISTORY

#### 13/0515

Full Planning Permission

Granted 05/06/2013

Change of use from office building (Use Class B1) to non-residential educational institution (Use Class D1)

#### 10/0421

Full Planning Permission

Granted 22/04/2010

Change of use from office building (Use Class B1) to non-residential educational institution (Use Class D1) (as amended by further information received on 15/04/2010, 19/04/2010 and 21/04/2010)

Note: both permissions above were granted on a temporary basis, the latter permission having expired in April 2016.

#### 99/0206

Certificate of Lawfulness - Existing

Granted 08/03/1999

Use of part of the ground floor as a nursery for use of employees of Ujima Housing Association, Parkside Health and members of the public - Certificate of Lawfulness for a proposed use

### CONSULTATIONS

122 neighbouring properties were consulted by letter on 4 September 2019. A site notice was posted on 23 September 2019 and a press notice was published on 26 September 2019. One objection was received and is summarised as follows:

Comment	Officer response
Lack of safe road access and consequent highway safety and traffic disruption to Ecclestone Close.	See paragraph 126 and 127 - construction traffic would be managed through a construction logistics plan to be conditioned to any forthcoming consent.
Reference is made to a 15 tonne weight restriction on Ecclestone Place.	The Construction Logistics Plan
Noise, disturbance and air pollution caused by construction process.	See paragraph 102 - These matters would be managed through a construction management plan as part of a condition to any forthcoming consent to mitigate the impact upon neighbouring amenity and the wider environment.

Statutory nuisance would be dealt with by Environmental Health legislation.

Reconsultation of neighbouring properties was carried out on 9 March 2020, together with posting of amended site notices, to remove an incorrect reference to AOD heights in the original description of the development. No further comments were received.

### ***Internal and statutory consultees***

GLA Stage 1 response (including TfL comments):

**Principle of development:** The principle of the residential-led redevelopment of the site is strongly supported in Wembley Opportunity Area.

**Housing:** Issues raised with the proposed affordable rent product not being genuinely affordable and should be provided as London Affordable Rent. The proposal does not qualify for the Fast Track Route, and early stage and late stage viability reviews should be secured.

**Urban design:** The design approach is generally supported as is height and massing.

**Transport:** Further information is required regarding the assessment of and contributions towards Healthy Streets and Vision Zero, access arrangements for cyclists such as proposed cycle parking areas and access routes, and the provision of policy compliant disabled persons parking spaces.

**Energy:** Further information on the energy strategy is required.

These matters are addressed in the Remarks section below.

Thames Water: No objection subject to condition requiring either confirmation of surface water and foul water drainage capacity or housing and infrastructure phasing plan or completion of wastewater network upgrades.

Historic England (Greater London Archaeology Advisory Service): No objection.

Energy & Sustainability Officer: Recommends improvements to energy strategy (these are discussed in the main body of the report).

Environmental Health (including noise control team): No objection subject to conditions.

### **Pre-application consultation and engagement**

The applicant's Design & Access Statement sets out the public consultation and engagement activities undertaken by the applicants prior to submitting the application. These included two public exhibitions and a variety of work experience opportunities provided for students. These activities are considered to be appropriate to the scale of the development and to reflect the recommended level of pre-application engagement set out in Brent's Statement of Community Involvement.

The applicants have been involved in pre-application discussions with officers, in addition to seeking pre-application advice from the GLA and the CABE Design Review Panel. The overall scale and form of the proposal has evolved in response to feedback received, although the proposal was broadly supported in its initial form.

## **POLICY CONSIDERATIONS**

The London Plan including:

Policy 2.7	Outer London: Economy
Policy 3.1	Ensuring equal life chances for all
Policy 3.3	Increasing housing supply
Policy 3.4	Optimising housing potential
Policy 3.5	Quality and design of housing developments
Policy 3.6	Children and young people's play and informal recreation facilities
Policy 3.8	Housing choice
Policy 3.9	Mixed and balanced communities
Policy 3.10	Definition of affordable housing
Policy 3.11	Affordable housing targets
Policy 3.12	Negotiating affordable housing

Policy 3.13	Affordable housing thresholds
Policy 4.1	Developing London's economy
Policy 4.3	Mixed use development and offices
Policy 4.8	Supporting a successful and diverse retail sector and related facilities and services
Policy 5.1	Climate change mitigation
Policy 5.2	Minimising carbon dioxide emissions
Policy 5.3	Sustainable design and construction
Policy 5.5	Decentralised energy networks
Policy 5.6	Decentralised energy in development proposals
Policy 5.7	Renewable energy
Policy 5.8	Innovative energy technologies
Policy 5.9	Overheating and cooling
Policy 5.10	Urban greening
Policy 5.11	Green roofs and development site environs
Policy 5.12	Flood risk management
Policy 5.13	Sustainable drainage
Policy 5.14	Water quality and wastewater infrastructure
Policy 5.15	Water use and supplies
Policy 5.16	Waste net self-sufficiency
Policy 5.18	Construction, excavation and demolition waste
Policy 5.19	Hazardous waste
Policy 5.21	Contaminated Land
Policy 6.3	Assessing the effects of development on transport capacity
Policy 6.9	Cycling
Policy 6.12	Road network capacity
Policy 6.13	Parking
Policy 7.1	Lifetime neighbourhoods
Policy 7.2	An inclusive environment
Policy 7.3	Designing out crime
Policy 7.4	Local character
Policy 7.6	Architecture
Policy 7.7	Location and design of tall and large buildings
Policy 7.8	Heritage assets and archaeology
Policy 7.14	Improving air quality
Policy 7.15	Reducing noise and enhancing soundscapes
Policy 7.18	Protecting open space and addressing deficiency
Policy 7.19	Biodiversity and access to nature

### Core Strategy

CP1	Spatial Development Strategy
CP2	Population and Housing Growth
CP5	Placemaking
CP6	Design & Density in Place Shaping
CP7	Wembley Growth Area
CP15	Infrastructure to Support Development
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

### Development Management Document

DMP 1	Development Management General Policy
DMP2	Supporting Strong Centres
DMP4a	Shop Front Design and Forecourt Trading
DMP9a	Managing Flood Risk
DMP9b	On Site Water Management and Surface Water Attenuation
DMP12	Parking
DMP13	Movement of Goods and Materials
DMP15	Affordable Housing
DMP18	Dwelling Size and Outbuildings
DMP19	Residential Amenity Space



## Wembley Area Action Plan 2015

WEM1 Urban form  
WEM2 Gateways to Wembley  
WEM3 Public Realm  
WEM5 Tall Buildings  
WEM6 Protection of Stadium Views  
WEM8 Securing Design Quality  
WEM10 Low-cost Business Start-up Space  
WEM13 Western Highway Corridor  
WEM15 Car parking standards  
WEM16 Walking and Cycling  
WEM19 Family Housing  
WEM21 Wheelchair Housing and Supported Housing  
WEM30 Decentralised Energy  
WEM32 Urban Greening  
WEM33 Flood Risk  
WEM34 Open Space Provision  
WEM38 Play Provision  
Site Allocation W4

In addition, the council is currently reviewing its Local Plan. Formal consultation on the draft Brent Local Plan was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 24 October and 5 December 2019. At its meeting on 19 February 2020 Full Council approved the draft Plan for submission to the Secretary of State for examination. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officers that greater weight can now be applied to policies contained within the draft Brent Local Plan.

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.

These documents collectively carry increasing weight in the assessment of planning applications as they progress through the statutory plan-making processes.

Key relevant policies include:

### Intend to publish London Plan

GG1	Building strong and inclusive communities
GG2	Making the best use of land
GG3	Creating a healthy city
GG4	Delivering the homes Londoners need
GG5	Growing a good economy
SD1	Opportunity areas
SD6	Town centres and high streets
SD8	Town centre network
D1	London's form, character and capacity for growth
D2	Infrastructure requirements for sustainable densities
D3	Optimising site capacity through the design-led approach
D4	Delivering good design
D5	Inclusive design
D6	Housing quality and standards
D7	Accessible housing
D8	Public realm
D9	Tall buildings
D10	Basement development
D11	Safety, security and resilience to emergency
D12	Fire safety
D14	Noise
H1	Increasing housing supply
H4	Delivering affordable housing
H5	Threshold approach to applications

H6	Affordable housing tenure
H7	Monitoring affordable housing
H10	Housing size mix
S1	Developing London's social infrastructure
S4	Play and informal recreation
E2	Providing suitable business space
E3	Affordable workspace
E8	Sector growth opportunities and clusters
E9	Retail, markets and hot food takeaways
E11	Skills and opportunities for all
HC1	Heritage conservation and growth
HC5	Supporting London's culture and creative industries
HC6	Supporting the night-time economy
G1	Green infrastructure
G5	Urban greening
G6	Biodiversity and access to nature
G7	Trees and woodlands
G8	Food growing
SI1	Improving air quality
SI2	Minimising greenhouse gas 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
T1	Strategic approach to transport
T2	Healthy Streets
T3	Transport capacity, connectivity and safeguarding
T4	Assessing and mitigating transport impacts
T5	Cycling
T6	Car parking
T6.1	Residential parking
T6.5	Non-residential disabled persons parking
T7	Deliveries, servicing and construction
T9	Funding transport infrastructure through planning

#### Draft Local Plan

DMP1	Development management general policy
BP7	Southwest
BSWSA8	Wembley High Road
BD1	Leading the way in good urban design
BD2	Tall buildings in Brent
BD3	Basement development
BH1	Increasing housing supply in Brent
BH2	Priority areas for additional housing provision within Brent
BH5	Affordable housing
BH6	Housing size mix
BH13	Residential amenity space
BSI1	Social infrastructure and community facilities
BE1	Economic growth and employment opportunities for all
BE4	Supporting Strong Centres Diversity of Uses
BE7	Shop front design and forecourt trading
BE8	Markets and car boot sales
BHC1	Brent's Heritage Assets
BHC3	Supporting Brent's culture and creative industries
BHC4	Brent's night time economy
BGI1	Green and blue infrastructure in Brent
BGI2	Trees and woodlands
BSUI1	Creating a resilient and efficient Brent
BSUI2	Air quality
BSUI3	Managing flood risk

BSUI4	On-site water management and surface water attenuation
BT1	Sustainable travel choice
BT2	Parking and car free development
BT3	Freight and servicing, provision and protection of freight facilities

The following are also relevant material considerations:

The National Planning Policy Framework 2019

Mayor of London's Play and Informal Recreation SPG 2012

Mayor of London's Sustainable Design and Construction SPG 2014

Mayor of London's Housing SPG 2016

Mayor of London's Affordable Housing and Viability SPG 2017

Brent Design Guide SPD1 2018

Brent Waste Planning Guide 2015

## DETAILED CONSIDERATIONS

### Planning history and background

1. The Wembley Growth Area is one of a number of Housing Zones designated by the Mayor of London in November 2015 and in March 2018 the Council signed a Borough Intervention Agreement (BIA) with the Greater London Authority (GLA) to secure GLA funding in return for a commitment to deliver new homes including affordable housing. The proposal is one of a number of development projects within the Wembley Growth Area being taken forward by Brent's Regeneration Team under this agreement. Cabinet approval has been secured at appropriate points for the use of Council resources in this way, including for the purchase of the building.
2. The site was previously in Use Class D1 use (non-residential institutions) and occupied mainly by a private college, under temporary permissions granted in 2010 and 2013. However, the latter of these permissions expired in 2016. Part of the ground floor was occupied by a nursery (Use Class D1), and this was established as a legal use in 1999. However this use has fallen away following the relocation of the nursery elsewhere in the Wembley area. The legal use of the site has therefore reverted to B1 office use. The site is also subject to an Article 4 Direction covering the Wembley Growth Area which came into effect on 11 August 2018 and withdraws permitted development rights for conversion of offices to residential accommodation.
3. The Council's Regeneration Team is the applicant making this planning application, and there is no third-party developer involved at this stage. The role of the Local Planning Authority in determining planning applications is legally and functionally separate from the role of the applicant. Under the Town and Country Planning General Regulations 1992 (as amended), local authorities must make planning applications in the same way as any other applicant, and the same procedures must be followed in determining the application. However, a s106 legal agreement would not be entered into as there is no third party, and matters that would normally be secured through the s106 agreement would in this case be secured by conditions.

### Principle of development

#### Background

4. The site is in Wembley Town Centre but not part of a designated retail frontage. It is part of the W4 site allocation from the Wembley Area Action Plan 2015, which aims to transform this area into a mixed use community with improved pedestrian links and public realm, and this allocation is proposed to be carried forward into the Wembley High Road allocation (ref BSWSA8) in Brent's new Local Plan. The proposed allocation seeks commercial development complementary to the role of the town centre, providing flexible floorspace suitable for B1(c), B8 and B2 uses and seeking no net loss of employment floorspace overall.
5. The proposed site allocation also emphasises the potential to create a secondary pedestrian route and continuous public realm along the rear of the High Road from Chesterfield House to Ecclestone Place. Public access through the Chesterfield House site has been secured under the planning permission ref 15/4550 which is currently being built out, whilst the adjoining Wembley Link site which has a committee

resolution to grant permission under ref 18/3111 would secure a landscaped public pedestrian route through this site and any future proposals involving redevelopment of the adjoining Fairgate House site would also require this route to be continued. The application documents also refer to a potential pedestrian / cycle route running along the western edge of the site, which is part of a longer term aspiration to provide a pedestrian / cycle bridge across the railway line.

#### Employment and cafe floorspace

6. Draft new London Plan Policy E1 seeks to retain existing viable office floorspace capacity, to consolidate the diverse office markets in outer and inner London and to improve the quality, flexibility and adaptability of office space through new office provision, refurbishment and mixed use redevelopment.
7. The retention of office floorspace in Wembley is reinforced by an Article 4 Direction preventing further conversions to residential use, whilst employment uses more widely are protected by Policy DMP14. This policy allows the release of Local Employment Sites to non-employment uses where continued wholly employment use is unviable, whilst Policy WEM9 (Offices) of the Wembley Area Action Plan also generally permits the re-use or redevelopment of redundant, purpose-built office buildings for appropriate alternative uses, subject to evidence to demonstrate that there are no prospects of occupation in the medium term.
8. The existing building comprises 1,988sqm of B1(a) office floorspace. However, the legal use of the building from 2010 to 2016 was a D1 college use with a D1 nursery use on the ground floor, whilst the college occupants (Capita School of Business and Management) had vacated the building before it was acquired by the Council whilst the nursery has since relocated elsewhere in Wembley. The building is currently occupied by various short-term meanwhile tenants including London Hackspace.
9. The proposal would deliver up to 600sqm of flexible workspace for B1 uses, with additional floorspace for ancillary café use. Although this would lead to a loss of office floorspace, temporary permissions for D1 use were granted in 2010 and 2013 in recognition of a lack of demand for the office floorspace at the time, and subsequent attempts to let out the building for solely B1 office uses have been unsuccessful. This historic evidence demonstrates the lack of demand for the existing office floorspace on this site.
10. Furthermore, Brent's Employment Land Demand Study 2015 found an office vacancy rate of 25% across the Borough and evidence of increasing demand for new smaller spaces which could accommodate flexible use classes to better respond to the needs of small and medium sized enterprises. The existing use value has been assessed on behalf of the local planning authority (see discussion on Affordable Housing at paragraphs 25 to 31 below), and this assessment has demonstrated that refurbishing the existing building or redeveloping the site for solely commercial use would not be viable in financial terms.
11. The proposed workspace and cafe uses would both be appropriate uses for a town centre environment, and the combination of the two uses would help to activate the street scene, encourage interaction between small businesses and contribute to the vitality and viability of the town centre. It would be important to ensure that the workspace is constructed to a B1(c) specification to allow it to be occupied by light industrial tenants as well as other B1 uses, and further details of this would be secured under reserved matters.
12. The GLA Stage 1 response also strongly supports the redevelopment of the site to include high-quality new flexible workspace, notwithstanding the reduction in the amount of employment floorspace provided, and considers the proposal to be supported by draft London Plan Policy E1.
13. Brent's draft Local Plan Policy BE1 seeks at least 10% of workspace to be affordable in the Wembley Growth Area. However, your officers consider that only limited weight can be given to this draft policy as concerns have been raised with regard to its impact on viability. Furthermore, complying with this emerging policy requirement would reduce the amount of affordable housing that could be delivered, and that the latter should take precedence in this case given the Council's legally binding Housing Zone agreement with the GLA to deliver a minimum quantum of affordable housing.
14. On balance, your officers consider that providing the proposed quantity of flexible B1 floorspace on this site would respond better to current demand and would contribute to strategic regeneration aims for Wembley High Road more effectively than providing a greater quantum of traditional office floorspace. It is noted that new office and employment floorspace is coming forward elsewhere, for example as part of the comprehensive redevelopment of the Wembley Park area.

## Residential development

15. The NPPF 2019 expects the planning system to boost significantly the supply of housing, including by identifying key sites in the delivery of their housing strategy. The London Plan 2016 identifies Wembley amongst the opportunity areas providing brownfield land with significant capacity to accommodate new development linked to existing or potential improvements to public transport accessibility, and Brent's Core Strategy Policy CP1 also aims to concentrate housing growth in well located key growth areas including Wembley. Policy CP2 sets out a target for delivering 22,000 new dwellings (including 11,500 in the Wembley Growth Area) over the 2007-2026 period. The Wembley Area Action Plan translates these general policy aims into specific policies and proposals for the Wembley area.
16. The draft new London Plan proposes a substantial increase in housing targets across London, including a target for Brent of 2,325 new homes per year, and also puts forward a new design-led approach to density which aims to optimise the development potential of sites. Brent's draft Local Plan responds to these targets by proposing plan-led growth and site-specific allocations concentrated in a number of Growth Areas, including 15,000 homes in Wembley Growth Area. As noted above, the proposal is part of a proposed Local Plan site allocation. These emerging policy documents are material considerations that carry significant weight in the determination of this application due to their advanced stage of preparation.
17. The proposal would deliver up to 5,000sqm of residential floorspace across the upper floors of the building, and indicative plans demonstrate that this could comprise 54 units. Residential uses on upper floors allows the development potential of sites in accessible locations to be optimised, and also contributes to the Council's housing targets and to the vitality and viability of the town centre. The residential use is considered to be acceptable in principle.

## Conclusion

18. In conclusion, the current and emerging policy context together with the designation of Wembley as a Housing Zone offers strong support for residential-led development with commercial space at ground floor on this site. Whilst the loss of office floorspace is of some concern, your officers consider that re-providing the existing quantum of this floorspace on such a constrained site would be unlikely to result in a viable scheme or to reflect current demand and would also compromise the delivery of affordable housing on the site.
19. Notwithstanding the loss of office floorspace, the provision of flexible workspace to accommodate the full range of B1 uses and ancillary café use would create an active frontage at ground floor level and would respond well to the proposed site allocation for the site and to the Council's aims for the regeneration of the wider town centre area. The proposal would contribute to the regeneration of Wembley town centre and provide high density residential development as encouraged by the Housing Zone designation. The proposal is considered to be acceptable in principle.

## **Affordable housing and housing mix**

### Policy background

20. Brent's adopted local policy (CP2 and DMP15) setting out the requirements for major applications in respect of affordable housing provision stipulates that schemes should provide 50% of homes as affordable, with 70% of those affordable homes being social or affordable rented housing and 30% of those affordable homes being intermediate housing (such as for shared ownership or intermediate rent). The policy also allows for a reduction to affordable housing obligations on economic viability grounds where it can be robustly demonstrated that such a provision of affordable housing would undermine the deliverability of the scheme. The policy requires schemes to deliver the maximum reasonable proportion of Affordable Housing (i.e. the most that the scheme can viably deliver, up to the target). It does not require all schemes to deliver 50% Affordable Housing. This is an important distinction.
21. The definition within DMP15 allows for affordable rented housing (defined as housing which is rented at least 20% below the market value) to be an acceptable form of low cost rented housing, which is consistent with the NPPF definition of affordable housing.
22. The emerging London Plan (Intend to Publish Version) affordable housing policy (H4, H5 and H6) sets out the Mayor's commitment to delivering "genuinely affordable" housing and that the following split of affordable housing provision is applied to development proposals:



- a minimum of 30% low cost rented homes, allocated according to need and for Londoners on low incomes (Social Rent or London Affordable Rent)
- a minimum of 30% intermediate products
- 40% to be determined by the borough based on identified need

23. Brent's emerging local plan policy (BH5) is similar to DMP15 in the adopted plan, but sets a strategic target of 50% affordable housing while supporting the Mayor of London's Threshold Approach to applications (policy H5), with schemes not viability tested at application stage if they deliver at least 35% (or 50% on public sector land / industrial land) and propose a policy compliant tenure split. Brent Policy BH5 sets a target of 70% of those affordable homes being for social rent or London Affordable Rent and the remaining 30% being for intermediate products. This split marries up with the Draft London Plan H6 policy by design, with Brent having considered that the 40% based on borough need should fall within the low cost rented homes category, bringing Brent's target split across both emerging policies as 70% for low cost rented homes (Social rent or London Affordable Rent) and 30% for intermediate products.

24. Brent's draft Local Plan has yet to be examined by the Planning Inspectorate and as such the adopted DMP15 policy would carry considerably more weight than the emerging policy at present.

25. The draft London Plan is at a more advanced stage than Brent's emerging Local Plan and has been subject to comments from the Planning Inspectorate. Whilst concerns have been raised about some London Plan draft policies by the Inspectorate, none of those concerns relate to these policies and it can therefore be considered that this draft policy carries reasonable weight at this stage. The policy requirements can be summarised as follows:

Policy context	Status	% Affordable Housing required	Tenure split		
			70% Affordable Rent (to 80 % Market)	30% Intermediate	
Existing adopted policy	Adopted	Maximum reasonable proportion	70% Affordable Rent (to 80 % Market)	30% Intermediate	
Emerging London Plan	Greater weight	Maximum reasonable proportion	30% Social / London Affordable Rent	30% Intermediate	40% determined by borough
Emerging Local Plan	Limited weight	Maximum reasonable proportion	70% Social / London Affordable Rent	30% Intermediate	

### Housing mix

26. The proposed housing mix is indicative at this stage, however the indicative layouts provided assume that a total of 54 residential units would be provided. An indicative unit schedule is set out in the Design & Access Statement, and the indicative housing mix proposed is as follows:

	<b>1bed</b>	<b>2bed</b>	<b>3bed</b>	<b>total</b>
Market housing	23	10	2	35
Affordable rent	1	5	6	12
Shared ownership	4	3	0	7
<b>% affordable mix</b>	<b>26%</b>	<b>42%</b>	<b>32%</b>	
<b>Total number of units</b>	<b>28</b>	<b>18</b>	<b>8</b>	<b>54</b>
<b>% total mix</b>	<b>52%</b>	<b>33%</b>	<b>15%</b>	

27. The proposed housing mix includes 15% of three-bedroom units, which is lower than the 25% policy target. However, this has been balanced against the provision of Affordable homes, as a higher proportion of family homes would compromise the overall viability of the scheme and thus the delivery of affordable housing. The proportion is comparable to other recent high density schemes in the local area.

28. The affordable rented housing would be weighted towards 3 bed units (50% of these units), which would address a particular need for affordable family-sized units. A reserved matters condition would secure the provision of at least 15% of the units as 3beds or larger. On balance therefore the housing mix proposed is considered to be acceptable in this instance.

### Affordable housing provision

29. A total of 19 of the 54 residential units would be affordable. The affordable housing provision proposed would comprise 12 units for affordable rent and 7 shared ownership units, a Affordable Housing tenure split of 63:37 when calculated by unit (70.6:29.3 when calculated by habitable room). The proposal represents 41.4% affordable housing on a habitable room basis (35% of the units), exceeding the relevant threshold of 35% to be eligible for the fast track route (subject to its complying with other criteria in Draft London Plan Policy H6). However, in this case the scheme would not meet the requirements for fast track as the GLA have raised concerns that the proposed affordable rent levels are not considered to be genuinely affordable in line with the Mayor's preferred affordable housing as London Affordable Rent (based on social rent levels), and the scheme does not meet local tenure split when calculated by unit (i.e. Brent's 70:30 split of Affordable Rent : Intermediate).
30. A Financial Viability Assessment (FVA) has therefore been submitted and is required to demonstrate that the proposal would deliver the maximum reasonable proportion of Affordable Housing. The FVA demonstrates that the scheme would be in deficit with the proposed provision of affordable housing. The FVA has been independently assessed on behalf of the Local Planning Authority, and this process also concludes that the scheme would be in deficit. Furthermore, the assessment also includes a sensitivity analysis, keeping the number of affordable rent units the same at 12 but reducing the number of shared ownership units to five, to provide a 70:30 tenure split (equating to 31.4% affordable housing). This would also result in a deficit. As such, the proposal is considered to reflect the provision of the 70:30 Affordable Housing split (measured by unit), with additional Intermediate homes provided in addition to the maximum reasonable proportion of Affordable Housing (at the expense of profit) The different scenarios tested are summarised below:

<b>Scenario</b>	<b>Residual Land Value</b>	<b>Benchmark</b>	<b>Surplus / Deficit</b>
BNP Paribas (January 2020)	-£200,453	£3,853,454	-£4,053,907
35% affordable housing as proposed (63:37 split)	-£567,223	£2,900,000	-£3,457,223
35% affordable housing at 70:30 split	-£654,039	£2,900,000	-£3,554,039
50% affordable housing at 70:30 split and inclusive of grant funding	-£631,452	£2,900,000	-£3,531,452
31.4% affordable housing scenario	-£162,462	£2,900,000	-£3,062,462

31. This demonstrates that the scheme would deliver beyond the maximum amount of affordable housing on a nil grant basis. The scheme could not deliver any additional affordable rent units, and the applicant has chosen to top up affordable housing provision with additional shared ownership units.
32. The GLA Stage 1 Response has highlighted concerns regarding the proposed rent levels for the affordable rent units, and consider these levels not to be genuinely affordable. Draft London Plan Policy H6 sets out a preference for 30% of the Affordable Homes to be delivered at London Affordable Rent, which is comparable to traditional social rent levels. However, Brent's Housing department have confirmed that the proposed rent levels, which would be at or below Local Housing Allowance rents, would be affordable for Brent residents and would be acceptable. Lower rent levels would also further reduce the viability of the scheme. Brent's emerging policy would require the provision of all of the Affordable Rented homes as London Affordable Rent. However, only limited weight can be given to the Brent emerging policy at present and the rent levels are in line with adopted Brent policy. Having regard to the above, it is considered that the proposed Affordable rent levels are acceptable.
33. Affordable housing provision, together with early and late stage viability reviews, would be secured by condition. The assessment process has established agreement between the parties on key inputs to the viability reviews, including a Benchmark Land Value (BLV) of £2.9m. The review mechanisms would enable the Local Planning Authority to capture any uplift in affordable housing, taking into account any variables in construction costs, sales values and available grant funding.

## **Design, scale and appearance**

### Background

34. Policy DMP1 requires the scale, type and design of development to complement the locality, and the Brent Design Guide SPD1 provides further advice on general design principles. The NPPF also 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.

35. Brent's draft Local Plan Policy BP7 aims to focus tall buildings in Growth Areas and other appropriate locations, and the proposed site allocation seeks development that builds on the established rhythm of this part of the High Road, corresponds to the neighbouring Chesterfield House development, stepping down towards the east, with active frontages along the High Road and densities to reflect the site's highly accessible location.
36. The character of the surrounding area is mixed but also heavily urbanised. Traditional three-storey buildings providing ground floor retail units and mainly residential accommodation above are interspersed with larger scale modern buildings of varying scales and heights. Recent and forthcoming developments on this section of Wembley High Road have included some significantly taller buildings including the 7-10 storey development at the Brent House site (recently completed), the 21-26 storey building at the Chesterfield House site (under construction) and the 17-19 storey blocks at the Wembley Link site (committee resolution to grant). Beyond the High Road are areas of a more traditional residential character, such as Ecclestone Place to the northeast of the site and Cecil Avenue to the south.

#### Height, scale and massing

37. The existing building is five stories with an additional lift overrun, with a total height of 17.4m to 20.7m. It is lower in height than either of the adjoining buildings, Fairgate House and Lanmor House, and significantly lower than the tallest building in the immediate vicinity, the part 26-storey development at Chesterfield House.
38. The proposed building would be up to a maximum of 39.6m high, and the parameter plans show the main bulk of the building at a height of 35.1m. The maximum height of 39.6m would take into account the lift overrun, PV panels and parapet. While the physical height rather than the number of storeys would be secured, this is likely to result in a building that would have eleven stories, of which the top floor would be well set back from the front and sides, in addition to a basement storey.
39. In terms of the emerging street scene, the building height would appear in keeping with other similarly tall buildings along the High Road and not significantly taller than the adjoining buildings.
40. The parameter plans show the parameter volume being rectangular in form and filling the majority of the developable area of the site. Indicative street scenes have been provided, which show the rectangular plan form being continued up the building, with the set back top floor reducing the appearance of bulk and defining the top of the building as a separate element. Although deeper than the two adjoining buildings, the front building line would be aligned with the adjoining buildings so as to create a consistent and legible street scene and well defined public realm. The deeper floorplan is considered to make the most efficient use of this highly constrained site.
41. Overall, the height, bulk and mass of the building are considered to be appropriate to the emerging street scene in this town centre location and to optimise the development potential of the site, and are acceptable on this basis.

#### Layout, relationship with street, external spaces and public realm

42. The indicative layouts shown in the Design & Access Statement show that both the workspace and ancillary café uses would have ground floor active frontages to the front and rear of the building. A basement level would be provided, comprising additional workspace to the front of the building lit by lightwells inside the building, and plant and ancillary spaces to the rear.
43. The residential core would also be accessed from a dedicated residential entrance lobby at the front of the building, which would provide a suitable sense of ownership and security for residents, providing a clear sense of arrival. The lobby would lead through to the rear of the building, to allow access to the residential bin store and the parking spaces. It would be wide enough to allow for cycles to be walked through the building so that cyclists could access the cycle store at the rear of the building without using the rear access road from Ecclestone Place.
44. The café use would have an active frontage on the side elevation opening out onto an open space provided on the western side of the building, which would facilitate external seating. This space would be gated to prevent access from the High Road, but would potentially allow for pedestrian and cycle access towards the rear of the site at a later date. This open space would further activate the High Road and

would, subject to adjoining development sites coming forward in a similar manner, provide enhanced permeability between the High Road and the new public realm including the secondary pedestrian route to the rear as envisaged in the draft site allocation. The space would be secured as a permissive public right of way for pedestrians and cyclists by means of a condition which would come into force in response to any redevelopment of the adjoining site at Fairgate House or development of land to the rear of the site, and this condition would also limit the provision of external seating at that time in order to secure an unobstructed right of way of 3.4m width.

45. The rear of the site would be maintained as hard surfacing and would provide disabled parking spaces in addition to cycle parking in a separate building at right angles to the main building. The revised ground floor layout shows seven disabled parking spaces and, whilst three of these are shown as being outside the applicant's red line, it is considered that there would be sufficient space within the site at the rear of the building to provide seven spaces on site. This would meet the requirement in draft new London Plan Policy T6 to futureproof the design by indicating how disabled parking spaces could be provided for 10% of the residential units if required, and would also provide one disabled parking space for the commercial use. Draft Policy T6 requires only 3% of units to be provided with disabled parking spaces at the outset, in addition to at least one space for workspace users, and details of the provision of three spaces to comply with this policy would be required under reserved matters.
46. The Secure by Design officer initially raised concerns regarding the location of the residential cycle storage in a separate building at the rear, and the GLA/TfL also consider that the rear access road from Ecclestone Place would not be a suitable route for cyclists (this point is discussed further under Transport below). Options for relocating the cycle storage within the building, involving cycle storage built into the residential units and supplemented by a basement cycle store, have been explored with the applicant. However, any such solution would result in the amount of commercial floorspace being significantly reduced, which would compromise the delivery of wider planning objectives for the site. It would also increase costs due to the need for lifts to be large enough to accommodate cycles, and would potentially compromise delivery of the housing mix identified above, as more floorspace would be required per unit to accommodate the cycle storage.
47. The rear access road and the open space to the west of the building would be gated to prevent any unauthorised access and residents could access the cycle store through the main residential core, and it is considered that these measures would effectively minimise any crime or fear of crime arising from the location of the cycle store. Appropriate external lighting and CCTV measures would be secured by condition, together with further details of the proposed cycle store to ensure that this would be of robust design and construction so as to minimise the risk of its being broken into. Subject to these details being secured, your officers consider that adequate arrangements would be made to prevent crime and the fear of crime.
48. A detailed layout of the external spaces would be required under reserved matters, showing how safe pedestrian access could be combined with vehicle and cycle access. As and when adjoining sites come forward and the public right of way connections are established, measures such as the provision of boundary gates, external lighting and CCTV would need to be reviewed and enhanced to ensure safety and security of users. This would be required by condition. However, the redevelopment of adjoining sites would also provide further residential uses and so would increase the natural surveillance of this area, whilst the cafe use including active frontage and external seating would enhance security during opening hours.
49. The proposal, by safeguarding land to the west of the building for pedestrian access, would also allow for the pedestrian and cyclist connection to extend to the railway embankment and potentially to a pedestrian bridge across the railway, if a proposal of this type were to come forward in the future.
50. Landscaping proposals are shown indicatively and include new footway materials within the red line in front of the building to match adjacent paving, and new tree planting, which is to be taken forward as part of the Council's wider public realm strategy. Full details of landscaping including materials samples would be required under reserved matters.

#### Architectural detailing and materials

51. The Design & Access Statement sets out principles of the architectural approach. It specifies facade materials to be fire rated in line with new regulation, and an indicative materials palette suggests a combination of brickwork, ceramic tiles, precast concrete with good colour, texture and finish, glazing with PPC or anodised metal frames, and secondary elements constructed from high quality metal work.

52. Detailed elevations have not been provided at this stage, and would be required under reserved matters, together with samples of proposed materials. However, the proposed principles and materials are considered to provide the basis for a high quality development of sufficient visual interest to contribute positively to the street scene.

### **Impact on heritage assets**

53. The NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining the application. Brent's Policy DMP7 requires proposals affecting heritage assets to analyse and justify the potential impact. These policies have been applied in this case due to part of the site having been identified as a Site of Archaeological Importance. This is a local designation of less significance than Archaeological Priority Areas, and is equivalent to a non-designated heritage asset in terms of planning policy.
54. No archaeological assessment has been submitted, however the Design & Access Statement summarises the historical development of the area, and notes that the site and its immediate vicinity have been densely developed since the early twentieth century. A letter of advice from the Greater London Archaeological Advisory Service (GLAAS) has also been provided, which confirms that the proposed development does not lie within an Archaeological Priority Area and that previous investigation nearby has only found remains of low significance, whilst existing modern development in the area will have caused significant disturbance to any archaeological remains. GLAAS conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest, and that no further assessment or conditions are necessary.

### **Residential living standards**

55. All development is required to comply with standards set out in the London Plan (including minimum internal space standards based on Technical Housing Standards – Nationally Described Space Standard 2015), and with Brent Policy DMP19, which normally requires private amenity space of 20sqm per 1 bed or 2 bed flat and 50sqm for family housing including ground floor flats. London Plan Policy 3.6 requires play and recreation facilities to be provided, at a rate of 10sqm per child based on the expected child yield.
56. The Mayor's Housing SPG and emerging policy D7 also require 90% of units to meet Building Regulations M4(2) 'accessible and adaptable homes' standards and 10% to meet M4(3) 'wheelchair accessible homes' standards.
57. The BRE Guidelines recommend an Average Daylight Factor (ADF) of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms, although 1.5% is generally used for combined living spaces. Standards for daylight distribution and sunlight are also recommended.

### **Internal space and layout**

58. The Design & Access Statement sets out a series of design principles for the residential units, and provides indicative layouts. The layouts include 2bed and 1bed units with side facing secondary windows to provide dual aspect, 3bed and 2bed units spanning the depth of the building to provide north-south dual aspect, and two 1bed units on each floor that would be single aspect and south-facing.
59. Units would be designed to meet or exceed minimum space standards and other requirements set out in the Mayor's Housing SPG and new draft London Plan. Each unit would have a private balcony of 1.5m minimum depth. The maximum number of units per core would be seven, and all housing tenures would share access and circulation space.
60. Whilst these layouts are indicative only at this stage, the Design Code would secure important principles of residential quality: These include not having any north facing single aspect units, minimising the number of single aspect units, a minimum of seven units per core, unit sizes and ceiling heights to meet London Plan requirements, no residential units to be on the ground floor and the provision of balconies. The Design Code would also ensure that at least 10% of the units would be designed to meet Building Regulations requirement M4(3) 'wheelchair user dwellings in line with London Plan Policy 3.8 and Draft London Plan Policy D5. A reserved matters condition would secure further details of these and other features to ensure the units would provide high quality accommodation.



61. The proposal has not been assessed in terms of Average Daylight Factor, or daylight and sunlight distribution, as the application is at outline stage and these assessments would need to be based on detailed design proposals which would provide more detail on matters such as window size and positioning. An assessment of this type would be required as part of the reserved matters application.

External amenity space and child play space

62. Each residential unit would have a private balcony of 7.5sqm, which would comply with the Mayor’s Housing SPG (this requires 5sqm external amenity space for 1bed and 2bed units, with an extra 1sqm per additional occupant). In addition, a communal roof terrace of 350sqm including landscaped areas, playspace and a community room of 47sqm would be provided and would be equally accessible to all tenures. The community room would be available for residents’ meetings and events, and could also be used for storage of external furniture and fittings. The roof terrace would provide sufficient playspace and playable areas to comply with London Plan requirements given the estimated child yield for the development.

63. To fully meet the standards set out in DMP19 all units would require access to 20sqm of amenity space, representing a cumulative total of 1,080sqm. However, DMP19 states that 20sqm per unit would ‘normally be expected’ and this wording allows for a departure from the 20sqm target without giving rise to a policy conflict. The amenity space provision has been assessed against Policy DMP19 in the following table. All units would have the same sized balconies, so in this case units have been assessed by type rather than individually, and there would be no ground floor units to which the higher amenity space standard of 50sqm would apply

	1bed	2bed	3bed
No. homes	28	18	8
Privacy balcony space per unit	7.5sqm	7.5sqm	7.5sqm
DMP19 standard	20sqm	20sqm	20sqm
Shortfall against DMP19 standard per unit	12.5sqm	12.5sqm	12.5sqm
Total shortfall against DMP19	350sqm	225sqm	100sqm
Cumulative total shortfall against DMP19	Total requirement - 1080 sqm Shortfall - 675 sqm		
Communal amenity space	350 sqm (excluding community room)		
Effective shortfall	325 sqm		

64. Whilst there would be an overall shortfall of 325sqm against the total requirement of 1,080sqm of external amenity space across the scheme, all units would have access to both generously sized private balconies and communal amenity space which would be landscaped to a high standard, and the rooftop communal room would potentially increase the functionality of this space. The site is approximately 500m distant from King Edward VII Park, which offers an alternative source of amenity space, and other areas of enhanced public realm in the vicinity are expected to come forward in a similar timeframe as this site.

65. On balance therefore, given the dense urban context and the highly constrained nature of the site, your officers consider that the level of amenity space provision is high in this case and in compliance with DMP19.

66. The indicative plans show the roof terrace as including tree planting, a ‘secret garden’ with informal planting, playrooms and grass planting, and storage space for external furniture in the community room. Full landscaping details would be required under reserved matters, together with a play strategy and a management plan for the use of the internal communal space.

Conclusion

67. The application has demonstrated that 54 residential units of good quality could be provided within the

overall volume and floorspace proposed. Detailed design standards would need to be complied with in the reserved matters application, and these have been set out in the relevant condition. Whilst the constrained nature of the site would limit the provision of amenity space on site, this is considered to be mitigated by the quality of amenity space proposed, further details of which would be secured by condition, and the availability of other amenity space provision within the surrounding area and is appropriate to dense urban conditions. These factors are considered to justify a departure from the amenity space standards set out in Policy DMP19 in this instance. Subject to these conditions, the proposal is considered to provide an acceptable standard of residential accommodation.

## **Relationship with neighbouring properties**

### Policy background

68. Any development needs to maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1. Separation distances of 18m between habitable room windows and 9m to rear boundaries should be maintained to ensure an adequate level of privacy for existing and new residents.
69. In terms of impacts on daylight and sunlight to neighbouring properties, BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Secondly, the No Sky Contour (NSL) or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. If this remains at least 0.8 times its former value, the room will appear to be adequately lit.
70. To assess impacts on sunlight to existing south-facing windows and amenity spaces, assessment of Annual Probable Sunlight Hours (APSH) is recommended. Adverse impacts occur when the affected window receives less than 25% of total APSH including less than 5% in winter months, or when amenity spaces receive less than two hours sunlight on 31 March or less than 0.8 times their former value.
71. However, the BRE also recognise that different criteria may be used in dense urban areas where the expectation of light and outlook would normally be lower than in suburban or rural areas, and the NPPF also supports a flexible approach to applying standards in order to make efficient use of sites. Where existing buildings have windows close to the site boundaries, the BRE suggests that a new building of similar height and proportions could be assumed in order to derive 'mirror image' target values for VSC. Where the proposed development would affect other newly consented developments, the impact on the Average Daylight Factor (ADF) achieved for those developments can also be used as an alternative means of assessing the impact of the proposed development.

### Assessment of separation distances

72. The parameter plans define the maximum extent of the building line, and show a 9m distance from the rear of the building to the rear boundary. This would allow the site to the rear to come forward for redevelopment in a similar manner without compromising the privacy of residents of either site.
73. The maximum extent of the eastern building line would be flush with the side boundary, whilst a separation distance of approx. 2m would be retained to the western boundary. These are considered acceptable for side separation distances, given that the development would not rely on any outlook from side facing habitable room windows.

### Assessment of daylight and sunlight

74. A daylight sunlight assessment has been submitted, based on the maximum bulk and volume identified in the parameter plans. This demonstrates that, of the 1,159 windows tested for VSC and 776 rooms tested for NSL in neighbouring properties, the majority – 1,051 windows and 729 rooms – would comply with the BRE target values for daylight (91% of windows and 94% of rooms tested), and that all existing amenity spaces tested would comply with the target values for sunlight.
75. The following properties would all retain target values of VSC, NSL and APSH, and are not discussed any further:
  - 412-414 High Road
  - 25 Ecclestone Place

- 356-368 High Road

76. Lanmor House (370-386 High Road) is located immediately to the east of the site, and has recently been renovated and the upper floors converted from office to residential use under permitted development rights. Six rooms would fail to meet target values for both VSC and NSL, however, it is important to note that these rooms all rely on side-facing windows less than 9m from the shared boundary. In sunlight terms, 55 out of 62 south facing windows serving main living areas analysed would continue to meet the target values.
77. Overall, the impact on this property is considered acceptable given the densely developed urban context. Whilst a layout relying on side facing windows close to the boundary can be achieved through conversion under permitted development rights, it would not be considered acceptable in planning terms if the site were to come forward for residential-led redevelopment, and it is considered that residents in these properties would have lower expectations in terms of light and outlook than residents of more traditional properties. Furthermore it is considered that the impact on this property could be improved through the detailed design process and demonstrated in a revised daylight sunlight report.
78. Brent House is a newly completed development located to the south east of the site. One of the 193 windows tested in Blocks A & B would retain a VSC of only 0.7 times its former value and would also fail the NSL test, whilst two windows would comply with the VSC test but fail the NSL test. All south facing rooms comply with the sunlight criteria. In Blocks C to E, one room would retain only 0.78 times the existing NSL value, although all windows would comply with the VSC test. Overall this is considered to be a very good level of compliance with the standards given the high density urban context of both sites.
79. A two-storey building to the north-east, 26-29 Ecclestone Place, is a residential property consisting of four flats. This property meets the target values for VSC and NSL. In terms of sunlight, seven of the ten south facing windows comply with the target values for APSH, whilst the remaining three would all retain more than 74% of their existing levels of annual sunlight and would achieve over 20% absolute annual sunlight. These levels of sunlight are not uncommon in urban locations such as this, and the impact is considered acceptable in this instance.
80. The impact of the proposal on the proposed redevelopment of the site immediately to the south (ref 19/2891) has also been modelled. This impact would be more significant – of the 326 windows tested, 81 windows would retain less than 27% VSC and less than 0.8 times their former value. However, 57 of these windows are positioned underneath overhanging balconies, which accentuates the loss of daylight caused by other developments because the balcony cuts out light from the top part of the sky. The remaining 24 windows would retain between 19% and 26% VSC in absolute terms, which is considered to represent reasonably good retained levels of daylight in a densely developed urban location. Of the 188 rooms analysed, 132 would meet the target values for both VSC and NSL.
81. New developments are assessed in terms of the Average Daylight Factor (ADF) to habitable rooms, based on the BRE's recommended values. The impact of this proposal on the site to the south has also been analysed in terms of its impact on ADF. This shows that a total of 23 of the 188 rooms analysed would fall below recommended ADF values as a result of this development. However, these rooms would all be beneath projecting balconies which, as noted above, accentuate any loss of daylight. These rooms would all be either dual-aspect open-plan living spaces, where the greater outlook would partly compensate for lower levels of daylight, or bedrooms, where daylight is considered to be less important than in living spaces. Overall it is considered that this would still represent a high degree of compliance with the targets.

### Conclusion

82. The proposal would allow for neighbouring sites to come forward for redevelopment in a similar manner without prejudicing the light and outlook of future residents. While the impact on daylight received by neighbouring properties would not comply fully with BRE guidelines, the amount of divergence would be limited relative to the number of properties assessed, and no traditional residential properties would be adversely affected. Overall, the impact is considered to be within acceptable limits for high density urban locations.

### **Sustainability and energy**

83. Planning applications for major development are required to be supported by a Sustainability Statement in accordance with Policy CP19, demonstrating at the design stage how sustainable design and

construction measures would mitigate and adapt to climate change over the lifetime of the development, including limiting water use to 105 litres per person per day. Major commercial floorspace is required to achieve a BREEAM Excellent rating and this also needs to be appropriately evidenced. Brent Policy DMP9B also requires sustainable drainage measures.

84. Major residential developments are expected to achieve zero carbon standards including a 35% reduction on the Building Regulations 2013 Target Emission Rates achieved on-site, in accordance with London Plan Policy 5.2. An Energy Assessment is required, setting out how these standards are to be achieved and identifying a financial contribution to Brent's carbon-offsetting fund to compensate for residual carbon emissions. For non-domestic floorspace, the policy target is a 35% on-site reduction, and this is to be evidenced separately in the Energy Assessment. However, significant weight is also given to the new London Plan draft Policy SI2, which applies the zero carbon standard including 35% reduction in on-site emissions to both residential and commercial development.

#### Carbon emissions

85. The energy assessment submitted sets out how the London Plan energy hierarchy has been applied, with carbon emissions savings identified from passive energy saving measures such as low fabric U-values, and an on-site heat network served by air source heat pumps. Cooling demand is assessed for both residential and non-residential elements, in line with GLA guidance.
86. Overall the scheme would deliver a 32% reduction from the 2013 Building Regulations baseline on-site for the residential elements. Although this is slightly below the policy target of 35% on-site reduction, it is acknowledged that the use of heat pumps increases residential emissions and that the scope for PV panels is limited due to the constrained size of the site and the use of the rooftop to provide communal amenity space. A financial contribution of around £60,273 is identified as the corresponding carbon offset payment to mitigate the impact of the residential emissions and to deliver a net zero carbon residential development.
87. For the non-domestic elements, a 56% reduction in carbon emissions would be achieved on-site, which significantly exceeds the policy target.
88. The Council's Sustainability and Energy officer has made a number of recommendations with a view to improving the energy performance of the building, including alternative cooling techniques such as the use of ground loops. The applicant's response has confirmed that the energy strategy could be revised to replace mechanical cooling for residential units with external blinds, and this would improve the reduction in carbon emissions. This option would be reviewed at the detailed design stage, although an element of mechanical cooling may need to be retained in order to retain acceptable internal noise levels. However, installing ground loops would require the use of adjoining land, which is not considered to be a practical option in this location and would be prohibitively expensive for a scheme of this scale.
89. It is important to note that the proposal is in outline only, and that the detailed design process could highlight further opportunities to reduce carbon emissions. For example, at this outline stage a default thermal bridging value of 0.15 is used in the calculations but this would be expected to improve at detailed design stage. The constrained nature of the site limits opportunities for renewable energy, for example the use of the rooftop for amenity space precludes the use of photovoltaic panels and whilst the air source heat pump proposed would be a renewable form of energy it would also have the effect of increasing residential emissions. A revised energy assessment would be required prior to commencement, together with a financial contribution to carbon offsetting. The proposal would also allow for future connection to a district heat network, should one become available in the future, and further details of this would be required by condition.
90. The GLA have also emphasised the need for further energy efficiency measures to be considered in order to achieve the London Plan target 35% reduction for the residential element. This issue could be addressed through the revised Energy Assessment required at detailed design stage.

#### Sustainable design

91. Whilst this application is for outline permission only, a wider range of sustainable design measures could be identified at detailed design stage, and a Sustainability Statement would be required by condition to secure such features. These would include measures to limit residential water use to 105 litres per person per day, to use materials and products with strong environmental credentials, to minimise and manage construction waste, and to adapt to future climate change.

92. Brent's Policy DMP9b requires major developments to implement sustainable urban drainage measures in order to manage water run-off on site. It is important to note that the site is not subject to any surface water flood risk or in a critical drainage area, and that other recent development sites in the area have proposed and implemented acceptable solutions. A sustainable drainage strategy would be required as a pre-commencement condition to ensure suitable measures are in place.

#### Urban greening

93. In line with London Plan Policy 5.10 and draft London Plan Policies G1 and G5, urban greening should be embedded as a fundamental aspect of site and building design. Draft Policy G5 recommends a target score of 0.4 for predominantly residential development. Features such as street trees, green roofs, green walls, rain gardens, wild flower meadows, woodland and hedgerows should all be considered for inclusion. The GLA has asked the applicant to calculate the Urban Greening Factor (UGF) for the development, as set out in Policy G5 of the draft London Plan, and to seek to achieve the specified target prior to the Mayor's decision making stage.

94. The proposal achieves a UGF of 0.09 and, whilst this falls short of the recommended target, it is considered that opportunities to maximise urban greening measures on this small and constrained site have been maximised. Street tree planting is proposed on the site frontage, however this sits outside of the site boundary and so does not contribute to the site's UGF, whilst the land to the rear of the building would need to be retained as parking due to lease restrictions. The roof terrace would provide playspace required by policy, whilst the open space to the west of the building would be retained for a future public right of way, and these constraints also reduce the scope for soft landscaping on the site. A revised UGF calculation would be required under reserved matters, as there could be further opportunities for urban greening at detailed design stage.

#### **Trees and biodiversity impacts**

95. The railway embankment to the rear of the site is part of a designated Site of Importance for Nature Conservation and a wildlife corridor which is protected under Brent's Policies CP18 and DMP8. However the site is separated from the railway embankment by a strip of land of 7.5m in width approx. Furthermore, the site itself includes a strip of land of 9.5m in width approx to the rear of the proposed building, which would remain undeveloped. Given that the built development would be approx 17m from the railway embankment, your officers consider that the proposal would not have any adverse impacts on trees or ecological interests within the embankment.

96. The existing building is still in use and given its flat roof design is not considered likely to contain any roosting bats. There are no trees or areas of soft landscaping within the site, and the planting of street trees would be a benefit of the proposal (notwithstanding their location outside of the site).

#### **Environmental health considerations**

##### Air quality

97. The site is in an Air Quality Management Area and an air quality impact assessment has been submitted with the planning application. This document considers the potential emissions to the area associated with the development as well as the potential impact on receptors to the development, and includes an air quality neutral assessment as required by London Plan Policy 7.14.

98. Environmental Health officers have been consulted and consider that the assessment is acceptable and meets the London Plan air quality neutral criteria. No conditions are required.

##### Noise and vibration

99. A noise and vibration assessment has been submitted in support of the application. This demonstrates that the commercial workspace and residential units with windows opening onto the High Road would be affected by high noise levels due to the noise of road traffic. However, north-facing windows would not be significantly affected by noise and the vibration levels caused by train activity on the railway line would be below the threshold of human perception. The assessment provides a robust glazing specification for residential windows in the proposed development, to ensure acceptable internal noise levels. Residential units facing onto the High Road would be provided with external blinds to enable windows to be kept closed during the summer, however windows would be openable so that residents could opt for natural



ventilation if they considered the noise levels to be acceptable, or to provide purge ventilation at night when traffic noise is lower.

100. Environmental Health officers have been consulted and have recommended a number of conditions. These would secure further details of design measures to ensure acceptable internal noise levels are attained, prevent the transmission of plant noise and vibration, and provide details of the extract ventilation and odour control system for the café.

#### Contaminated land

101. Conditions are required to secure site investigation works to identify any land contamination, and for any remediation measures arising from this to be completed prior to first occupation or use.

#### Lighting

102. As the proposal is for a mixture of commercial and residential uses, Environmental Health officers have requested a lighting assessment to ensure that residential properties are not affected by light intrusion. This would also need to address any potential light spillage onto the wildlife corridor.

#### Construction noise and dust

103. Whilst the proposal is for outline permission only, measures to control potential nuisance from construction noise and dust would need to be secured prior to any construction work starting on site. These would be secured by condition.

### **Transport**

#### Car parking

104. The site lies within the Wembley Growth Area and car parking standards for the proposed uses on the site are set out in the Wembley Area Action Plan, with the high PTAL rating of 6 meaning that the lower employment and residential allowances apply. The existing office building would therefore be allowed up to one space per 400sqm, giving a total allowance of five spaces. The existing provision of 32 independently accessible spaces therefore significantly exceeds standards.
105. The standard for residential use allows up to 0.4 spaces per unit for 1bed and 2bed units and 0.6 spaces per unit for 3bed and 4bed units where public transport access is good. Applying this standard to the 54 proposed units gives an allowance of up to 23.2 residential parking spaces, with a further space allowed for the workspace. No spaces are permitted for the proposed café.
106. The proposed provision of just three disabled spaces at the rear of the site would therefore accord with maximum parking standards, whilst also satisfying the London Plan requirements for Blue Badge parking. Draft London Plan Policy T6 introduces a requirement to 'future-proof' the development by allowing for future provision of Blue Badge spaces for up to 10% of residential units (six spaces in this case). Indicative plans have been provided showing seven Blue Badge spaces, which would also allow a space for a workspace user, and whilst four of these would be outside of the red line your officers consider that there is adequate space at the rear of the site to provide up to nine Blue Badge parking bays if required. Direct step-free access from the parking area into the rear of the building is proposed, to ensure the Blue Badge parking spaces would be conveniently located.
107. Electric vehicle charging points, potentially for all spaces, would be provided, and further details of these would be secured at reserved matters stage.
108. Consideration also needs to be given to the impact of any overspill parking on highway safety and traffic flow in the area. In this respect, the site fronts a London distributor road and bus route, along which parking is not feasible due to the presence of daytime waiting restrictions. As such, there is not sufficient spare capacity to accommodate residential parking from a development of this size.
109. The site has excellent access to public transport services however, and is located within a Controlled Parking Zone, and parking permit restrictions would apply to the proposed residential units, thereby removing the right of future residents of the development to on-street parking permits in line with Policy DMP12. This would be secured through a condition, with an obligation placed on the owner to notify all prospective residents in writing of the restrictions.

### Cycle parking and access

110. The current London Plan requires at least one secure cycle parking space per 1bed unit and two spaces for larger units, giving a total requirement for 80 secure residential spaces. Cycle stores are proposed at the rear of the building, in the eastern end of the existing car park, with capacity for 94 cycles on a combination of two-tier racks and more accessible 'Sheffield' stands, which is acceptable.
111. For the workspace, at least four long-stay spaces are required and these have been shown on the indicative layout within the workspace unit. Lockers, showers and changing facilities are also proposed, which are welcomed. A further three 'Sheffield' stands are proposed to the front of the building for visitors and café users, which are also welcomed.
112. Cyclists could enter through the main residential lobby from the High Road and go through the building to access the cycle store to the rear. Whilst TfL have raised concerns about cyclist access from Ecclestone Place, your officers consider that the revised indicative layout has addressed these concerns by providing a dedicated entrance lobby, which would offer a safe and secure route to the cycle store. TfL have also queried whether the yard space would provide an access route for cyclists, however it is not considered necessary to secure this as an alternative.

### Access and servicing

113. With regard to servicing, the workspace generally would require deliveries by transit vans or box vans with an expected maximum length of up to 8m, whilst the residential units would require access by refuse collection vehicles. The overall number of service vehicle trips per day to the building has been estimated at four to five.
114. Residential and commercial refuse bin stores are proposed to the rear of the building with sufficient capacity to meet requirements (ten Eurobins and six 240L wheeled bins for residents). The intention is thus to bring refuse vehicles to the rear of the site to reach the bin stores. The Transport Statement has provided tracking diagrams to show that 8.3m vehicles could access and turn at the rear of the site. Brent's standard refuse vehicles (9225mm length) would also need to be able to access the rear of the site and further tracking runs contained within the submitted Construction Logistics Plan demonstrate that 10m long vehicles would also be able to access and turn at the rear of the site.
115. Transport officers have requested a dedicated loading area to also be marked in the rear parking area to ensure space is kept clear for delivery vehicles as and when required. This is not shown on the indicative layout but could be secured under reserved matters. A secure mail room would be provided on the ground floor to receive residential deliveries, and further details of this would be required as part of detailed layouts at reserved matters stage.
116. In terms of fire access, fire appliances could directly access 50% of the building perimeter from either the High Road or the rear parking area, which would meet the London Fire Service requirements for a building of this size. The GLA have suggested that a Fire Strategy is submitted, and this would be secured as a condition under reserved matters.
117. The vehicular access arrangements from Ecclestone Place would remain as existing and pedestrian access to the various uses would be provided to the front and rear, which is welcomed. However, it should be noted that a second phase of development is envisaged in future to the rear of the site, which would entail the provision of a new through route for pedestrians, cyclists and service vehicles through the parking and service yard area. The route would need to be designated as a public right of way at the appropriate time, as other developments to either side come forward. These details would be secured under reserved matters.
118. The development also proposes improvements to the footway fronting the building, including new paving, tree planting and benches. This is welcomed in principle, subject to the submission and approval of a detailed scheme for works as a reserved matter (including a s278 agreement to secure works outside the site boundary). All works to the widened High Road frontage and the new access road at the rear would need to be subjected to a Healthy Streets Assessment prior to the design being finalised, and this would also be required under reserved matters.

### Transport assessment

119. Future predicted trips to and from the development have been estimated using comparisons with six residential and three workspace developments in other areas of London that have very good access to public transport services. The sites chosen are considered to offer an appropriate comparison. No estimate of future trips to and from the café has been provided, however as a largely ancillary use that is expected to generate predominantly local trips, mainly outside of peak times, this is considered to be acceptable.
120. The above exercise gives estimated residential and workspace movements to and from the development totalling 33 arrivals and 16 departures in the morning peak hour (8-9am) and 25 arrivals and 16 departures in the evening peak hour (5-6pm) by all modes of transport. These totals are very similar to the numbers of trips estimated to be generated by the existing office building (42 trips in each peak hour) and on this basis, your transport officers consider that the impact of the proposal would be very limited.
121. In addition, given the very low level of parking proposed and the constraints on on-street parking in the surrounding area, only about 1% of future residential journeys and no commercial journeys at all are assumed to be made by car and this assumption is accepted. On this basis, car trips to and from the proposed development would be negligible and much lower than the 18 car journeys estimated to be made in each peak hour to and from the existing offices. The likely traffic impact of the development on the local road network is therefore considered to be lower than that of the existing office building, so requires no further analysis.
122. In terms of public transport trips, the development is estimated to generate 17 bus journeys in the a.m. peak hour and 13 journeys in the p.m. peak hour, whilst 20 trips in the a.m. peak hour and 16 trips in the p.m. peak hour are estimated to be made by tube or rail. Public transport trips would thus be higher than the estimates for the existing offices, but still amount to less than one additional passenger per bus and train passing close to the site in each peak hour. TfL have confirmed that they will not be seeking a financial contribution to public transport services in this instance.
123. Future walking and cycling trips to and from the site have been estimated at ten to eleven trips by foot (in addition to the public transport trips which need to travel by foot between the site and the station or stop) and two trips by cycle in each peak hour respectively. The site lies within a town centre area, so there are plenty of nearby facilities within walking distance. Improvements to the footway along the site frontage and a future cycle route along High Road are expected to provide improvements to help cater for these trips, as would the provision of a new route for pedestrians and cyclists along the rear of the site in future.

#### Travel Plan

124. Although car ownership and use is expected to be very low from the outset as a result of the limited parking space, a Framework Travel Plan has been submitted with the application to support travel options amongst staff and residents. This would be developed into a Full Travel Plan under the remit of an identified Travel Plan Co-ordinator on completion of the development.
125. Initial estimates of baseline travel patterns to and from the site have been taken from the Transport Assessment, but the intention is to undertake initial surveys of travel patterns within six months of first occupation or when 75% of the units are occupied, whichever is the sooner. Firm targets would then be developed from the results, but for the present, the main targets would be to increase walking and cycling by an average of 5 percentage points each, with public transport trips for short journeys reduced by 10 percentage points over a period of five years. Monitoring surveys would be undertaken biennially to assess progress towards these targets.
126. Proposed measures to achieve targets include the provision of travel information through welcome packs, notice boards and personalised journey planning, provision of interest-free season ticket loans for staff and participation in the Cycle to Work Scheme. One further measure which could be of use to residents would be the promotion of local Car Clubs, and it is recommended that the provision of two years' free membership of a local Car Club is offered to all incoming residents as part of the Full Travel Plan.

#### Construction Logistics Plan

127. An outline Construction Logistics Plan (based upon TfL guidance) has been submitted for the estimated 18month build project. This would be developed into a final plan once a contractor has been

appointed. Nevertheless, the outline document sets out a number of principles to be followed, including enabling works to strengthen the existing access drive from Ecclestone Place which is currently subject to a 15 tonne weight restriction, and a construction staff Travel Plan.

128. Transport officers have requested that some amendments be made in preparing a final CLP, but subject to these amendments the outline CLP is considered to form an acceptable basis for the final CLP, which would be required as a pre-commencement condition.

#### Transport for London

129. TfL have requested a Healthy Streets Assessment and information on how the proposal would contribute to the Vision Zero aim of improving road safety. This information has been provided, highlighting that the proposal would result in a reduction in vehicular movements, providing policy compliant parking and cycle parking, and would be taken forward as part of a wider strategy for public realm improvements along the High Road. TfL have queried whether a financial contribution to improving road safety should be sought, however your officers consider that this would be unreasonable given the relatively small scale of the proposal, and that a similar contribution has not been sought from other development sites in the area. The development would contribute CIL funding which could be directed towards the public realm improvements planned, if required.

#### **Equalities**

130. 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).

#### **Environmental Impact Assessment**

131. On 19 November 2018 the applicants submitted a request for an Environmental Impact Assessment Screening Opinion. On 27 November 2018, the local planning authority published its Screening Opinion, which concluded that an Environmental Impact Assessment was not required for this development.

#### **Conclusion**

132. 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.
133. The levels of private 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, the quality of accommodation for future residents is considered to be good. The limited conflict is substantially outweighed by the considerably benefits of the proposed development.

### **CIL DETAILS**

This application is liable to pay **£1,419,468.56** \* 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): 1988 sq. m.

Total amount of floorspace on completion (G): 6200 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) General	656.4	0	445.93	£40.00	£0.00	£26,755.71	£0.00

business use							
(Brent) Dwelling houses	5543.6	0	3766.07	£200.00	£0.00	£1,129,821.45	£0.00
(Mayoral) General business use	656.4	0	445.93	£0.00	£60.00	£0.00	£27,832.57
(Mayoral) Dwelling houses	5543.6		3766.07	£0.00	£60.00	£0.00	£235,058.83

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>£1,156,577.16</b>	<b>£262,891.40</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: 19/3092

To: Miss Bundred Woodward  
Tibbalds Planning and Urban Design  
19 Maltings Place  
169 Tower Bridge Road  
London  
SE1 3JB

I refer to your application dated **30/08/2019** proposing the following:

Demolition of the existing building and erection of a new building up to a maximum height of 39.6m comprising up to 5,000sqm residential floorspace (Use Class C3), up to 600sqm of flexible workspace (Use Class B1A, B and C), with ancillary cafe (Use Class A3) up to 600sqm ancillary floorspace, associated hard and soft landscaping, wheelchair car and cycle parking.

and accompanied by plans or documents listed here:  
Please see condition 3.

at **Ujima House, 388 High Road, Wembley, HA9 6AR**

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: 27/04/2020

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  
London Plan 2016  
Brent Core Strategy 2010  
Brent Development Management Policies 2016  
Wembley Area Action Plan 2015  
Brent's emerging Local Plan 2020  
London Plan Intend to Publish Version 2019

- 1 In the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of this permission, and the development to which this permission relates must be begun not later than whichever is the later of the following dates:-

(i) the expiration of three years from the date of this permission; or  
(ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 2 Details of the reserved matters for the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced on the development and the development shall be carried out and completed in all respects in accordance with the details so approved before the building is occupied. Such details shall include:

- i) Layout;
- ii) Scale;
- iii) Appearance;
- iv) Access;
- v) Landscaping.

Reason: These details are required to ensure that a satisfactory development is achieved.

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

376-KCA-UH-00-DR-A-0100-P 02  
376-KCA-UH-XX-DR-A-0110-P 01  
376-KCA-UH-00-DR-A-0120-P 01  
376-KCA-UH-XX-RP-A-0701-DAS[02] & 376-KCA-UH-XX-RP-A-0702-DAS[00]\_Addendum  
Air Quality Assessment (Air Quality Consultants, ref J3678, August 2019)  
Construction Logistics Plan (Velocity, ref 2360/1110 D005 version 4, August 2019)  
Daylight and Sunlight Report (Waldrams, ref 2095, 2 July 2019)  
Delivery and Servicing Plan (Velocity, ref 2360/1110 D004 version 1, August 2019)  
Energy Assessment (Max Fordham, 28 June 2019, Rev P01)  
Financial Viability Assessment (BNP Paribas, August 2019) as amended by Affordable Housing Agreed Assumptions Statement (18 April 2020)  
Framework Travel Plan (Velocity, ref 2360/1110 D003A version 1, August 2019)  
Noise and vibration assessment (KP Acoustics, Report 17336.NIA.02 Rev A, 4 July 2019)

Planning and affordable housing statement (Tibbalds, August 2019)

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

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

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

- 5 The car parking spaces shall be used for the parking of vehicles associated with the residential units within this development and shall not be used for any other purpose unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of highway flow and safety.

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

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

- 7 The construction tolerances referred to within drawing 376-KCA-UH-00-DR-A-0120-P shall only relate to the final constructed heights of building. The buildings as proposed within applications for the approval of Reserved Matters shall be designed to comply with the maximum heights as denoted on this drawing.

Reason: In the interest of visual amenity and townscape.

- 8 No occupation of the residential floorspace shall take place unless and until the approved quantum of a minimum of 500sqm flexible workspace with additional ancillary cafe use has been constructed and made available for occupation, to include the following as part of the 'shell and core' construction of the workspace (unless otherwise agreed in writing with the local planning authority on the basis that they are not required by a confirmed tenant of the workspace:

- a goods lift to serve the basement area;
- capped off services including water, electricity, gas and drainage;
- glass frontage including full height double width front doors;
- level access from the rear loading area.

Reason: In order to ensure the timely delivery of the flexible workspace and that it meets the requirements of potential occupiers and can reasonably facilitate the occupation for purposes within use classes B1(b) and B1(c).

- 9 (a) 12 of the residential dwellings hereby approved shall be provided as affordable housing in perpetuity, and shall be delivered as Affordable Rented units with rents set as follows;

- 80% of open market rent (including service charge where applicable) and capped at Local Housing Allowance Rates for 1 and 2 bedroom units

- 65% of open market rent (including service charge where applicable) and capped at Local Housing Allowance Rates for 3 bedroom units

The London Borough of Brent will have 100% nomination rights in perpetuity. In addition, the Owner shall enter into a Nomination Agreement with the London Borough of Brent prior to occupation of the affordable housing units.

(b) 7 of the residential dwellings hereby approved shall be provided as affordable housing in perpetuity, and shall be delivered as Intermediate Rent or Shared Ownership Units that are affordable to persons on incomes at or below the GLA London Plan intermediate income thresholds. At all times the Owner shall ensure that in respect of any Intermediate Rent or Shared Ownership Unit the average housing costs (comprising mortgage rent and service charges) shall be no more than 40% of net household income.

(c) The Owner will shall not occupy or allow occupation of more than 50% of the private residential units until it has transferred the freehold, or long leasehold of a minimum of 125 years interest, to a Registered Provider for the affordable housing units.

(d) In the event that no development has commenced within 24 months following the grant of planning permission, prior to development commencing details of an early stage Affordable Housing Review Mechanism shall be submitted to and approved in writing by the Local Planning Authority which shall agree appropriate arrangements to provide any identified additional affordable housing on site. The review shall include an update to values and costs and any available grant funding, but shall (unless otherwise agreed in writing between the applicant and the local planning authority) maintain the BLV, developers profits, professional fees on construction costs and financial costs as set out within the "Affordable Housing Agreed Assumptions Statement"

(e) The Owner will shall not occupy or allow occupation of more than 75% of the private residential units until details of a late stage Affordable Housing Review Mechanism have been submitted to and approved in writing by the Local Planning Authority, which shall agree appropriate arrangements to provide any identified additional surplus as a financial contribution to affordable housing provision within Brent. The review shall include an update to values and costs and any available grant funding, but shall (unless otherwise agreed in writing between the applicant and the local planning authority) maintain the BLV, developers profits, professional fees on construction costs and financial costs as set out within the "Affordable Housing Agreed Assumptions Statement"

Reason: To ensure the delivery of affordable housing within the development and to comply with Policy DMP15.

- 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 and fine particles, noise and other environmental impacts of the development. These measures shall 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.

The development shall thereafter be carried out in full accordance with the approved Construction Method Statement.

Reason: To minimise nuisance to neighbouring residents from dust, noise and other environmental impacts of the construction process.

Reason for pre-commencement condition: Environmental impacts of construction can occur at any time from the commencement of works, and adequate controls need to be in place from this time.

- 11 Prior to commencement of development, a Construction Logistics Plan, identifying anticipated construction traffic movements and setting out measures to manage and minimise the construction traffic impacts arising from the development, taking into account other construction projects in the vicinity, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in full accordance with the approved Construction Logistics Plan.

Reason: To ensure construction traffic impacts are effectively managed throughout the construction process.

Reason for pre-commencement condition: Construction traffic impacts can arise at any time from the commencement of works, and adequate controls need to be in place from this time.

- 12 (i) Prior to commencement of development a Construction Employment and Training Plan shall be submitted to and approved in writing by the local planning authority, setting out the following matters:

- a. confirmation of the appointment of a contractor for the Development
- b. details of a named senior manager responsible for overseeing the delivery of employment and training opportunities for local residents (persons whose principal or only home is in the Council's administrative area)
- c. full details of anticipated employment opportunities in the Construction Phase;
- d. arrangements for the referral of upcoming employment opportunities to Brent Works on an ongoing basis;
- e. measures to ensure that the Local People Employment Requirement (the employment of one Local Person in a full-time construction phase job or apprenticeship of a minimum of 26 weeks duration per 20 Dwellings or 1,000 sq m (GEA) of new non-residential floorspace) is met in the Construction Phase;
- f. measures to encourage and promote an approach to the employment and recruitment of Local People (including those previously unemployed) throughout the supply chain for the Construction Phase;
- g. arrangements by which the developer will work with the Council (or its representative, Brent Works) to provide Local People with opportunities to improve their construction skills offering, thereby enhancing their future employment prospects;
- h. arrangements by which the developer will work with the College of North West London or such other similar body as may be notified in writing by the Council to the developer to ensure that construction related and/or work based training opportunities target students from within the Council's administrative area;
- i. a commitment to complete and submit monthly monitoring templates to provide figures to the Council at [s106notifications@brent.gov.uk](mailto:s106notifications@brent.gov.uk) by the 5<sup>th</sup> of each month, outlining:
  1. the total number nature and status of Construction Phase job starts by Local People (and non-Local People) on site; providing post codes for Brent Residents claimed.
  2. the total number, nature and status of Construction Phase Apprenticeship/traineeship starts and finishes by Local People (and non-Local People) on site and Apprenticeship/traineeship title and length, providing post codes for Brent Residents claimed.
- j. measures to ensure that during the Operational Phase of the Development:
  1. achieve a minimum target of thirty percent (30%) of jobs being filled by Local People;
  2. Brent Works is notified of job, Apprenticeship and training vacancies in the



Development so as to direct such opportunities to Local People;

3. the employment and recruitment of Local People is encouraged and promoted throughout the supply chain for the Development.

(ii) Prior to commencement, the developer shall attend a meeting with Brent Works to identify anticipated employment and training opportunities arising during the Construction Phase and discuss recruitment to these opportunities.

(iii) The development shall be carried out in full accordance with the approved Construction Employment and Training Plan.

(iv) Within three months of the commencement of the Operational Phase, a report shall be submitted to the Council providing details of the following:

1. the number, duration of employment and status of employment of Local People employed in the Construction Phase; and the number, duration of employment and status of employment of Local People intended to be employed in the Operational Phase;

2. the number, duration and description of traineeships and Apprenticeships and/or training opportunities provided to Local People in the Construction Phase and Operational Phase of the Development to date.

Reason: To ensure the construction process provides opportunities for training and employment of local residents, in accordance with Core Strategy 2010 Policy CP1.

Reason for pre-commencement condition: Construction employment and training opportunities arise as soon as construction starts, and it is necessary to have arrangements in place in advance to ensure opportunities for local residents are provided.

13 Prior to development commencing, and notwithstanding Condition 3, an Energy Assessment shall be submitted to and approved in writing by the local planning authority and a payment representing the initial carbon offsetting contribution shall be paid to the local planning authority as a financial contribution to Brent's carbon offsetting scheme. The Energy Assessment shall:

(i) demonstrate how the London Plan targets for CO<sub>2</sub> reduction will be met for the development within the context of the energy hierarchy set out in London Plan Policy 5.2 and the Mayor's Sustainable Design & Construction SPD 2014 (as amended);

(ii) identify the amount required as a financial contribution to carbon offsetting in order to comply with the London Plan targets, this amount to be divided equally into an initial carbon offsetting contribution and a final carbon offsetting contribution;

(iii) identify and provide reasoned justification for any change to the approved BREEAM Pre-assessment;

(iv) propose mitigation measures as appropriate to compensate for any shortfall in BREEAM rating identified in (iii) above.

Reason: To ensure predicted carbon emissions are adequately understood and mitigated at the detailed design stage, in accordance with London Plan Policy 5.2

Reason for pre-commencement condition: Predicted carbon emissions need to be understood and compensated for at the detailed design stage to ensure that construction secures acceptable levels of emissions reduction.

14 Prior to the commencement of development other than demolition of the existing building:

- a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present, in accordance with the principles of BS 10175:2011;

- a report (including the results of any research and analysis undertaken, an assessment of the risks posed by any identified contamination, and an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors) shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Daytime noise	Living rooms/bedrooms : 35 dB LAeq (16 hr) (07:00-23:00)
Night time noise	Bedrooms : 30 dB LAeq (8hr) (23:00-07:00)

Prior to development commencing (other than demolition of the existing building) details shall be submitted to and approved in writing by the local planning authority, demonstrating how these noise levels will be achieved and all approved noise mitigation measures shall be implemented in full prior to first occupation of the residential units hereby approved.

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

- 16 Prior to the commencement of construction of the development hereby approved, excluding demolition and site preparation works, details of the following shall be submitted to and approved in writing by the Local Planning Authority, either within the Reserved Matters application (if specifically referenced within that submission) or under separate cover unless otherwise agreed in writing with the Local Planning Authority.

- a) Details of materials for all external surfaces, including samples which shall be made available for viewing on site or in another location as agreed;
- b) Details of any external plant, including locations, external appearance and any proposed screening;
- c) Details of external CCTV, lighting and any other measures proposed to enhance the safety and security of residents and other users;
- d) The internal layout of the building, including internal circulation areas, refuse storage areas, plant room(s), any other internal area and any areas of external space, to include the following: a secure dedicated entrance to the residential units from the High Road;
- e) Details of residential cycle storage to be provided in a secure and accessible location within the site in accordance with the requirements of London Plan policy and the London Cycling Design Standards;
- f) Compliance with the following requirements for the residential development:
  - at least 15% of the residential units shall be 3bed or larger units;
  - no more than eight units shall be provided per core per floor;
  - floor to ceiling heights shall be at a minimum of 2.5m;
  - no more than 18 units (these units to be 1bed units) shall have sole aspect;
  - all units shall comply with Technical Housing Standards: Nationally Described Space Standard 2015;
  - all habitable rooms shall have adequate outlook, ventilation, privacy and daylight, , and no habitable room windows shall be provided on either side elevation;
  - all units shall have access to private external amenity space to comply with the standards set out in the Mayor's Housing SPG 2015;
  - no residential units shall be at ground floor or basement levels
- g) The layout and detailed design of the roof terrace, and details of the provision of private external amenity space for residential units, including the size and location of private balconies, and means of access between the dwellings and their associated space(s). No balconies shall be provided on either side elevation.
- h) Details of secure gated entrances to the western yard space and to the rear service road and parking area, including full details of gate design and materials and of security arrangements to prevent unauthorised access.
- i) Details of how 10% of the residential units will be provided in accordance with the Building Regulations 2013 Part M4(3) and the remainder in accordance with Part M4(2);
- j) Details of how the residential units will be designed to achieve water consumption of 105 lpd.

The development shall be carried out in full accordance with the approved details prior to first occupation or use of the residential units.

Reason: To ensure a satisfactory development and to secure an acceptable standard of residential accommodation.

- 17 Prior to the commencement of construction of the development hereby approved, excluding demolition and site preparation works, details of the following shall be submitted to and approved in writing by the Local Planning Authority, either within the Reserved Matters application (if specifically referenced within that submission) or under separate cover unless otherwise agreed in writing with the Local Planning Authority.

A hard and soft landscaping scheme detailing works proposed within areas of public realm within the site to the south and west of the building approved and to the rooftop amenity space, to include:

- a detailed scheme to provide new paving, street trees and benches to the south of the building
- details of amenity areas, including design of playspaces and a play strategy, to be provided on the rooftop.
- provision of three parking spaces for disabled use at the rear of the building including infrastructure to support provision of electric vehicle charging points and the provision of at least one charging point;
- details of how conflicts between pedestrians, vehicles and cyclists at the rear of the building will be avoided

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

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- 18 Prior to the commencement of construction of the development hereby approved, excluding demolition and site preparation works, details of the following shall be submitted to and approved in writing by the Local Planning Authority, either within the Reserved Matters application (if specifically referenced within that submission) or under separate cover unless otherwise agreed in writing with the Local Planning Authority:

A RIBA Stage 3 Fire Strategy prepared by a suitably qualified third party consultant shall be submitted to and approved by the Council. The development shall be carried out in accordance with the approved Fire Strategy and retained thereafter. The requirements of the Fire Strategy shall be in compliance with Policy D12 of the draft London Plan (intend to publish version) and Part B of the Building Regulations.

Reason: To ensure that the risk of fire is appropriately addressed in the proposed development, in accordance with the Intend to Publish London Plan Policy D12.

- 19 Notwithstanding the plans approved in this and subsequent reserved matters applications, provision shall be retained for the designation of a minimum 3.4m wide permissive public right of way for pedestrians and cyclists to the north and south of the building.

Within three months of formal notification from the highway authority of the public right of way being required in order to connect to adjoining public rights of way, the following shall be submitted to the local planning authority for written approval:

- a revised site plan, showing the exact location and dimensions of the right of way in addition to the location of parking spaces to serve the development and the extent of any external seating associated with the cafe use.
- arrangements by which the right of way will be closed on 1 day per year and such other steps as may be required in order to manage the right of way and/or prevent the acquisition of rights by prescription in favour of any person (such day to be notified in writing to the highway authority no less than 5 Working Days in advance);
- circumstances in which the right of way may be closed for the purpose of maintenance (for no more than is absolutely necessary under the circumstances) of the right of way itself or any reasonable part of the development, or in the case of specified health and safety concerns including emergencies and concerns relating to any future development and/or anti-social

behaviour and crowd control when specified 'events' are taking place at Wembley Stadium  
- external lighting and CCTV.

This designation shall be established within three months of the local planning authority's written approval of these arrangements. Thereafter, the development shall be in accordance with the revised site plan.

Reason: To enhance pedestrian and cyclist accessibility and permeability within the area, in accordance with site allocation W4 of the Wembley Area Action Plan 2015.

- 20 Within three months of development commencing, the developer shall enter into a s278 agreement with the highway authority to secure works to provide enhanced public realm to the front of the site, including new paving, street trees and benches in accordance with the details approved under Condition 19.

All works shall be carried out and completed to the Highway Authority's satisfaction at the applicant's expense, prior to first occupation or use of the development.

Reason: To ensure a satisfactory form of development.

- 21 Prior to first occupation or use of the development, a Lighting Assessment prepared in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011 shall be submitted to and approved in writing by the local planning authority. This assessment shall consider the lighting spillage from the development and the lighting levels at the nearest residential premises including those within the approved development, and shall demonstrate that lighting spillage will not impact adversely on biodiversity interests within the railway embankment.

Reason: To ensure an acceptable form of development that does not prejudice residential amenities or local wildlife.

- 22 Prior to first occupation or use of the development hereby approved:

- (i) any soil contamination remediation measures required by the Local Planning Authority under Condition 14 above shall be carried out in full.
- (ii) 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).
- (iii) the verification report shall be approved in writing by the Local Planning Authority.

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

- 23 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.

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.

24 (i) Prior to first occupation or use of the development, a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall :

- identify a named Travel Plan Co-ordinator within the site management team;
- set out target modal shares by different modes of transport by residential and non-residential occupants and other users of the development for the third and fifth years following first occupation of the development;
- set out measures to encourage uptake of sustainable travel modes by occupants and other users, including promotion of car clubs operating within the vicinity and the offer of two years free membership of a nearby car club for all eligible initial residents;
- set out arrangements for Travel Plan Reviews to be undertaken, within six months of first occupation or use and on each and every secondary anniversary thereafter or as otherwise agreed with the local planning authority.

The Travel Plan (as approved above and / or amended by (ii) below) shall be implemented in full. In connection with any lettings, sub-lettings, contracts or any other form of agreement or arrangements for the occupancy, use and for hire of the whole or any part of the development, users and any prospective users and/or other parties shall be notified of the requirements of the Travel Plan and the Travel Plan Co-ordinator shall use reasonable endeavours to impose obligations that the Travel Plan shall be complied with.

(ii) Travel Plan Reviews shall be submitted in writing to the local planning authority as provided for in (i) above, and shall include the following matters:

- information on the measures used and implemented to promote the Travel Plan and achieve its targets;
- a survey of the use of parking by those travelling to and from the development;
- a survey that corresponds with TRICS survey methodology (and / or replacement thereof) that identifies modes of transport used by occupants and other users of the development to get to and from the same);
- where target modal shares have not been achieved, a plan of action that will indicate how, over the duration of the period from the date of the relevant review until the next review to be carried out, the targets will be met (any such plan of action, following its approval by the local planning authority, will form part of the Travel Plan thereafter); and
- a strategic review of travel plans approved by the Council that apply to other developments in the immediate vicinity of the Development which may impact upon the Travel Plan the subject of review in order to assess whether any amendments to that Travel Plan may be made to ensure it is strategically aligned with other approved travel planning measures operating in the vicinity of the Development.

Each Travel Plan Review submitted, including any plan of action required, shall be approved in writing by the local planning authority within two months of its submission.

Reason: To ensure the development encourages sustainable travel modes and has an acceptable impact on the local highway network.

25 Prior to first occupation or use of the development, confirmation of the following shall be submitted to and approved in writing by the local planning authority:

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

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

The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning).



Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents.

- 26 Prior to first occupation or use of the development, a Delivery and Servicing Plan (DSP), including arrangements for the presentation of residential waste bins on the access road to the south of the site and their return to the basement storage areas on collection days, shall be submitted to and approved in writing by the Local Planning Authority. The approved DSP shall be implemented for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway and pedestrian flow and safety.

- 27 Details of the extract ventilation system and odour control equipment for any commercial kitchens, including all details of external ducting, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such equipment. The approved equipment shall be installed prior to the commencement of the relevant use and shall thereafter be operated at all times during the operating hours of the relevant use and maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of existing and future residential occupiers.

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

Prior to the installation of any plant, an assessment of the expected noise levels shall be carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound' and the results of this assessment together with any mitigation measures necessary to achieve the above required noise levels shall be submitted to and approved in writing by the Local Planning Authority.

The plant shall thereafter be installed and maintained in accordance with the approved details.

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

- 29 No later than four months following Practical Completion of the development, an Energy Assessment Review shall be submitted to the local planning authority together with payment of the final carbon offsetting financial contribution. The Energy Assessment Review shall:

- review the implementation of the approved Energy Assessment to demonstrate how the completed development is in compliance with London Plan 2016 Policy 5.2 targets for carbon emissions reductions;
- identify the total carbon offsetting financial contribution required to fully comply with these targets;
- identify the final carbon offsetting financial contribution required, being the total contribution less the initial contribution paid under Condition xx.

The Energy Assessment Review shall be approved in writing by the Local Planning Authority within two months of receipt.

The strategy set out in the Energy Assessment Review shall be implemented and maintained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the completed development effectively minimises on-site carbon emissions and is in accordance with London Plan 2016 Policy 5.2.

## INFORMATIVES

- 1 In dealing with this application, the London Borough of Brent has implemented the

requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to foster the delivery of sustainable development in a positive and proactive manner.

- 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 applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:
  - 8.00am - 6.00pm Monday to Friday
  - 8.00am - 1.00pm Saturdayand not at all on Sundays and Bank Holidays.
- 4 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 5 The new development will require naming. The applicant should contact LBB Local Land Charges at least six weeks before the development is occupied on 020 8489 5573 to arrange for the allocation of a suitable address.
- 6 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.
- 7 The proposed development is located within 15 metres of Thames Water underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water's guide on working near our assets (at <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>) to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near Thames Water pipes or other structures. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

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

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## Agenda Item 05

### Supplementary Information Planning Committee on 6 May, 2020

Case No. 19/3092

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Location	Ujima House, 388 High Road, Wembley, HA9 6AR
Description	Demolition of the existing building and erection of a new building up to a maximum height of 39.6m comprising up to 5,000sqm residential floorspace (Use Class C3), up to 600sqm of flexible workspace (Use Class B1A, B and C), with ancillary cafe (Use Class A3) up to 600sqm ancillary floorspace, associated hard and soft landscaping, wheelchair car and cycle parking.

#### **Agenda Page Number: 203 - 244**

A letter has been received that was sent on behalf of the owners of the adjoining building (Lanmor House, 370 High Road) objecting to the proposal.

This application has been deferred to allow the consideration of the matters raised within their letter.

**Recommendation: That this application is deferred to a subsequent Planning Committee meeting.**

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## COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

6 May, 2020  
06  
19/3259

## SITE INFORMATION

RECEIVED	11 September, 2019
WARD	Kilburn
PLANNING AREA	
LOCATION	Peel Precinct, 97-112 Carlton House, Canterbury Terrace, 8-14 Neville Close, 2 Canterbury Road & Peel Site Garages, London, NW6
PROPOSAL	Full planning application for a phased development for the demolition of 2 Canterbury Road, 1-7 and 15-33 Peel Precinct and 8-14 Neville Close, and erection of seven buildings (A to G) ranging between 5 and 16 storeys, plus part basement, comprising private sale residential units (Use Class C3), shared ownership residential units (Use Class C3), social rented residential units (Use Class C3); new health centre (Use Class D1), new gym (Use Class D2), flexible use class within retail and commercial units (Use Class A1/A3/B1) at ground floor, associated landscaping, highways and public realm improvements (including new public space and market square), private open space, associated car parking, cycle parking and servicing provision.
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_146970">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_146970</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 "19/3259" (i.e. Case Reference) into the search Box</li> <li>3. Click on "View Documents" tab</li> </ol>


## RECOMMENDATIONS

- A. Subject to any Stage 2 Direction by the Mayor of London pursuant to the Mayor of London Order, Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Development Management or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal Services and Procurement.
1. Payment of Council's legal and other professional costs in the preparation and management of the Agreement
  2. Notice of Commencement of works
  3. Undertake to not implement Phases 2 and 3 of Permission 1
  4. Notify the Council on sale of proportions of private sale units
  5. The securing of the affordable units
  6. Post implementation viability review
  7. To not occupy more than 67% of the private sale units until a Health Centre Lease with local GP Practices has been entered into
  8. Public realm and highways works through the submission of a Public Realm Delivery Programme and entering into s38/278 Agreements
  9. Training and employment
  10. Submission of Framework Travel Plan, Health Centre Travel Plan and Residential Travel Plan
  11. Carbon offsetting
  12. Contribution of £428,400 towards a local carbon off-setting scheme to achieve a zero carbon development
  13. Restriction of access to parking permits for residents in Blocks A, B, C, D, F, G
  14. Submission of Public Access Plan, Public Access Delivery Plan, and Public Access Management Plan
- B. That the Head of Planning is delegated authority to issue the planning permission and impose conditions to secure the following matters:
1. Time Limited Permission
  2. S106
  3. Confirmatory Deed
  4. Approved Plans/Documents
  5. Phasing
  6. Affordable Units (x127)
  7. Private Sale Units (x181)
  8. Accessible Housing
  9. Restricted Use (Flexible Uses)
  10. Restricted Use (Health Centre/Gym)
  11. Parking
  12. Health Centre Doors
  13. Site Investigation (Contamination)
  14. Construction and Environmental Management Plan
  15. Materials to be Submitted
  16. Non-residential Frontages
  17. Landscaping
  18. Children's Play Space Delivery Plan
  19. External Lighting
  20. Details of Block A Elevations
  21. Drainage Strategy
  22. Details of Mechanical Plants
  23. Air Quality Mitigation Measures Confirmation
  24. Hours of Operation (Non-residential Uses)
  25. Delivery and Servicing Plan
  26. Water Usage
  27. CHP Units
  28. Piling Methodology
  29. Tree Protection Measures
  30. Communal TV/Satellite
  31. Considerate Constructors Scheme

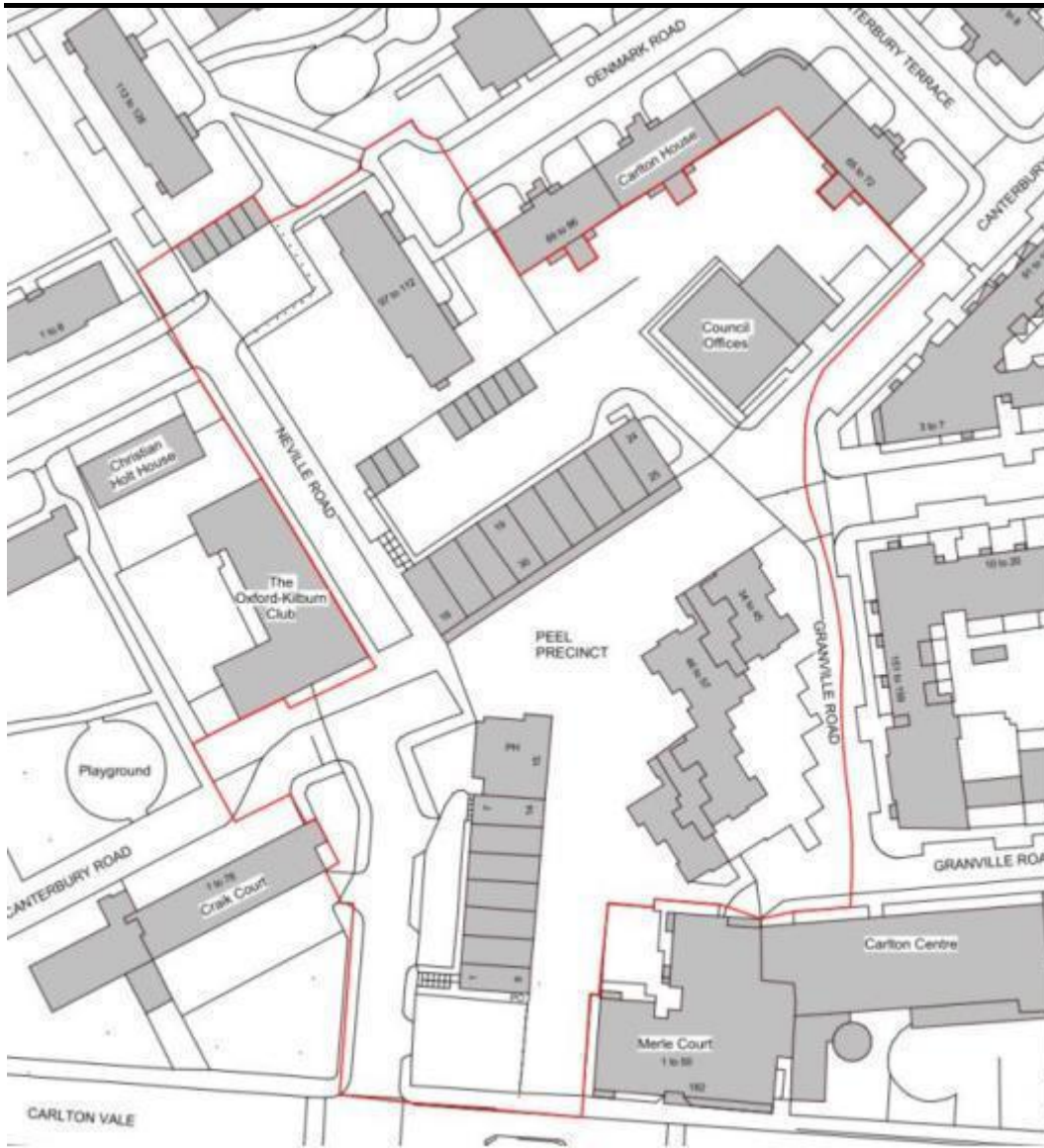
32. Market Square Operational Management Plan
33. Ecological Enhancements
34. Bat Emergence Surveys
35. Invasive Species Methodology Statement
36. BREEAM Pre-Assessment ("Excellent")
37. BREEAM post Construction Review

- C. That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee not that such change(s) could reasonably have led to a different decision having been reached by the committee.
- D. That, if the legal agreement has not been completed by the statutory determination date for this application (including determination dates set through agreement), the Head of Planning is delegated authority to refuse planning permission.

## SITE MAP

 <b>Brent</b>	<b>Planning Committee Map</b>
	Site address: Peel Precinct, 97-112 Carlton House, Canterbury Terrace, 8-14 Neville Close, 2 Canterbury Road & Peel Site Garages, London, NW6  © Crown copyright and database rights 2011 Ordnance Survey 100025260

This map is indicative only.





## PROPOSAL IN DETAIL

Full planning permission is sought for a phased development for the demolition of 2 Canterbury Road, 1-7 and 15-33 Peel Precinct and 8-14 Neville Close, and erection of seven buildings (A to G) ranging between 5 and 16 storeys, plus part basement, comprising 181 private sale units (Use Class C3), 85 shared ownership units (Use Class C3), 42 social rented units (Use Class C3) a total of 308 residential units; new health centre (Use Class D1), new gym (Use Class D2), flexible use class within retail and commercial units (Use Class A1/A3/B1) at ground floor, associated landscaping, highways and public realm improvements (including new public space and market square), private open space, associated car parking, cycle parking and servicing provision.

The proposed development again provides a mixture of housing, retail, health and commercial uses within seven blocks. The key differences between the two schemes being:

- An increase in the number of residential units from 226 to 308
- Increase in of 1- to 2-storeys for Blocks B/C/D/F/G
- An increase in on-site affordable housing from 18.5% to 40% in the form of 85 additional intermediate units
- Additional commercial space
- The re-configuration of the medical centre over a single floor (first floor of Blocks A/B/C) rather than over five floors in Block B (reception remains on the ground floor), with an affordable gym provided across the second floor of Blocks B & C
- Blocks F & G are reconfigured into an “L” shape to front Granville Road and a new market square introduced on the western side
- Introduction of flexible work spaces in the ground floor of Blocks F & G

## EXISTING

The application site is located in within the South Kilburn Estate, on the northern side of Carlton Vale, within the “Civic Quarter”. It covers an area of approximately 1.44 hectares and previously had 56 residential units, comprised of a mixture of local authority secure tenants (x36) and owner occupiers / leaseholders (x20), and a range of retail/commercial uses such as the West Kilburn branch of the Royal British Legion, located in the Sir Robert Peel public house. This is no longer a public house for planning purposes (current planning use is Sui Generis, see more detail below), and the temporary South Kilburn Studios at 2 Canterbury Road.

The site comprises buildings of between 1 and 4 storeys and prior to their vacancy, accommodated both residential and commercial uses at:

- 34-57 Peel Precinct,
- 97-112 Carlton House,
- 8-14 Neville Close,
- 2 Canterbury Road; and
- Peel site garages.

The site is surrounded by residential development to the north, east, and west. Craik Court, which is immediately west of the site and is set back from Carlton Vale, is a twelve storey residential block and is one of the historical South Kilburn estate buildings. Merle Court, immediately to the east, is a more recent part 6 and 8 storey building (beyond this is the Carlton Centre, Granville Hall, and a school). On the southern side of Carlton Vale is Kilburn Park School and Kilburn Park.

The site has a Public Transport Accessibility Level (PTAL) of 5, with Queens Park Station 430m to the west.

## AMENDMENTS SINCE SUBMISSION

The following amendments have been made since the original submission:

- Updated landscaping.
- Provision of cycle parking amended to meet with London Plan standards
- Doors fronting the public realm have been reviewed to ensure that they open inwards where possible, recessed, or if still opening outwards, designed to not obstruct the public highway.

- Reconfiguration of Entrance Lobby 2 for Block D
- Front gardens to units 185 and 186 in Block D have been reduced to 500mm leaving a footpath width of 1.7m on Denmark Road.
- Updates to north-east corner of Block F.
- Elevational amendments

## SUMMARY OF KEY ISSUES

1. The key planning issues for Members to consider are set out below. Five letters of objection were received regarding some of these matters. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.
  - a. **Principle:** The principle of the redevelopment of the Peel Precinct is accepted, having regard to the extant hybrid permission and to the aspirations of the South Kilburn Masterplan. Members must therefore consider whether the proposed changes, in particular the additional height to the majority of the blocks, the re-orientation of blocks F & G, the altered unit mix and uses and the increased density will continue to have an acceptable impact on existing neighbouring development. The revised scheme continued to deliver significant elements of infrastructure which represents a significant benefit of the proposed development, including the new health centre for South Kilburn and the provision of affordable workspace.
  - b. **Heritage Assets:** The development site, whilst not occupied by a listed building, sits near to the South Kilburn Conservation Area and to various listed buildings within the Conservation Area. Although some elements of the revised scheme will be more visible from within the Conversation Area, it is considered that in heritage terms, no harm arises to the identified heritage assets.
  - c. **Affordable Housing:** The extant permission would deliver 42 affordable units (18.6%), 38 of which will be delivered in Phase 1, within Block E. Whilst below the target of 50% set out in policy, this was established to be the maximum reasonable level which could be provided on site, with scheme viability negatively affected by the provision of a new health centre as part of the scheme. The proposed development would provide 127 (41%) affordable homes (56% by habitable room) and whilst a significant increase over the extant permission, would fall below the target set out in policy but has been demonstrated to represent the maximum reasonable proportion of Affordable Housing. The affordable offer, should be again be viewed within what is being achieved in the wider South Kilburn regeneration area (51%) and also having regard to the provision of the health centre and the introduction of affordable workspace. A post-implementation review is again proposed, to be secured by legal Agreement.
  - d. **Design:** The overall design of the proposed development is similar to that of the extant permission albeit the majority of the buildings will increase between 1 and 2-storeys. The most significant change relate to the re-orientation of Blocks F&G and the introduction of a market square.
  - e. **Scale/Bulk/Neighbour Impact:** The increase in scale and bulk is considered acceptable when compared to existing and proposed developments. Any additional impact on neighbouring developments and occupiers is considered to be acceptable.

## RELEVANT SITE HISTORY

Planning permission (ref: 16/4174), subject to a S106 Agreement, was granted in September 2017 for a hybrid application for the proposed redevelopment of the Peel site comprising Peel Precinct, 97-112 Carlton House, 8-14 Neville Close, 2 Canterbury Road & Peel site garages:

- **Full** planning application for the demolition of 2A Canterbury Road, 1-7 and 15-33 Peel Precinct and 8-14 Neville Close, and erection of four buildings (A, B, C and E) ranging between four to 16 storeys, plus part basement comprising of 38 replacement affordable homes for existing South Kilburn secure tenants, 64 private sale units (38 x 1-bed, 47 x 2-bed, 13 x 3-bed and 4 x 4-bed units) new health centre (Use Class D1) with flexible first floor space (Classes A1/D1/D2), 3no A-class retail units at ground floor, associated landscaping, highways and public realm improvements (including new public space), private open space, associated car parking, cycle parking and servicing provision.
- **Outline** planning application with reserved matters (around Appearance, Landscaping, and Scale) for the demolition of 97-112 Carlton House, 34-57 Peel Precinct and Peel site garages, and erection of

three buildings (D, F and G) ranging in height between up to 4 and up to 8 storeys provide up to 124 residential units comprising of 4 Affordable Housing units, and up to 120 private units, with associated landscaping, private open space, and cycle parking.

Various pre-commencement conditions have been discharged insofar as they relate to Phase 1 (Block E only) to enable the commencement of that Phase.

## CONSULTATIONS

### Public Consultation

Letters were sent to the occupiers of 1163 neighbouring and nearby properties in addition to site and press publicity. Five letters of objection were received raising some or all of the following points:

<b><u>Comment</u></b>	<b><u>Response</u></b>
<b>Design</b>	
16 floors in Block A is too high – 10 would be better	Permission has already been granted for a 16-storey block.
Market place and public area seem too small for the number of new buildings	Please see Design section of this Report
Buildings are too tall and unsuitable for South Kilburn	Please see Design section of this Report
Too dense	Please see Design section of this Report
Maximum height should be 12-storeys	The extant permission allows for a tower up to 16-storeys in height. Please see Design section of this Report
<b>Amenity</b>	
Many of the flats fall short of daylight/sunlight BRE standards, just to overcrowd more flats in the area and the atmosphere/usage it is supposed to create	Please see Design section of this Report
Loss of green areas, gardens, trees in detriment of 12-15-storey buildings	The proposed footprint is similar to that already approved. Please see Design section of this Report
Views and quality of air will be affected by the taller buildings	Please see Impact on Neighbour Amenity section of this Report
<b>Other Matters Raised</b>	
Will there be a swimming pool in the gym	A swimming pool is not proposed
SK Masterplan is on track to exceed the number of new homes it promised, there is no benefit on adding more at the expense of more space for residents and taller buildings affecting the public realm	Since the adoption of the Masterplan, the Council's housing target has increased from 15,253 to 23,250. The proposed uplift in housing numbers will contribute to meeting with the new target.

### Resident's Ballot and Public Engagement

A residential ballot was held in September/October 2019, a requirement for all regeneration schemes looking to access Mayoral funding. Peel was excluded from the ballot because of the extant permission and due to existing residents having been decanted. Notwithstanding, 84% of residents voted in favour of the continued regeneration of South Kilburn.

Throughout the pre-submission process, the applicant has engaged with residents and key stakeholders. A series of public meetings/events were held from September 2018 to May 2019 to discuss and elicit feedback on the proposal as it developed and five workshops were held with local GP Practices and the CCG to develop and refine the proposals for the health centre. In addition, the South Kilburn Trust, the Design Guardians, and the GLA have also been involved prior to submission. Although not all of the concerns raised by residents, such as a lack of additional parking, could be addressed, other elements, such as the units within Block E being designed by residents, is an example of good practice. It is considered that the applicant has fully complied with the requirements of the Mayors Good Practice Guide to Estate Regeneration in that consultation has been: transparent, extensive, responsive, meaningful; and engagement has been proactive, and has involved residents.

#### Statutory / Non-statutory Consultees

##### *Historic England (GLAAS)*

It has been advised that GLAAS do not wish to provide comment.

##### *Thames Water*

It has been advised that there are no objections.

##### *Environmental Health – Air Quality*

It is advised that being within an AQMA, it is expected that the Assessment should have used WHO guidelines for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> because the proposal includes a health care facility. Conditions are suggested in relation to construction noise and dust, and non-road mobile machinery

##### *Local Lead Flood Authority*

No objections are raised.

##### *Greater London Authority*

It has been advised that the principle of the architectural approach, the uplift in units and increase in building heights is supported. However, the application does not yet fully comply with the London Plan (or draft) and the following should be addressed:

Management of the creative hub by a workspace provider should be secured by planning obligation and the extant planning permission should be extinguished.

Early and Late Stage Viability Review Mechanisms are required to confirm that the affordable housing and tenure split (22:78) between social rent and shared ownership is the maximum viable level.

Additional information is needed on the affordability of the shared ownership units and play space provision. The architectural improvements should be secured by condition.

The energy strategy is supported subject to further modelling of energy efficiency measures and an appropriate carbon off-set payment being secured.

Car parking should be reduced and cycle parking provision increased in accordance with the draft London Plan. CPZ parking permit restrictions should be secured by a S106 Agreement.

A car parking management plan, travel plan, delivery and servicing plan, and construction logistics plan should be secured by condition.

Members should note that the above matters raised have been addressed below and where necessary, secured by condition or through the legal agreement.

##### *London Borough of Westminster*

No objections are raised.

## **POLICY CONSIDERATIONS**

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies

Document and the 2016 London Plan (Consolidated with Alterations since 2011). Key relevant policies include:

The London Plan including:

Policy 2.7	Outer London: Economy
Policy 2.14	Areas for regeneration
Policy 3.1	Ensuring equal life chances for all
Policy 3.3	Increasing housing supply
Policy 3.4	Optimising housing potential
Policy 3.5	Quality and design of housing developments
Policy 3.6	Children and young people's play and informal recreation facilities
Policy 3.7	Large residential developments
Policy 3.8	Housing choice
Policy 3.9	Mixed and balanced communities
Policy 3.10	Definition of affordable housing
Policy 3.11	Affordable housing targets
Policy 3.12	Negotiating affordable housing
Policy 3.13	Affordable housing thresholds
Policy 3.14	Existing housing
Policy 3.16	Protection and enhancement of social infrastructure
Policy 3.17	Health and social care facilities
Policy 4.1	Developing London's economy
Policy 4.3	Mixed use development and offices
Policy 4.8	Supporting a successful and diverse retail sector and related facilities and services
Policy 5.1	Climate change mitigation
Policy 5.2	Minimising carbon dioxide emissions
Policy 5.3	Sustainable design and construction
Policy 5.5	Decentralised energy networks
Policy 5.6	Decentralised energy in development proposals
Policy 5.7	Renewable energy
Policy 5.8	Innovative energy technologies
Policy 5.9	Overheating and cooling
Policy 5.10	Urban greening
Policy 5.11	Green roofs and development site environs
Policy 5.12	Flood risk management
Policy 5.13	Sustainable drainage
Policy 5.14	Water quality and wastewater infrastructure
Policy 5.15	Water use and supplies
Policy 5.16	Waste net self-sufficiency
Policy 5.18	Construction, excavation and demolition waste
Policy 5.19	Hazardous waste
Policy 5.21	Contaminated Land
Policy 6.3	Assessing the effects of development on transport capacity
Policy 6.9	Cycling
Policy 6.12	Road network capacity
Policy 6.13	Parking
Policy 7.1	Lifetime neighbourhoods
Policy 7.2	An inclusive environment
Policy 7.3	Designing out crime
Policy 7.4	Local character
Policy 7.6	Architecture
Policy 7.7	Location and design of tall and large buildings
Policy 7.8	Heritage assets and archaeology
Policy 7.14	Improving air quality
Policy 7.15	Reducing noise and enhancing soundscapes
Policy 7.18	Protecting open space and addressing deficiency
Policy 7.19	Biodiversity and access to nature

Core Strategy

CP1	Spatial Development Strategy
CP2	Population and Housing Growth



- CP5 Placemaking
- CP6 Design & Density in Place Shaping
- CP9 South Kilburn Growth Area
- CP15 Infrastructure to Support Development
- 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

#### Development Management Document

- DMP 1 Development Management General Policy
- DMP2 Supporting Strong Centres
- DMP5 Markets and Carboot Sales
- DMP4a Shop Front Design and Forecourt Trading
- DMP9a Managing Flood Risk
- DMP9b On Site Water Management and Surface Water Attenuation
- DMP12 Parking
- DMP13 Movement of Goods and Materials
- DMP15 Affordable Housing
- DMP18 Dwelling Size and Outbuildings
- DMP19 Residential Amenity Space
- DMP21 Public Houses

In addition, the council is currently reviewing its Local Plan. Formal consultation on the draft Brent Local Plan was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 24 October and 5 December 2019. At its meeting on 19 February 2020 Full Council approved the draft Plan for submission to the Secretary of State for examination. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officer's that greater weight can now be applied to policies contained within the draft Brent Local Plan.

The Draft London Plan has recently been subject to an Examination in Public and the Panel Report has been received by the GLA. The GLA has released its "Intend to Publish" version (December 2019) and this carries substantial weight.

Key relevant policies include:

#### Intend to publish London Plan

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG5 Growing a good economy
- SD6 Town centres and high streets
- SD8 Town centre network
- SD10 Strategic and local regeneration
- D1 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- D9 Tall buildings
- D10 Basement development
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D14 Noise
- H1 Increasing housing supply

H4	Delivering affordable housing
H5	Threshold approach to applications
H6	Affordable housing tenure
H7	Monitoring affordable housing
H8	Loss of existing housing and estate redevelopment
H10	Housing size mix
H11	Build to rent
S1	Developing London's social infrastructure
S2	Health and social care facilities
S4	Play and informal recreation
S5	Sports and recreation facilities
E2	Providing suitable business space
E3	Affordable workspace
E8	Sector growth opportunities and clusters
E9	Retail, markets and hot food takeaways
E11	Skills and opportunities for all
HC1	Heritage conservation and growth
HC5	Supporting London's culture and creative industries
HC6	Supporting the night-time economy
G1	Green infrastructure
G5	Urban greening
G6	Biodiversity and access to nature
G7	Trees and woodlands
G8	Food growing
S11	Improving air quality
S12	Minimising greenhouse gas emissions
S13	Energy infrastructure
S14	Managing heat risk
S15	Water infrastructure
S17	Reducing waste and supporting the circular economy
S12	Flood risk management
S13	Sustainable drainage
T1	Strategic approach to transport
T2	Healthy Streets
T3	Transport capacity, connectivity and safeguarding
T4	Assessing and mitigating transport impacts
T5	Cycling
T6	Car parking
T6.1	Residential parking
T6.3	Retail parking
T6.4	Hotel and leisure uses parking
T6.5	Non-residential disabled persons parking
T7	Deliveries, servicing and construction
T9	Funding transport infrastructure through planning

#### Draft Local Plan

DMP1	Development management general policy
BP6	South east
BSEGA1	South Kilburn Growth Area
BD1	Leading the way in good urban design
BD2	Tall buildings in Brent
BD3	Basement development
BH1	Increasing housing supply in Brent
BH2	Priority areas for additional housing provision within Brent
BH3	Build to rent
BH5	Affordable housing
BH6	Housing size mix
BH13	Residential amenity space
BSI1	Social infrastructure and community facilities
BE1	Economic growth and employment opportunities for all
BE4	Supporting Strong Centres Diversity of Uses
BE7	Shop front design and forecourt trading

BE8	Markets and car boot sales
BHC1	Brent's Heritage Assets
BHC3	Supporting Brent's culture and creative industries
BHC4	Brent's night time economy
BGI1	Green and blue infrastructure in Brent
BGI2	Trees and woodlands
BSUI1	Creating a resilient and efficient Brent
BSUI2	Air quality
BSUI3	Managing flood risk
BSUI4	On-site water management and surface water attenuation
BT1	Sustainable travel choice
BT2	Parking and car free development
BT3	Freight and servicing, provision and protection of freight facilities
BT4	Forming an access on to a road

### Other Relevant Policy Considerations

National Planning Policy Framework (NPPF)  
 Planning Practice Guidance (PPG)  
 Technical housing standards – nationally described space standards (2015)  
 National Design Guide (2019)  
 Mayor of London - A City for all Londoners  
 Mayor's Good Practice Guidance to Estate Regeneration  
 LB Brent S106 Planning Obligations SPD (2013)  
 LB Brent Design Guide for New Development (SPD1)  
 LB Brent Shopfronts SPD (SPD3)  
 LB Brent Basement SPD (Jun 2017)  
 LB Brent South Kilburn SPD 2017  
 LB Brent South Kilburn Conservation Area Character Appraisal (2006)  
 LB Brent Waste Planning Guide SPG  
 LB Brent Air Quality Action Plan 2017-2022  
 Community Infrastructure Levy Regulations 2010  
 London Cycling Design Standards

## **DETAILED CONSIDERATIONS**

### **Principle of development:**

1. The overarching objectives for estate regeneration, as set out in the Mayor's Good Practice Guide to Estate Regeneration are to: deliver safe and better quality homes for local people; increase the supply of new and affordable homes; and to improve the quality of the local environment through public realm improvements and the provision of social infrastructure. South Kilburn is a designated Growth Area and the Peel Precinct forms part of Phase 3 of the South Kilburn Masterplan. The broad aims of the Growth Area, the Masterplan, and that of the South Kilburn SPD are to deliver: 2400 new dwellings (50% for existing secured tenants); retail, health and education facilities; and an improved public realm.
2. The extant permission, has established the principle of redevelopment, the layout and acceptability of building heights and uses. The proposed scheme follows the principles established with the extant permission albeit in a revised form in terms of some additional height, the re-positioning of Blocks F&G, the creation of a market square, an additional 82 units and an increase in affordable units. The changes from the extant scheme are welcomed and supported in principle.

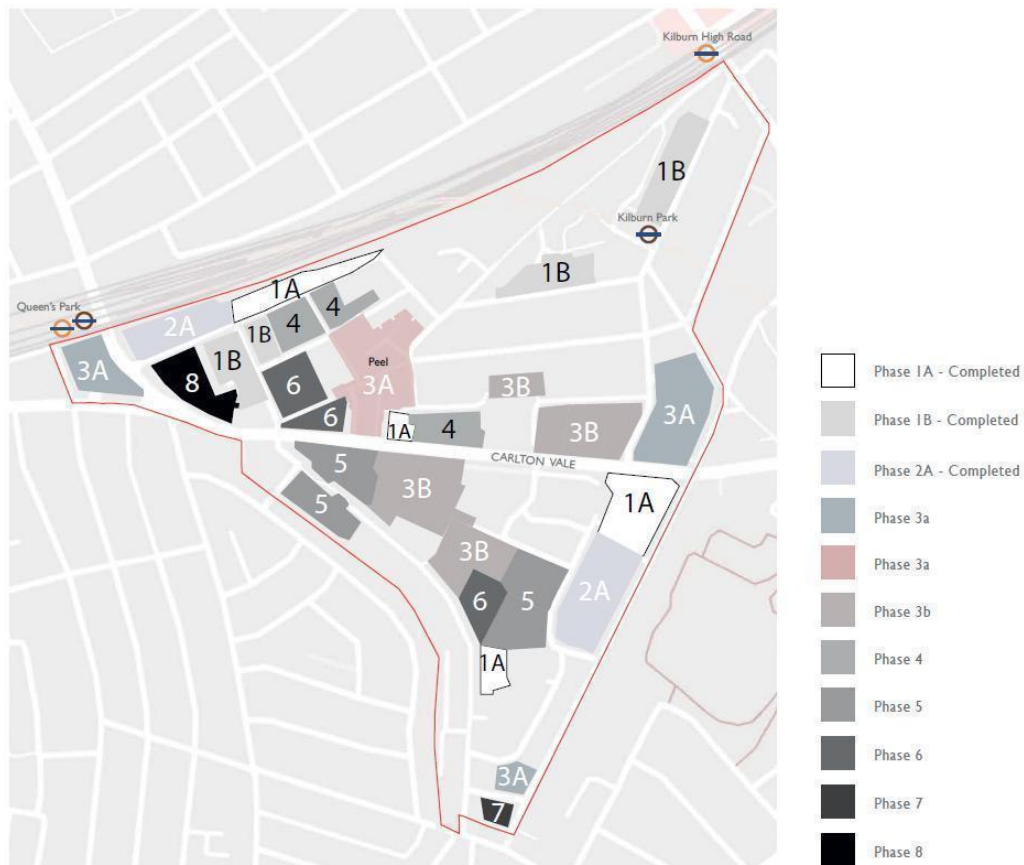
### **Housing**

#### Estate Redevelopment

3. Policy 3.14 ("Existing Housing") of the London Plan (and draft LP Policy H10) together with the Mayor's Estate Regeneration Good Practice Guide confirms that existing housing should be retained where possible and appropriate, except where there are acceptable plans for its replacement. The redevelopment of affordable housing should only be permitted where it is replaced by better quality accommodation, providing at least an equivalent floorspace. Principle H1 ("Housing Targets") of the South Kilburn Masterplan also confirms that any socially rented housing lost through the demolition of

existing housing will be re-provided and made available to existing secure tenants.

- The current scheme, which improves upon the extant permission, is considered to demonstrate compliance with the above policies and guidance in that there will continue to be an increase in affordable housing (floorspace and unit numbers) and there continues to be a full right of return/remain for existing tenants. Although there is a net decrease in the number of affordable 2-bed units (reduced from 28 to 12), family-size units are now provided (x19). The proposed mix is considered to better reflect the identified demand within the South Kilburn Estate.



- Peel forms part of Phase 3A of the South Kilburn Regeneration Masterplan (see above), which has delivered 1300 units to date, of which 874 are affordable. The table below provides a breakdown of the housing delivered.

Site	Completion	Total Affordable	Total S/O	Total Private	Total Units
<b>Phase 0</b>					
Granville New Homes	Completed 2012	110	0	0	110
Thames Court	Completed 2012	20	0	0	20
<b>Phase 1A</b>					
George House & Swift House	Completed 2012	113	19	21	153
McDonald House	Completed 2011	26	0	0	26
Merle Court	Completed 2012	42	8	0	50
Franklin House, Hansel Close & Hollister House	Completed 2011	75	0	55	130

<b>Total For Phase 1A</b>		<b>386</b>	<b>27</b>	<b>76</b>	<b>489</b>
<b>Phase 1B</b>					
Cambridge Avenue, Chichester Road, Bristol Walk & Gorefield Place	Completed 2016	58	0	83	141
Falconbrook Court & Walbrook Court	Completed 2016	64	0	0	64
<b>Totals for Phase 1B</b>		<b>122</b>	<b>0</b>	<b>83</b>	<b>205</b>
<b>Phase 2A</b>					0
Queens Park Place	Completed 2016	28	0	116	144
Kilburn Quarters (Kilburn Park Road & Cambridge Road)	Completed 2017	103	0	124	227
<b>Totals For Phase 2A</b>		<b>131</b>	<b>0</b>	<b>240</b>	<b>371</b>
<b>Phase 3A</b>					
Unity Place	2020 (first Phase) 2021 (Whole site)	235	0	0	235
<b>Totals for Phase 3A To Date</b>		<b>235</b>	<b>0</b>	<b>0</b>	<b>235</b>
<b>Total Delivered to Date</b>		<b>874</b>	<b>27</b>	<b>399</b>	<b>1300</b>
Peel		42	85	181	308
<b>Total incl. Peel</b>		<b>916</b>	<b>112</b>	<b>580</b>	<b>1608</b>

#### Tenure / Mix / Affordable Housing

- Core Policy 2 (“Population and Housing Growth”) sets a target for 25% of new homes in the borough to be family-sized units (3-bed or larger), and CP21 (“A Balanced Housing Stock”) confirms the need to provide an appropriate range and mix of self-contained units, including a proportion of family sized homes. Core Policy 2 also confirms that the Borough will aim to achieve the London Plan’s target of 50% affordable housing and DMP15 (“Affordable Housing”) seeks 70% of new affordable units to be social/affordable rented and 30% intermediate housing at affordability levels meeting local needs. For the scheme, this would equate to x77 family-sized units and 154 affordable units, of which there should be x108 social/affordable rented and x46 intermediate tenure.
- Sixty-two units of the proposed scheme will be family-sized units (58 x 3-bed and 4x 4-bed), equating to 20% of the total and although below the policy requirement of 25%, higher proportions of family housing have a negative impact on scheme viability and it is considered that the significant uplift in affordable units overall, outweighs the shortfall in family sized units. By way of comparison, the consented scheme would have delivered 57 (25%) family-sized units (53 x 3-bed and 4 x 4-bed). In terms of the affordable offer, there will be 127 affordable homes (41%) of which 42 will be socially rented (33%) and 85 in shared ownership (67%). The extant scheme would deliver the same number of socially rented homes (42) but no shared ownership homes.
- It is acknowledged that the affordable offer and the tenure split does not meet the adopted policy position. However, 52% of the overall housing provision on the wider South Kilburn Estate will be affordable housing and it is accepted that some sites will be able to deliver more than the 50% target. Similarly, in relation to the tenure split (see table above), the level of intermediate units delivered to date across South Kilburn is low and the proposed level within Peel will help to redress this and secure a better mixed and balanced community. Moreover, intermediate units (together with the private sale units) help to cross-subsidise the other significant wider benefits for the community in the provision of a health centre (inclusive of a gym) and affordable workspace.

#### Proposed Affordable Tenure

	<b>Social Rented</b>	<b>Intermediate</b>	<b>Total</b>	<b>% Affordable</b>
<b>Studio</b>	-	3	3	<b>2</b>
<b>1b2p</b>	11	39	50	<b>39</b>
<b>2b</b>	12	43	55	<b>43</b>
<b>3b</b>	15	-	15	<b>12</b>
<b>4b</b>	4	-	4	<b>3</b>
<b>Total</b>	<b>42</b>	<b>85</b>	<b>127</b>	<b>100</b>

#### Proposed Housing Mix (number of homes)



	Social Rented	Intermediate	Private	Total
<b>Studio</b>	-	3	18	21
<b>1b2p</b>	11	39	60	110
<b>2b</b>	12	43	60	115
<b>3b</b>	15	-	43	58
<b>4b</b>	4	-	-	4
<b>Total</b>	<b>42</b>	<b>85</b>	<b>181</b>	<b>308</b>

#### Consented Housing Mix

	Full Planning		Outline Planning		Total
	Social Rented	Private	Social Rented	Private	
Studio	-	-	-	-	-
1b2p	11	27	0	52	90
2b	12	35	0	32	79
3b	11	2	4	36	53
4b	4	-	-	-	4
<b>Total</b>	<b>38</b>	<b>64</b>	<b>4</b>	<b>120</b>	<b>226</b>
	<b>102</b>		<b>124</b>		

9. Shared ownership homes will be fully integrated within private sale cores. The 38 secure tenants in Block E and the additional 4 socially rented homes (x3 in Block D and x1 in Blocks F & G) benefit from their own front doors, giving protection by the affordable, long term asset management strategy for residents. It is also important to note that the quality of build will be indistinguishable between Blocks.

#### Viability

10. Whilst the proposed level of on-site affordable housing is a significant improvement on the extant scheme (18.5%), it does not achieve the Council's on site affordable housing target of 50% (with a tenure split of 70/30 rented/intermediate). As a consequence, the viability of the scheme has been independently reviewed to establish whether the current offer is the maximum reasonable amount. The FVA and the Council's review has also been scrutinised by the GLA.
11. The applicant's financial viability appraisal ("FVA") indicates that the scheme would result in a residual land value ("RLV") of £11,458,144 against a benchmark land value ("BLV") of £15,100,000.00. Where the RLV is less than the BLV, a scheme is in deficit, and as outlined above, the submitted FVA is showing the scheme to be in deficit of approximately £3.6M, inclusive of grant funding of £4.9M. Notwithstanding the financial position above, the FVA concludes that the applicant is committed to delivering Peel and therefore the offer of 41% on-site provision by unit (56% by habitable room) with a tenure split of 33/67. This is therefore, the maximum which can be reasonably provided.
12. An area of disagreement revolved around the BLV used by the applicant because the Council, and the GLA, do not accept the use of an historic value being applied to the present. Whilst it is appropriate to fix the BLV for the purposes of subsequent early/late stage reviews going forward with the extant permission, a new scheme should be assessed against current values. However, one of the issues with this approach is that it has proven difficult to establish a value for the buildings associated with Phase 1 because they have already been demolished (1-7 & 15 Peel Precinct and 8-14 Neville Close). An agreed alternative approach has been to use land assembly costs (the costs of securing vacant possession) incurred between May 2015 and March 2019. This provides a figure of £12,304,000. This is based on the actual costs and an estimate of commercial values based on the last passing rents capitalised at a yield of 10%. The result of using this alternative approach is that the deficit is reduced to £488,000.
13. With the scheme still incurring a deficit, albeit at a much reduced level, it therefore does confirm that the applicant's offer is the maximum reasonable amount. It is therefore recommended that this is secured through a S106 Agreement, together with post implementation reviews.

#### **Non-Residential Uses**

14. In addition to the residential offer, the proposed development again proposes a mix of uses. As with the extant permission, a health centre is again proposed which will provide accommodation for up to three

GP practices, and this remains one of the key elements of the extant and current schemes, and the wider South Kilburn regeneration area. The health centre will deliver core health services with capacity to deliver extended hours GP services and services through Integrated Care Networks, as outlined within the NHS Long Term Plan.

15. An affordable gym is introduced on the second floor of Blocks B & C, above the health centre. This will have a combined entrance lobby with the health centre but can also be operated independently. Together, these two elements will form a combined health and wellbeing facility. Space on the ground floor is also designed to be used independently of the first floor for community health and wellness activities outside of main surgery hours.
16. In addition, to the above, “flexible space” is now proposed, within the ground floor of Blocks F & G, to be occupied by an affordable workspace provider. To further enhance Peel as a focal point of South Kilburn, a market square is introduced, fronting the flexible workspace in Blocks F & G, with the intention of creating a focal point for public activity and the generation of footfall for the commercial uses thereby contributing to the vitality and viability of Peel and its retail offer. The breakdown of the consented and proposed floorspace is provided in the tables below.
17. With specific regard to the affordable workspace, this will be cross-subsidised by the increase in residential units and all spaces are designed to function as either one space, or a series of smaller subdivided units, thus being able to adapt to changing circumstances or tenant requirements. The affordable workspace would be secured on the following terms:
  - Be disposed of for no more than 50% of OMR/OMV for a minimum term of 15 years.
  - Remain affordable for the lifetime of the development.
  - Leased to an affordable workspace provider approved by the Council.
  - Secure a commuted sum (estimated to be £1.153m) in the case that an affordable workspace operator cannot be secured within 2 years of practical completion.

<b>Type of Use</b>	<b>Consented Floorspace (GEA, sqm)</b>	<b>Proposed floorspace (GEA, sqm)</b>
Pharmacy, Supermarket, Retail	415	397.8
Health Centre	1,455	1,374.9
Flexible Wing Space (A1/A3/B1)	757	1,406.3
Market Office/Store	34	25.2
Non-Residential Plant	90	317.4
<b>Total</b>	<b>2,751</b>	<b>3,521.5</b>

18. The proposed uses reinforce Peel as the “Civic Quarter” within the South Kilburn SPD, based around health, retail, leisure and community facilities. They are also considered compliant with London Plan Policies 3.16, 3.17, 4.6, 4.9 and 7.1 in that the scheme will enhance health and social infrastructure, and also improve the arts, entertainment and retail offer for residents. The proposal is also consistent with CP9 of the Core Strategy. The uses will be secured by appropriately worded conditions and/or through the accompanying S106 Agreement.

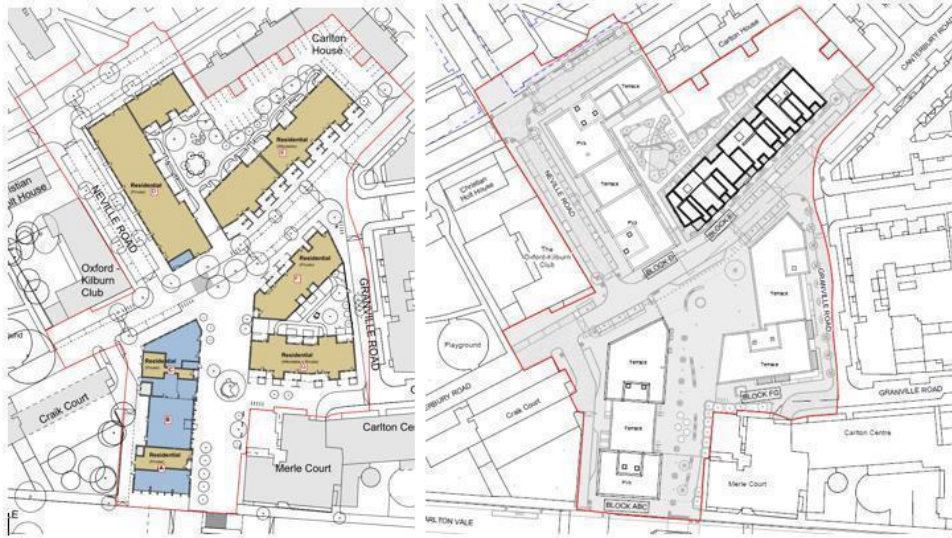
## **Design Considerations**

### Layout and Access

19. The proposed layout is similar to the extant scheme, with most of the buildings occupying a similar footprint. The key change however is with Blocks F & G, which are now oriented to front Granville Road, as illustrated below, with the space created on the western side of Block F forming the market square.

Consented Layout

Proposed Layout



20. The market square, at the centre of the site, will be one of the focal points of the development, with the flexible uses at the base of Blocks F & G opening out onto it. It is intended that the route through the proposed layout, beginning from Carlton Vale will lead up to and through the Market Square, providing for pedestrian footfall along the length of this key route, culminating in an open area for market stalls and other community activities.
21. Aside from Block E which remains unchanged from the extant permission, the layout of the residential elements have been amended to better rationalise the configuration of the internal and communal spaces for each of the blocks/units. The internal layout of Blocks A, B & C have changed significantly from the extant scheme insofar as it relates to the non-residential uses. Previously, the health centre was stacked over the previously proposed five floors of Block B but following consultation with the CCG, the health centre will now occupy the first floor across all three blocks (entrance lobby occupying the ground floor of Block B), and a gym will be provided across the second floor of Blocks B & C. The amended layout for the health centre is considered an improvement over the extant permission as it provides easier access and circulation for patients and staff. The inclusion of a gym will also support the promotion of health and wellbeing across Peel and the wider community.
22. The amendments made to the ground floor of Blocks F & G involve the introduction of non-residential, flexible uses opening out onto a newly created public square, helping to activate that frontage and the public realm. It is intended that an affordable workspace provider will manage the flexible workspace. The affordable workspace will be secured via a S106 Agreement.

### Elevations

23. The elevational appearance of each of the Blocks is similar to the extant scheme in that the finishing materials continue to be drawn from the same family of materials as with the extant scheme. The buildings are proposed to be brick based, using a variation in tone horizontally, which changes the higher up the building in order to define strong base, middle and top elements. This is reinforced by the strong presence of entrances and openings, and their detailed design, with commercial frontages being larger than those for the residential elements. The more noticeable changes are to Blocks A, B & C to reflect the key amendment of creating residential units on the upper floors. In addition, the stone framing has been removed, creating a much cleaner building appearance. Further details such as the use of ceramics and ironmongery are employed to add detail and articulation to openings, entrances and more detailed elements such as window bays, balconies and principal doorways. The changes to the architectural approach are welcomed and are considered to improve the overall appearance of the development, strongly adhering to the principle of achieving high quality design.
24. The details for the non-residential frontages, in terms of the shopfront design and signage remain an important aspect of the development. The design, materials, illumination and placement of signage should be carefully considered so that it contributes to the character and setting of the relevant shop or development and shopfronts should remain uncluttered in terms of window displays. Indicative signage has been provided on the elevational drawings and further examples of the signage strategy have been

provided with the Design & Access Statement (section 8.3). It is proposed that fixed metal lettering is attached to the external walls of the relevant units, stacked signage above the canopy entrance for the health centre, and some projecting signs. The indicative shopfronts are considered acceptable as they would broadly comply with the adopted Shopfronts SPD, however details will be secured through an appropriately worded condition.

#### Scale and Massing

25. The principle of increased scale and massing was established with the extant permission, which would deliver buildings ranging in height from 4 storeys to 16 stories. The increase in scale and massing was considered acceptable when compared to existing developments such as Craik Court (12-storeys), Hereford House (18-storeys) and Crone Court (12-storeys), and with more recent developments such as George House (11-storeys) and the proposed Neville & Winterleys scheme which proposes buildings ranging in size from six to twelve storeys. Moreover, Principle D1 of the South Kilburn SPD confirmed that the Peel development, along Carlton Vale, "*lends itself to greater height...*". The current scheme would add an additional 1 to 2 stories to all blocks, except for Blocks A and E which remain at 16 stories, and part 4 part, part 5 stories respectively, although it should be noted that with regards to Block A, whilst it remains at 16-storeys, the overall height has increased from: 53.4m to roof level, and 54.7m to the top of the access stair enclosure; to 54.65m to roof level, 56.2m to the top of the parapet, and 59m to the top of the lift overrun. The majority of the increase in height in Block A relates to the provision of the lift overrun which whilst increasing the overall height of the building, due to its siting on the roof (set in from the south, east and west elevations) will not be highly visible within the immediate vicinity but only in long views of the building.
26. Having regard to the above, it is considered that the additional height, when viewed in the context of the extant permission, the surrounding development and proposals coming forward, is acceptable and will not be out of keeping, scale and character.

#### Quality of Accommodation

27. To improve the quality of new housing, new development must meet with or exceed the minimum internal space standards contained within the London Plan (Policy 3.5 Quality and design of housing developments), and the nationally described space standards ("Technical Standards"). All units will continue to meet with or exceed the respective minimum standard.
28. The number of single aspect dwellings (x134 or 44%) have been minimised as much as possible and it is important to note that there are no north-facing single aspect units. Where it has not been possible to provide dual aspect dwellings, those units have been designed to minimise any adverse impact through a reduction in the depth of the rooms, provide good views and provide good levels of internal daylight.
29. In terms of internal daylight, 71% of rooms tested (x506) will continue to meet with the targeted values of the BRE guide, compared with 77% (x62) for the extant scheme, although it should be noted that the figures for the extant scheme could only consider the rooms within the Blocks which formed the full element of the proposal (Blocks A, C & E). Of the rooms which do not meet with the BRE target, 67 serve bedrooms where lower levels of daylight is accepted. The majority of the remaining rooms are affected by the presence of balconies. With regard to internal sunlight, of the 714 windows assessed 255 (36%) will meet the BRE target, with the remainder not meeting the targeted 5% sunlight hours for the winter months primarily because of the presence of overhanging balconies. This compares with 55% for the windows tested for Blocks A, C & E of the extant scheme.
30. Although it is demonstrated that the current scheme will have a greater proportion of windows that fall below internal daylight/sunlight guidance levels than the extant permission, that impact is predominantly as a result of the need to provide balconies for each of the proposed units. The full results of the testing indicates where a room or window does not meet with the BRE target value, the shortfall can be considered marginal. On balance, having regard to the extant permission, the nature of the scheme and surrounding developments, it is considered that the living conditions of future residents in terms of daylight/sunlight is not unacceptable when weighed against the benefits of the scheme.

#### Amenity Space Provision

31. New developments, as confirmed by DMP19, are required to have external amenity space of a sufficient size and type to satisfy needs, and this is normally expected to be 20sqm per flat and 50sqm for family

housing (including ground floor flats). As with the extant scheme, each property would benefit from some form of private amenity space, either through private gardens or balconies. The private space is complemented through the provision of rooftop communal space for Blocks B, C, D, F & G, and ground level communal space behind Blocks D & E. In total, the different forms of amenity space amount to 7,144sqm (5,636sqm with the consented scheme) as set out below and this also compares to a requirement for 6400sqm when applying DMP19.

32. There are 10 family sized homes at ground floor level which have a target amenity provision of 50sqm. These have either 12 or 15sqm terraces which are directly adjacent to the communal amenity space. The exception to this is one three-bedroom flat which has a 35sqm terrace which is situated within a street frontage and therefore would be limited in terms of its usability. However, the site is well served by existing open space. Kilburn Park is opposite (on the southern side of Carlton Vale), Paddington Recreation Ground and Queens Park are both within 800m of the site, and Woodhouse Urban Park, which includes play for older children, is within 400m of the site.
33. It is acknowledged that not all of the units meet with the minimum standard as set out above, however they all, as a minimum, have a balcony which exceeds the London Plan minimum requirement of 5sqm for 1-2 bedroom dwellings, and an additional 1 sqm for each additional occupant. Notwithstanding, DMP19 does allow for some flexibility in that the policy states that the quantum is “normally expected”, thus implying the stated quantum is not an absolute. Moreover, the supporting text states: “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”.

1-2 bedroom homes, and family sized homes above ground level				
Block	A-C	D-E (1-2 bed / 3-bed above ground)	D-E (family sized at ground level)	F-G
Minimum private external amenity	5 Sqm	5 Sqm	12 Sqm	5 Sqm
Maximum shortfall of private external amenity	15 Sqm	15 Sqm	38 Sqm	15 Sqm
Communal amenity space	655 Sqm	365 Sqm		887 Sqm
Total No. Homes	100	144		64
Pro-rata communal external space	6.6	2.5		13.9
Maximum resultant shortfall	8.5	12.5	35.5	1.1
Public space (mixed use, so lower value per user)	Approx. 1,800 sqm			
Pro-rata public space	Approx. 5.8 sqm			
Approx. distance to South Kilburn Open Space	30-6 0 m	100-200 m	120-200 m	90-1 50 m

34. Having regard to all of the above, it is considered that on balance, the development provides an acceptable quantum and quality amenity space.

#### *Children’s Playspace*

35. Play space provision to cater to a range of age groups is proposed in accordance with the Mayor’s ‘Play and Informal Recreation’ SPG, Policy 3.6 of the London Plan and draft Policy S4. Applying the updated playspace calculator, the estimated child yield is 105 children, which generates a requirement for approximately 1053sqm. Doorstep play and play elements within communal gardens is proposed atop Blocks B, C, D, F & G and at ground floor level behind Blocks D & E (for the residents of those two Blocks), amounting to 438sqm. Although this falls short of the expected requirement, there is approximately 1500sqm of provision at the nearby Woodhouse Urban Park (c.70m distant) and 235sqm



at Craik Court (c.50m distant). In addition, there is 900sqm within Kilburn Park, on the opposite side of Carlton Vale. Details for the playspace will again be secured by condition.

#### Accessible and Adaptable Dwellings

36. The London Plan (Policy 3.8) requires that 90% of new dwellings meet with Building Regulation requirement M4(2) (accessible and adaptable) and 10% are wheelchair user dwellings (M4(3)), that is, they are designed to be wheelchair accessible or easily adaptable. This would equate to at least 31 wheelchair units, which is confirmed by the applicant. These would again be secured by an appropriately worded condition. It should also be noted that whilst wheelchair housing is located at ground floor as far as possible, some will need to be on upper floors, however accessibility is ensured through the inclusion of two lifts within all cores.

#### Density

37. The assessment of any development must acknowledge the NPPF and the London Plan, which encourage greater flexibility in the application of policies to promote higher densities. Policy 3.4 of the London Plan encourages the development of land to optimise housing potential but recognises this must be appropriate for the location taking into account local context, character, design and public transport capacity. Table 3.1 of the current London Plan gives Brent an annual housing target of 1,525 new dwellings while the draft London Plan (Table 4.1) significantly increases this to 2,325.
38. The site (approximately 1.44ha) is located within an area with a public transport accessibility level ("PTAL") of 5, suggesting that an appropriate level of density for this urban location is in the range of 200-700hr/ha or 70-260u/ha. The extant scheme will deliver 687 habitable rooms and 226 units, therefore providing 477hr/ha and 157u/ha. The proposed scheme will achieve density levels of 627hr/ha and 214u/ha. Whilst there is a greater uplift in proposed density levels, these still fall within the suggested range considered appropriate for this location. Moreover, the increased housing would be a significant contribution towards meeting the Councils higher housing targets.
39. Notwithstanding the density figures above, adopted policy acknowledges that a numerical assessment of density is but one factor to consider in assessing whether the site is capable of accommodating the proposed development. Consideration must also be given to the design and quality of accommodation to be provided, the siting and scale of the development, its relationship to site boundaries and adjoining properties, the level and quality of amenity space to support the development, and the satisfactory resolution of any highways matters. Some of these matters have been discussed above, and the remainder will be discussed below.

#### Fire Safety

40. Although acknowledging that fire safety compliance is a matter for the Building Regulations, Policy D12 of the draft London Plan requires all major proposals to submit a Fire Statement. The Statement should demonstrate that the development will achieve the highest standards of fire safety by reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape.
41. In accordance with the draft Policy, a Fire Strategy Report has been produced together with a plan which indicates features such as emergency egress windows/doors, the location of wet and dry riser inlets/outlets, fire services access points, and the location and fire rating of walls and doors. The overall fire strategy has been summarised as being:

#### *Residential*

- Means of escape will be based on the apartment of fire origin only evacuating in the residential accommodation. The commercial spaces are separate fire compartments and therefore will evacuate on an individual basis, with each adopting a simultaneous evacuation in the event of an incident in that accommodation only. No interconnection of fire alarm system or evacuation protocol is proposed between any areas.
- Blocks ABC apartments are accessed from the staircase by traditional common access corridors. Travel distances in the common access corridors are limited to a maximum of 15m based on the apartments in each core being covered by residential sprinklers. The common access corridors are ventilated in each core by a 1.5sqm natural smoke shaft plus a 1sqm natural AOV (Automatic Opening Vent) at the head of the common staircases.
- In Block D, Core D1 apartments are accessed from the staircase by traditional common access

corridors. Travel distances in the common access corridors are limited to a maximum of 15m based on the apartments in each core being covered by residential sprinklers. The common access corridors are ventilated by a 1.5sqm natural AOV's plus a 1sqm natural AOV at the head of the common staircase.

- Block D, Core D2 apartments are accessed from the staircase by common access corridors. The travel distances in these corridors are extended on both sides of the staircase up to a maximum of 25m and therefore these distances are mitigated by the introduction of two 0.6sqm mechanical fan assisted smoke shafts that serve each floor concerned. The common staircase includes a 1sqm natural AOV at the head of the common staircases.
- Block FG apartments are accessed from the staircase by traditional common access corridors. Travel distances in the common access corridors are limited to a maximum of 15m based on the apartments in each core being covered by residential sprinklers. The common access corridors are ventilated in Core G by a 1.5sqm natural smoke shaft plus a 1sqm natural AOV at the head of the common staircase. The common corridors in Core F are ventilated by 1.5sqm natural AOV's plus a 1sqm natural AOV at the head of the common staircase.
- Fire alarm and detection systems

#### *Non-residential*

- Commercial units in Block ABC and FG will be completely self-contained with a standalone evacuation strategy. Travel distances and exit widths will be designed to adopt the recommendations of Approved Document B
- Fire alarm and detection systems for the Health Centre and gym
- No fire alarms in the ground floor commercial units at completion of the shell

#### *Fire appliance access*

- Fire service vehicle access to the commercial spaces will be based on all parts of these compartment footprints being covered within 45m of a fire appliance parking position. The residential accommodation to all blocks will be based on firefighting shafts (including wet rising water mains (Core A of Block ABC only), dry rising water mains (Core C1 of Block ABC and Blocks D and FG) and firefighting lifts). Public or private fire hydrants will be available to within 90m of the entrance doors into the commercial spaces and rising main inlets to the residential blocks

### **Heritage Considerations**

#### Statutory Background and the NPPF

42. 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 or any features of special architectural or historic interest which it possesses (s.66) and preserving or enhancing the character or appearance of that area (s.72). As confirmed by the Court of Appeal (Civil Division), the decision in *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137 confirmed that where an authority finds that a development proposal would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm "*considerable importance and weight*". Further case law has reconfirmed the Barnwell decision and the considerations to be undertaken by a planning authority: *The Forge Field Society & Ors, R v Sevenoaks District Council* [2014] EWHC 1895 (Admin), *Pugh v Secretary of State for Communities and Local Government* [2015] EWHC 3 (Admin).
43. Section 16 of the NPPF ("Conserving and enhancing the historic environment") (paras. 184 to 202) advises Local Planning Authorities to recognise heritage assets as an "irreplaceable resource" and to "conserve them in a manner appropriate to their significance" (para.184). In determining applications, LPA's are advised at para.192 take into account of:
  - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness
44. When considering the impact of a proposed development on the significance of a designated heritage

asset, it is advised at para.193 that “*great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*”. Consent should be refused where there is substantial harm or total loss of significance, unless there are substantial public benefits that outweigh that harm or loss (NPPF, para.195). Where there is less than substantial harm, the harm is to be weighed against the public benefits of the proposal (NPPF, para.196) and with regard to non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (NPPF, para.197). It is also advised at para.201 that not all elements of a Conservation Area will necessarily contribute to significance.

45. Policy 7.8 of the London Plan (“Heritage Assets and Archaeology”) and draft Policy HC1 (“Heritage, conservation and growth”) advises what boroughs should do at a strategic level to identify, preserve, and enhance London’s heritage assets. Policies DMP1 (“Development Management General Policy”) and DMP7 (“Brent’s Heritage Assets”) confirms the statutory duty of the Council and provides some guidance on how to present and assess applications affecting heritage assets.
46. There are several heritage assets against which the proposed development should again be considered. These include:
  - The South Kilburn Conservation Area;
  - St Augustine’s Church (grade II listed)
  - Grade II listed dwellings on Princess Road (Nos.9-67 (odd) and 22-84 (even))
47. What must therefore be determined is whether the proposed development will harm the significance of the aforementioned heritage assets, having regard to the statutory requirement to give special attention to the desirability of preserving a listed building or its setting (s.66) and preserving or enhancing the character or appearance of a conservation area (s.72). The proposal will have a greater or lesser impact on individual heritage assets and the factors for consideration will be:
  - The significance of the asset
  - The sensitivity to harm of the asset
  - Proximity
  - Visibility
  - Compatibility of the proposal with the context and setting of the asset

#### Assessment Against Significance of Heritage Assets

48. The South Kilburn Conservation Area, designated in 1979, derives its significance from the area being largely unaltered from when development largely took place from just before the turn of the 19<sup>th</sup> Century. The area is characterised by wide tree-lined streets and town houses of high architectural quality with intricate detailing. The estate was originally laid out with a series of roads grouped around an open space known as Cambridge Gardens, which remains a focus of the Conservation Area. Paragraph 6.6 of the South Kilburn Conservation Area Character Appraisal considers that the modern flats and buildings external to the Conservation Area but in close proximity to it, detract from the overall appearance of the heritage asset.
49. It was acknowledged with the extant scheme that whilst there is a separation between the site and the Conservation Area, the taller elements would be visible but that this would not be different from the existing situation. Moreover, the tallest elements of the scheme were located furthest away to minimise impact. The extant scheme was considered to, on balance, preserve the setting of the South Kilburn Conservation Area.
50. Although the majority of the buildings (Blocks B, C, D, F, G) are increasing height, the impact of this on the character or appearance of the Conservation Area is considered to remain unchanged, that is, there is no harm to the special character of it. A more noticeable change however will be apparent in the termination of views west along Princess Road. The eastern façade of the northern end of Block F will now be more prominent as a result of the re-orienting of this Block to align with Granville Road, although to help mitigate any impact, the end of this Block will be angled away from Granville and Princess Roads and the balcony openings have been refined further through the introduction of columns to narrow the appearance of those openings. Overall, it is agreed with the Heritage Statement that the quality of views close to the Site is likely to generally improve as views of the existing poor quality and vacant built form and streetscape, would be replaced with views of new buildings of high quality design and construction.

51. The nearest of the listed dwellings (No.22 Princess Road) is located approximately 40m to the east, with the distancing to the other listed dwellings progressively increasing further along the road. Due to the intervening developments between the site and the listed dwellings, there will be no direct harm to any of them but will instead help to improve their setting. It is considered that the development will enhance the setting, character and appearance of the identified heritage assets.

#### Summary of Heritage Considerations

52. When considering applications which may impact on heritage assets, the decision maker must give considerable importance and weight to the desirability of preserving the setting of a listed building (s.66) and preserving or enhancing the character and appearance of a conservation area (s.72). There is a presumption in law to refuse applications which would cause harm, because great weight must be given to the preservation of those heritage assets. As paragraph 93 of the NPPF confirms, the more important the asset, the greater the weight should be.
53. It is considered that that the proposed development, due to its design and siting, will not harm the significance of the identified heritage assets by virtue of distancing and intervening buildings. It is considered that views are enhanced because of the significantly improved architecture and the continued siting of the taller buildings away from the nearest edge of the Conservation Area. Having regard to the statutory requirement to give special attention to the desirability of preserving a listed building or its setting (s.66) and preserving or enhancing the character or appearance of a conservation area (s.72), the proposal has been assessed against the identified heritage assets as set out above. It is considered that the development proposal will not lead to any harm to the designated heritage assets having regard to Policy 7.8 of the London Plan, Core Policy 17, Policies DMP1 and DMP7 of the Development Management Policies, and with section 16 of the NPPF. The development proposals must therefore now be assessed against any other material considerations, in accordance with s.38(6) of the 2004 Act and s.70(2) of the T&CPA 1990.

#### **Impact on Neighbour Amenity**

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

54. In terms of distancing levels, these remain largely consistent with the extant scheme, although some minor changes should be noted:
- Block A is moved 2.6m east and will be 16.2m from Merle Court (previously 19m)
  - Block C is moved 1.9m east and will be 18m from the western end of Block G (previously 17.5m)
  - Block D is extended to 3.9m towards the western end of Nos.89 to 96 Carlton House and will be 0.8m from that building (previously 4.8m).
  - Block F is extended 5.2m north and will be 16.6m from Block E (previously 19.8m)
55. Whilst a minimum distance of 18m is normally required between facing windows, some deviation from this is acceptable where the prevailing character varies from this, the space between comprises of a public space such as a road or other public space, or subject to acceptability with regards to overlooking and privacy. Principle D2 of the South Kilburn SPD also advises that the Council will “*treat numerical design standards (e.g. separation distances) more flexibly where buildings are of a demonstrably high design quality*”. The re-positioning of Block A brings it nearer to the fenestration on the flank (west) elevation of Merle Court (which is 6-storeys nearest to Block A), however, the windows on that elevation do not serve habitable bedrooms rooms but kitchen/dining rooms. The balconies visible at the front and rear of this part of Merle Court open out from the respective living rooms, with a south and north facing aspect respectively and the glazing serving the living rooms are the primary sources of light and outlook. In addition, the respective windows look over the new boulevard, and it should also be noted that Merle Court sits approximately 1.6m from its western boundary, which is formed along an existing pedestrian route from Carlton Vale and the proposed route through to the proposed market square, therefore there is a certain level of overlooking that currently exists. Whilst distancing levels have been reduced slightly, having regard to all of the above, it is considered that this element of the scheme should not have a harmful impact on the amenity of the occupiers of Merle Court through greater overlooking and loss of privacy.
56. With regard to Block C’s relationship to the re-configured Block G, at 18m, the level of distancing has improved marginally from the extant scheme and meets with the minimum distance normally sought between facing windows. This element of the scheme will not result in any greater level of overlooking and loss of privacy to the occupiers of Block G.

57. In relation to the closer siting to Carlton House, the western flank of that adjacent development does not contain any fenestration, therefore not resulting in any harm.

#### Loss of Light / Overshadowing

58. A *Daylight and Sunlight Report* has been provided to assess the impact of the additional height and massing on neighbouring and future occupiers, drawing upon the assumptions and conclusions of the 2016 Report which helped to inform the approval for the consented scheme.

#### *Daylight*

59. As expected, with an increase in height and massing in some areas, there is some additional impact on the neighbouring developments. In terms of daylight, a similar number of windows were tested with the approved (923) and current schemes (925). With the current scheme, 533 windows (58%) continue to meet with BRE guidance (i.e. 0.80 times the former value), compared to 673 (73%) of the consented scheme. It is also noted that 62% of the windows tested on the nearby NWCC scheme will meet with the BRE guidance. Of the windows which did not meet the standard, many of these fall marginally short, recording values of between 0.71 to 0.79. Many of these windows either recessed or are affected by overhanging balconies within their own developments. The uses of some of the rooms are also unclear and could serve non-habitable rooms or circulation spaces.

#### *Sunlight*

60. In terms of sunlight, a similar number of windows were again tested with the approved (442) and current schemes (446) and a similar number of windows were BRE compliant (88% vs 82% respectively). It is also noted that with regard to the NWCC scheme, 82% of the windows would meet with BRE guidance levels. The difference in proportions between the two schemes (6%) is minor and demonstrates that in terms of sunlight, the development will continue to have an acceptable impact with regard to sunlight.

#### *Overshadowing*

61. In terms of overshadowing, the courtyard on the northern side of Merle Court was again analysed. The BRE target being that 50% of such space should be receiving at least 2 hours of direct sunlight on 21 March and 21 June. Prior to development, 35% of the courtyard receives the targeted 2 hours of sunlight on 21 March, increasing to 66% on 21 June.
62. The proposed development will reduce the existing figures above to 1% and 24% respectively for 21 March and 21 June, and this compares to 2% and 28% for the extant scheme. Given that the overshadowing impact has been accepted in the extant scheme, the proposal is very comparable and would not result in any noticeable further harm.. Moreover, the location of that courtyard, on the northern side of that building, results in a significant amount of overshadowing of the courtyard by Merle Court itself.

#### Summary of Neighbour Impact

63. It is acknowledged that the increase in height, bulk, and re-siting of the various buildings will result in some additional impact on neighbouring occupiers and amenity space. However, as advised within the Daylight & Sunlight Analysis, the tests and criteria outlined in the BRE guide have been written with a suburban environment in mind, therefore the recommendations should be interpreted with flexibility. Notwithstanding, the additional impact of the current scheme over the extant scheme, does not result in an unacceptable increase in impact on the existing amenities of adjoining or future occupiers. Having regard to the minor additional impact and the surrounding urban context that forms the Growth Area, the proposed development is considered acceptable in this regard. Due to the nature of the Growth Area some impact is expected to the neighbouring properties, but the impact identified are not considered to significantly harm the overall living conditions of the adjoining occupiers. Furthermore, the benefits of the scheme in providing high quality new housing is considered to outweigh any harm that has been identified in terms of loss of light.

#### **Highway Safety**

64. Policy 6.3 of the London Plan confirms that the impact of development proposals on transport capacity



and the transport network are fully assessed. The proposal must comply with policies relating to better streets (Policy 6.7), cycling (Policy 6.9), walking (Policy 6.10), tackling congestion (Policy 6.11), road network capacity (policy 6.12) and parking (Policy 6.13). It is important to note that the proposed street layout remains unchanged from the consented extant scheme, that is, Canterbury and Denmark Roads will be reopened to traffic to provide through-routes around the development and new parking is confined to on-street parking bays. Peel Precinct is again proposed to be re-landscaped to provide a public market square, whilst the southern end of Neville Close is to be closed to vehicles, except for deliveries and emergency access.

### Parking

65. Although there is an increase of 82 units, in terms of parking provision, there is no proposed change to the 77 spaces approved under the consented scheme, which comprises of 45 on-street spaces (incorporated into the existing CPZ and includes x6 for the health centre) and 32 re-provided spaces for existing secure tenants in the car park behind Block E/Carlton House (x19 for Block E and x13 for Carlton House). Other tenants will be restricted from accessing parking permits via the S106 Agreement.
66. Disabled Blue Badge holders are exempt from the parking permits restrictions, so would be eligible for on-street parking permits in the area. On-street bays can also be marked specifically for disabled residents upon request once the roads are adopted. As before, a number of on-street bays have therefore been indicated to a 2.6m width to allow easy conversion to Blue Badge use, but these are for indicative purposes only and they will not be designated as disabled spaces at the outset – only if a request for a disabled space is received.
67. For the commercial uses, it is again anticipated that some of the new on-street spaces created will be shared use or exclusive pay and display use during CPZ hours, providing some space for visitors to the centre. Doctors working at the health centre that require a vehicle in the course of their duties to make home visits will be able to apply for doctor's bays to be marked on-street and the application suggests that up to four such bays may be required.
68. The provision of electric vehicle charging points (20% active and 20% passive) within the Carlton House car park was previously secured by condition. With electric vehicle charging points now being introduced on-street, charging points for 20% of the on-street bays would also need to be provided as part of the highway works and a condition is once again proposed to secure these.

### Cycle Parking

69. The scheme is proposing 446 cycle parking spaces on two-tier racks within nine internal storerooms for Blocks A-D, F & G, plus 26 external 'Sheffield' stands (52 spaces) located around the development for visitors. One stand has been relocated to the junction of Denmark Road and Neville Road to better serve Block D. Provision is now considered to meet current London Plan standards and the cycle storage will be secured by an appropriately worded condition.

### Servicing

70. Refuse stores for the residential blocks are located alongside the entrance cores, with sufficient space to accommodate refuse storage requirements. The stores would again generally be within 10m of new and existing lengths of highway to allow easy access for collection, although access to the store for Block G would require refuse vehicles to reverse a short distance along the access to the adjoining Merle Court, which is considered acceptable in principle.
71. Access to the refuse stores and delivery bays for Block A-C would be via the pedestrianized area of the future Neville Close, which is proposed for one-way access southbound for loading and emergency vehicles only with a left-turn out to Carlton Vale. A suitable traffic order and signage, along with suitably robust surfacing that also highlights the area as a pedestrian priority zone, will again be required for this street, secured through the S106 Agreement.

### Layout

72. The proposed new lengths of Denmark Road and Canterbury Road and the widening of Neville Road and Granville Road remain similar to the hybrid consent, so are considered acceptable in principle.
73. It is now confirmed that a 3.7m (min) width footway will be retained for adoption on Canterbury Road

behind the proposed loading bay along the northern side of the market square. This will be delineated on the ground by metal studs to show the extent of the adopted highway. The carriageway width of Canterbury Road has been adjusted to retain a minimum of 5.5m, whilst all lengths of footway have been adjusted to ensure a minimum width of 2m, which is welcomed.

74. Concerns were previously raised with a number of the entrance/fire doors opening outwards from buildings over future adopted footways. These have all been amended, except for an entrance door on Block F and an additional door on Block C serving a substation. With regard to the Block F door, although the door has been recessed, when opened it will project approximately 0.4m beyond the face of the building. To ensure that this does not cause a pedestrian safety issue, the door will now be protected by small build-outs, which is considered acceptable. In relation to the substation door, this is also considered acceptable in this instance because the substation will only be accessed infrequently thus not unduly affecting pedestrians.
75. The drawings have been updated to include all tactile paving and the speed table along Canterbury Road has been returned to its previous arrangement across the market square only, with a separate speed table at the Granville Road junction. The proposed carriageway and footway materials remain unchanged, other than the previously requested use of granite block paving along the southern end of Neville Close to emphasise its use as a shared surface. These elements are considered acceptable.
76. Previous concerns of the tree planting along Granville Road have also been addressed through the widening of the footway to 3m, at the expense of the carriageway which has been reduced to 5.2m width. This is welcomed and the reduced carriageway for Granville Road (a cul-de-sac) is considered appropriate.

#### Trip Generation

77. Predicted car journeys have been factored downwards from the approved scheme to reflect the lower level of car parking provision within the site. By doing this, the number of predicted journeys by car would be 6 arrivals/17 departures in the am peak hour (8-9am) and 14 arrivals/8 departures in the pm peak hour (5-6pm). This is lower than previously forecast and as such, the development is again considered likely to have a negligible impact on vehicular traffic flows in the local area
78. Greater numbers of public transport trips are forecast to and from the development, with estimated trips more than doubling to 22 arrivals/95 departures in the am peak (8-9am) and 68 arrivals/38 departures in the pm peak (5-6pm). The presence of 120 buses per hour and 24 rail/Underground services per hour passing close to the site means the impact of this development on any particular public transport service is likely to be negligible (less than one extra passenger per bus service and less than two passengers per train service). Transport for London have confirmed through their consultation response.
79. The number of walking and cycling journeys are also predicted to be greater than previously calculated, rising to 132 and 123 walking trips in the am and pm peak hours respectively and 20 and 12 trips in the peak hours by bicycle. The number of cycling parking spaces has increased as a result of the increase in units and as noted above, cycle parking provision is considered to meet with adopted London Plan standards.

#### Travel Plan

80. A new Framework Travel Plan has been submitted for this application, which sets out a range of measures aimed at minimising car use to the site, with the success of these measures being monitored over a five year period under the remit of a Travel Plan Co-ordinator. A Steering Group is also referred to in order to help to co-ordinate the Residential and Health Centre Travel Plans.
81. As with the previous scheme, targets have not yet been set at this stage, except to double bicycle use over the five years of the travel plan. No targets have been set for any other travel modes or by different land uses, but it is stated that these will be developed following the initial travel survey that is to be undertaken once 75% of the residential units are occupied. However, given the phased nature of the development, initial Travel Surveys should instead be undertaken once the first phase is complete and largely occupied.
82. As with the Travel Plan submitted with the extant scheme, the menu of measures does not mention

offering interest-free season ticket loans to health centre staff, whilst the proposed promotion of Car Clubs amongst residents does not include any offer of subsidised membership for new residents. However, it should be noted that these measures were subsequently secured in the S106 Agreement for the previous scheme and it is again proposed to do so with the current scheme.

## **Sustainable Design**

### Carbon Reduction / Energy

83. Chapter five of the London Plan sets out a comprehensive range of policies underpinning London's response to climate change and mitigation, supported by policies within the Core Strategy (CP19) and the DMP (Chapters 6 & 7). The commercial elements will be "expected" to achieve a BREEAM 'Excellent' rating and the residential element, being a major development, should be achieving carbon emissions reduction targets leading to zero carbon, with any shortfall to be off-set through a financial contribution to the Council's Carbon Offsetting Fund.
84. The submitted *Energy Statement* in following the energy hierarchy ("Be Lean", "Be Clean", "Be Green"), outlines the approach to carbon emission savings and renewable energy, which is similar to the extant scheme. In terms of "Being Lean", the approach is to minimise energy consumption through passive design, and fabric performance, achieved through highly insulated walls/roofs/floors, efficient glazing, high levels of air tightness, and efficient lights/appliances. With regard to "Be Clean", the development will again have a site wide heat network which will be served by the South Kilburn District Energy Network, and in relation to "Be Green", 278sqm of PV panels atop available roof space and the use of variant refrigerant flow ("VRF") heat pumps for the retail units and creative hub. Each residential unit will be expected to contribute to the provision of the district energy centre at a cost of £3600 per unit (£1,108,000 in total).
85. With specific regard to BREEAM, the Energy Strategy advises that for "shell-only uses", it is very difficult to achieve an "Excellent" rating because energy performance can only be assessed on energy demand without taking into account energy efficiency measures e.g. if units have a high proportion of glazing and the orientation of the units. The Energy Strategy therefore considers that a realistic target is BREEAM "Very Good". Officers do not accept this position because mindful that with "shell and core" developments, the developer has no control beyond the delivery of the unit and that the tenant will ultimately be responsible for the fitout, the shell can still be delivered to a point where it does not impede the delivery of an "Excellent" rating, and it should be noted that this has been agreed, with the proposed condition reflecting this.
86. All of the identified measures and monetary contributions will again be secured by condition or through the S106 Agreement, as appropriate.

### Air Quality

87. With the site located in a designated Air Quality Management Area, London Plan Policy 7.14 and CP19 of the Core Strategy requires the submission of an Air Quality Assessment. Similar to the extant permission, the Assessment has confirmed that subject to appropriately worded conditions, there would be a neutral impact on air quality during construction, and that the increased traffic on Denmark and Canterbury Roads (over 100 vehicles per day) would have a negligible impact on air quality. While there would be an increase in annual NO<sub>2</sub> levels for the blocks closest to Carlton Vale, the installation of a mechanical ventilation heat recovery system ("MVHR") would minimise any impact. Development is considered to be air quality neutral in relation to transport and building-related emissions. As with the extant permission, conditions are proposed in relation to the mechanical plant, air quality mitigation measures and CHP.

### Flood Risk/Drainage/Water Consumption

#### *Flood Risk*

88. London Plan policies 5.12 and 5.13 require the consideration of the effects of development on flood risk and sustainable drainage respectively while Policies DMP9A and 9B confirms the Councils approach. The submitted *Flood Risk Assessment* confirms that the site falls within the Flood Zone 1, with the risk of fluvial and surface water flooding considered to be low (less than 0.1%).

#### *Drainage/SuDS*

89. Adopted policies confirm that all new development should be achieving greenfield run-off rates and the SuDS Strategy confirms that this will be achieved as the surface water drainage system is designed for a 1 in 100-year storm event plus a 40% allowance for climate change. The ground is not suitable for infiltration due to the underlying made ground underlain with London Clay and there are no nearby watercourses. Therefore, as with the extant scheme, a range of sustainable drainage measures have been incorporated into the scheme, such as permeable paving, landscaping (including rain gardens), and attenuation tanks. Although water butts will be provided for all Blocks, these are not taken into consideration for on-site attenuation because if there is no activity within the building and the butt is full, no attenuation is provided. Similar to the consented scheme, a condition is proposed to secure the details of the Drainage/SuDS Strategy.

#### *Water Consumption*

90. In order to minimise impact on water supply, Policy 5.15 of the London Plan (policy SI5 of the draft Plan) confirms that water consumption should not exceed 105 litres per head per day (110 litres inclusive of external water consumption i.e. irrigation). Commercial development should be achieving at least the BREEAM excellent standard.
91. The *Sustainability Statement* confirms that insofar as the residential elements are concerned, the policy requirement will be met through the specification of low-flow sanitary fittings such as WC's and taps, with fittings selected in accordance with the Building Regs Approved Document Part G. In addition, water meters will also be fitted. With regard to the irrigation of the proposed landscaping, drought-resistant plants will be selected, and water efficient irrigation (either relying solely on precipitation or employing an automatic drip irrigation system to regulate watering as required depending upon weather conditions and control and optimise the amount of water use through soil moisture sensors) is proposed. In relation to the non-residential uses, it is advised that water metering and leak detection systems will be installed. Details of the above will be secured by an appropriately worded condition.

#### Wind and Microclimate

92. London Plan policies 7.6Bd and 7.7Da confirm that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings in relation to wind turbulence and microclimate. With regard to the extant scheme, the Wind and Microclimate Analysis Report submitted with that application confirmed that the development would not have an unacceptable impact on wind conditions on- or off-site. In terms of the current scheme, the additional height and massing of the majority of the blocks, and the re-orientation of Blocks F and G, is not anticipated to provide significant adverse effects. This is due in part to: the overall design of the buildings with inbuilt mitigation measures such as cantilevered balconies which reduce the downwash effects plus raised parapets and rooftop plantings which provide shelter to rooftop amenity areas. No major adverse effects are again anticipated on local wind conditions when the scheme is assessed against future developments or in isolation, with some receptors experiencing improved conditions. This compares favourably with the extant permission. No additional conditions are required because the details of landscaping is already secured by condition and the parapets and balconies are integral to building design.

#### Ecology and Biodiversity

93. Policy 7.19 of the London Plan ("Biodiversity and access to nature") requires development proposals to make a positive contribution, where possible, to the protection, enhancement, creation and management of biodiversity. Core Policy 18 of the Core Strategy ("Protection and Enhancement of Open Space, Sports and Biodiversity") confirms the Borough's commitment to promote and enhance biodiversity. A Preliminary Ecological Appraisal has been submitted in support of the application as the development involves the demolition of existing buildings on site and the removal of some trees. As with the extant scheme, the Appraisal confirms that the existing habitats are of a low ecological value and has limited value in relation to protected flora and fauna. Notwithstanding, it is advised that further survey work (emergence surveys) will need to be undertaken prior to the demolition of the buildings related to Phases 2 and 3. It is also recommended that vegetation clearance is undertaken outside of the bird nesting season (or under the supervision of an ecologist if not possible), and that an Invasive Species Management Plan is also provided to mitigate the spread of invasive plant species such as buddleia, false acacia, cherry laurel and cotoneaster which have all been recorded within or adjacent to the site. The above will be secured by conditions.

94. In terms of ecological enhancements, it is suggested that native plantings, living roofs/walls, bat

bricks/boxes, and bird boxes could be provided, which will all improve the ecological value of the site. Some soft landscaping is proposed for the rooftops of Blocks B/C/D/F/G (Drawing No. L-110) where those areas are also utilised as communal amenity space for those respective Blocks. Whilst not a “green roof” in the strictest terms, those areas of soft plantings will assist in providing habitat, reduce flood risk, and also help to reduce noise and air pollution. With regards to bat boxes, it is recommended that they should target pipistrelles because they are urban tolerant and a crevice dwelling species that are most likely to be present in the area. A landscaping condition is again proposed. In relation to the other suggested measures, these will be secured by appropriately worded conditions.

### Trees and Landscaping

95. As mentioned above, the ecological value of the site is low, and existing tree cover is quite poor but one of the features of the scheme is the number of trees proposed throughout the site. As with the consented scheme, 11 trees will be removed in order to facilitate the development but approximately 81 trees will be planted at ground (x45) and roof (x36) levels. A variety of single and multi-stemmed trees of various sizes will be used to provide some diversity and to also provide a level of screening from the wind, to provide a level of privacy, to help soften the appearance of the development and to provide areas of shading. In addition to the tree planting, low level plantings are also proposed to provide the additional biodiversity and visual enhancement. The species proposed will be selected to take into account their location (shaded/unshaded) in order to provide year-round cover. A landscaping condition and a tree protection condition to ensure that trees within proximity of the site are protected throughout construction are again proposed.

### Contamination

96. Policy 5.21 of the London Plan (“Contaminated Land”) encourages the recycling of brownfield sites, inclusive of those affected by contamination, through remediation. With regards to this element of the proposal, there is no change from the consented scheme. As reported with that application, there is the potential for contaminants in the ground and a condition was imposed to deal with a site investigation and remediation. Insofar as Block E (Phase 1) is concerned, details have been submitted and approved. A similar condition is again proposed for the current scheme.

### Noise

97. The potential impact from noise on existing and future occupiers was considered with the extant permission and mitigated through the use of various conditions to ensure that any noise emitting plant used during and post construction fall within acceptable limits, the hours of use for the non-residential elements are agreed with the Local Planning Authority, and internal noise levels are also within acceptable levels. Subject to the re-imposition of similar conditions, it is considered that the development should not unduly impact on the amenity of existing and future occupiers with regards to noise impacts.

### Site Waste Management

98. Policy 5.16 of the London Plan has stated goals of working towards managing the equivalent of 100% of London’s waste within London by 2026, creating benefits from waste processing and zero biodegradable or recyclable waste to landfill by 2026. This will be achieved in part through exceeding recycling and reuse levels in construction, excavation and demolition (“CE&D”) waste of 95% by 2020. In order to achieve the above, London Plan policy 5.18 confirms that through the Local Plan, developers should be required to produce site waste management plans to arrange for the efficient handling of CE&D.
99. The *Sustainability Statement* discusses the need to develop a construction environmental plan (“CEMP”), which would be regularly reviewed throughout construction. A CEMP was secured by condition with the extant scheme and it is again proposed to re-impose a similar condition.

### **Phasing**

100. Unlike the extant permission which was to be built out over three phases, the current scheme will be developed over four. Phase 1 (Block E), which is currently being implemented under the extant permission, involves the demolition of South Kilburn Studios and 16-33 Peel Precinct. Thirty eight social rented units will be provided here for the secure tenants.
101. Phase 2 involves the demolition of 1-7 & 15 Peel Precinct and 8-14 Neville Close to allow for the construction of Blocks A, B & C. This Phase will contain a total of 100 units (x67 private sale units and



x33 shared ownership units), the health centre and the commercial units.

102. Phase 3 will deliver x64 units within Blocks F & G (x29 private sale, x34 shared ownership, and x1 social rent) following the demolition of 34 to 57 Peel Precinct.
103. Phase 4 involves the demolition of 97-112 Carlton House and the construction of Block D. a total of 106 units are provided (x85 private sale, x18 shared ownership, and x3 social rent).

### **Equalities**

104. 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).

### **Conclusions**

105. Having regard to all of the above, it is considered that planning permission should be granted in line with the recommendation set out at the start of this report for the following reasons:
1. The proposed development would contribute to increasing Brent and London's supply of housing, including Affordable Housing, having regard to Policies 3.3, 3.4 & 3.14 of The London Plan, Core Policies 1, 2, 6, 18 & 21 of the Core Strategy, DMP Policies 1 & 15 of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.
  2. The proposed development by virtue of the non-residential uses proposed, will contribute to the health and wellbeing of residents and the vitality and viability of South Kilburn, having regard to Policies 2.14, 3.2, 3.16, 3.17, 4.1, 4.3, 4.8 of the London Plan, Core Policy 9 of the Core Strategy, Policy DMP2 of the Development Management Policies, and with guidance contained within the National Planning Policy Framework
  3. The proposed development, due to its design, size, scale and siting, does not unduly detract from the character and appearance of the street scene or the surrounding area having regard to Policies 3.5, 7.1, 7.4 & 7.6 of the London Plan Policy, Core Policies 5, 6 & 17, DMP Policies 1 & 19 of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.
  4. Having regard to the statutory requirement to give special attention to the desirability of preserving a listed building or its setting (s.66) and preserving or enhancing the character or appearance of a conservation area (s.72), the proposal has been assessed against the identified heritage assets and their significance as set out above. It is considered that the development proposal will not lead to any harm to those assets having regard to Policy 7.8 of the London Plan, Core Policy 17, Policies DMP1 and DMP7 of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.
  5. The proposed development, due to its siting does not unduly impact on the existing amenities of the occupiers of nearby properties in terms of loss of light, outlook, privacy, overlooking, and overshadowing. In this respect complies with Policy 7.6 of the London Plan, Core Policy 17, DMP Policy 1 of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.
  6. The proposed development, by virtue of its internal and external design, is considered to provide a high quality level of accommodation for future occupiers, having regard to Policies 3.5, 3.6, 3.7, 3.8, 7.1, 7.2, 7.5, 7.6, 7.14 & 7.15 of the London Plan, Core Policy 6 of the Core Strategy, DMP 1, 18 & 19 of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.
  7. Having regard to conditions attached to this permission, the proposal makes appropriate provision for servicing, access, parking, including cycle parking and visibility splays, and in this respect complies with Policies 6.3, 6.9, 6.12 & 6.13 of the London Plan, DMP Policies 11 & 12 of the Development Management Policies, and with guidance contained within the National Planning Policy Framework.

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

## S106 DETAILS

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

1. Payment of Council's legal and other professional costs in the preparation and management of the Agreement
2. Notice of Commencement of works
3. Undertake to not implement Phases 2 and 3 of Permission 1
4. Notify the Council on sale of proportions of private sale units
5. The securing of the affordable units
6. Post implementation viability review
7. To not occupy more than 67% of the private sale units until a Health Centre Lease with local GP Practices has been entered into
8. Public realm and highways works through the submission of a Public Realm Delivery Programme and entering into s38/278 Agreements
9. Training and employment
10. Submission of Framework Travel Plan, Health Centre Travel Plan and Residential Travel Plan
11. Carbon offsetting
  - a. Contribution of £428,400 towards a local carbon off-setting scheme to achieve a zero carbon development
12. Restriction of access to parking permits for residents in Blocks A, B, C, D, F, G
13. Submission of Public Access Plan, Public Access Delivery Plan, and Public Access Management Plan

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 **£3,294,146.83** \* 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): 1881 sq. m.

Total amount of floorspace on completion (G): 4210 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Dwelling houses	4210		2329	£200.00	£0.00	£694,541.07	£0.00
(Mayoral) Dwelling houses	4210		2329	£0.00	£60.00	£0.00	£141,006.53
(Brent) Dwelling houses	7332		6470.05	£200.00	£0.00	£1,929,459.86	£0.00
(Brent) Shops	840.3		741.51	£40.00	£0.00	£44,226.00	£0.00
(Brent)	1374.9		1213.27	£0.00	£0.00	£0.00	£0.00

Non-residential institutions							
(Brent) Assembly and leisure	804.9		710.28	£5.00	£0.00	£5,295.36	£0.00
(Mayoral) Dwelling houses	7332		6470.05	£0.00	£60.00	£0.00	£391,721.16
(Mayoral) Shops	840.3		741.51	£0.00	£60.00	£0.00	£44,894.07
(Mayoral) Non-residential institutions	1374.9		1213.27	£0.00	£0.00	£0.00	£0.00
(Mayoral) Assembly and leisure	804.9		710.28	£0.00	£60.00	£0.00	£43,002.78

BCIS figure for year in which the charging schedule took effect (Ic)	224224	331331
BCIS figure for year in which the planning permission was granted (Ip)	334	
<b>TOTAL CHARGEABLE AMOUNT</b>	£694,541.07£1,978,981.22	£141,006.53£479,618.01

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

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

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



**Brent**

**DECISION NOTICE – APPROVAL**

Application No: 19/3259

To: Countryside Properties  
(c/o Turley, Agent)

I refer to your application dated **11/09/2019** proposing the following:

Full planning application for a phased development for the demolition of 2 Canterbury Road, 1-7 and 15-33 Peel Precinct and 8-14 Neville Close, and erection of seven buildings (A to G) ranging between 5 and 16 storeys, plus part basement, comprising private sale residential units (Use Class C3), shared ownership residential units (Use Class C3), social rented residential units (Use Class C3); new health centre (Use Class D1), new gym (Use Class D2), flexible use class within retail and commercial units (Use Class A1/A3/B1) at ground floor, associated landscaping, highways and public realm improvements (including new public space and market square), private open space, associated car parking, cycle parking and servicing provision.

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

at **Peel Precinct, 97-112 Carlton House, Canterbury Terrace, 8-14 Neville Close, 2 Canterbury Road & Peel Site Garages, London, NW6**

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: 27/04/2020

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 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 No development or phase of development (as set out in condition 5 of this permission) shall be commenced until an agreement under section 106 of the Town and Country Planning Act 1990 (and any other necessary enabling powers) substantially in the form submitted and entitled "Section 106 Agreement - Engrossment Version" has been entered into by all parties holding an interest in the land subject to the development or phase of development save for statutory undertakers and other de minimis interests.

Reason: To ensure that the potential impacts of the development are mitigated and the identified benefits secured through the obligations set out within the Section 106 legal agreement.

- 3 No development of any Phase of the development (other than the first phase) shall be commenced until a confirmatory deed substantially in the form annexed to the "Section 106 Agreement - Engrossment Version" has been entered into by all parties holding an interest in the land comprised in that Phase save for statutory undertakers and other de minimis interests confirming that the land in that Phase is bound by the section 106 agreement entered into under condition 1 of this planning permission.

Reason: To ensure that the potential impacts of the development are mitigated and the identified benefits secured through the obligations set out within the Section 106 legal agreement

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

PSK-CGL-000010 Rev.P1	LOCATION PLAN
PSK-CGL-000011 Rev.P4	SITE PLAN - EXISTING
PSK-CGL-000013 Rev.P3	CONSENTED & PROPOSED PLAN
PSK-CGL-000017 Rev.P-	PUBLIC ACCESS PLAN
PSK-CGL-051000 Rev.P15	BLOCK ABC BASMENT PLAN
PSK-CGL-051001 Rev.P20	BLOCK ABC GROUND FLOOR PLAN
PSK-CGL-051002 Rev.P16	BLOCK ABC FIRST FLOOR PLAN
PSK-CGL-051003 Rev.P17	BLOCK ABC SECOND FLOOR PLAN
PSK-CGL-051004 Rev.P16	BLOCK ABC THIRD FLOOR PLAN
PSK-CGL-051005 Rev.P14	BLOCK ABC FOURTH FLOOR PLAN
PSK-CGL-051006 Rev.P14	BLOCK ABC FIFTH FLOOR PLAN
PSK-CGL-051007 Rev.P14	BLOCK ABC SIXTH FLOOR PLAN
PSK-CGL-051008 Rev.P16	BLOCK ABC SEVENTH FLOOR PLAN
PSK-CGL-051009 Rev.P14	BLOCK ABC EIGHTH FLOOR PLAN
PSK-CGL-051010 Rev.P14	BLOCK ABC NINTH FLOOR PLAN
PSK-CGL-051011 Rev.P15	BLOCK ABC TENTH FLOOR PLAN
PSK-CGL-051012 Rev.P15	BLOCK ABC ELEVENTH FLOOR PLAN
PSK-CGL-051013 Rev.P14	BLOCK ABC TWELFTH FLOOR PLAN
PSK-CGL-051014 Rev.P14	BLOCK ABC THIRTEENTH FLOOR PLAN
PSK-CGL-051015 Rev.P14	BLOCK ABC FOURTEENTH FLOOR PLAN
PSK-CGL-051016 Rev.P14	BLOCK ABC FIFTEENTH FLOOR PLAN
PSK-CGL-051017 Rev.P15	BLOCK ABC SIXTEENTH FLOOR PLAN



PSK-CGL-051018 Rev.P15	BLOCK ABC ROOF PLAN
PSK-CGL-051900 Rev.P10	UNIT TYPE A1.PR - 1B2P - BLOCK ABC
PSK-CGL-051901 Rev.P5	UNIT TYPE A1.SO - 1B2P - BLOCK ABC
PSK-CGL-051902 Rev.P9	UNIT TYPE A2.PR - 2B4P BLOCK ABC
PSK-CGL-051903 Rev.P5	UNIT TYPE B3.PR - 1B2P - BLOCK ABC
PSK-CGL-051904 Rev.P5	UNIT TYPE B1.PR - 1B2P - BLOCK ABC
PSK-CGL-051905 Rev.P4	UNIT TYPE B1.SO - 1B2P - BLOCK ABC
PSK-CGL-051906 Rev.P5	UNIT TYPE B2.PR - 1B2P BLOCK ABC
PSK-CGL-051907 Rev.P9	UNIT TYPE C2.PR - 1B1P - BLK ABC
PSK-CGL-051908 Rev.P8	UNIT TYPE C1.PR - 1B1P BLOCK ABC
PSK-CGL-051909 Rev.P4	BLOCK ABC UNIT TYPE C2.SO - 1B1P - BLOCK ABC
PSK-CGL-051910 Rev.P5	UNIT TYPE C3.PR - 1B2P BLOCK ABC
PSK-CGL-051911 Rev.P4	UNIT TYPE C3.SO - 1B2P BLOCK ABC
PSK-CGL-051912 Rev.P9	UNIT TYPE C4.PR - 2B4P BLK ABC
PSK-CGL-051913 Rev.P4	UNIT TYPE C4.SO - 2B4P BLOCK ABC
PSK-CGL-051914 Rev.P5	UNIT TYPE C5.PR - 2B4P BLOCK ABC
PSK-CGL-051915 Rev.P4	UNIT TYPE C5.SO - 2B4P BLOCK ABC
PSK-CGL-052000 Rev.P15	BLOCK D GA PLAN GROUND FLOOR
PSK-CGL-052000 Rev.P18	BLOCK D GROUND FLOOR
PSK-CGL-052001 Rev.P16	BLOCK D GA PLAN FIRST FLOOR
PSK-CGL-052002 Rev.P15	BLOCK D GA PLAN SECOND FLOOR
PSK-CGL-052003 Rev.P14	BLOCK D GA PLAN THIRD FLOOR
PSK-CGL-052004 Rev.P14	BLOCK D GA PLAN FOURTH FLOOR
PSK-CGL-052005 Rev.P14	BLOCK D GA PLAN FIFTH FLOOR
PSK-CGL-052006 Rev.P14	BLOCK D GA PLAN SIXTH FLOOR
PSK-CGL-052007 Rev.P14	BLOCK D GA PLAN SEVENTH FLOOR
PSK-CGL-052008 Rev.P15	BLOCK D GA PLAN EIGHTH FLOOR
PSK-CGL-052009 Rev.P15	BLOCK D GA PLAN NINTH FLOOR
PSK-CGL-052010 Rev.P15	BLOCK D GA PLAN TENTH FLOOR
PSK-CGL-052011 Rev.P15	BLOCK D GA PLAN ROOF PLAN
PSK-CGL-052900 Rev.P9	BLOCK D UNIT TYPE D1.PR - 1B2P
PSK-CGL-052901 Rev.P4	BLOCK D UNIT TYPE D2.PR - 1B2P
PSK-CGL-052902 Rev.P4	BLOCK D UNIT TYPE D3.PR - 1B2P
PSK-CGL-052903 Rev.P3	BLOCK D UNIT TYPE D1.SO - 1B2P
PSK-CGL-052904 Rev.P4	BLOCK D UNIT TYPE D4.PR - 1B2P
PSK-CGL-052905 Rev.P8	BLOCK D UNIT TYPE D7.PR - 2B3P
PSK-CGL-052906 Rev.P4	BLOCK D UNIT TYPE D6.PR - 1B2P ACCESSIBLE
PSK-CGL-052907 Rev.P4	BLOCK D UNIT TYPE D8.PR - 2B3P
PSK-CGL-052908 Rev.P4	BLOCK D UNIT TYPE D9.PR - 2B3P
PSK-CGL-052909 Rev.P4	BLOCK D UNIT TYPE D5.PR - 1B2P
PSK-CGL-052910 Rev.P7	BLOCK D UNIT TYPE D12.SO - 2B4P
PSK-CGL-052911 Rev.P4	BLOCK D UNIT TYPE D11.PR - 2B4P
PSK-CGL-052912 Rev.P8	BLOCK D UNIT TYPE D12.PR - 2B4P
PSK-CGL-052913 Rev.P3	BLOCK D UNIT TYPE D7.SO - 2B3P
PSK-CGL-052914 Rev.P4	BLOCK D UNIT TYPE D13.PR - 2B4P
PSK-CGL-052915 Rev.P4	BLOCK D UNIT TYPE D14.PR - 2B4P
PSK-CGL-052916 Rev.P3	BLOCK D UNIT TYPE D6.SO - 1B2P
PSK-CGL-052917 Rev.P4	BLOCK D UNIT TYPE D10.PR - 3B5P
PSK-CGL-052918 Rev.P3	BLOCK D UNIT TYPE D11.SO - 2B4P
PSK-CGL-052919 Rev.P5	BLOCK D UNIT TYPE D18.PR - 3B5P
PSK-CGL-052920 Rev.P4	BLOCK D UNIT TYPE D20.PR - 3B5P
PSK-CGL-052921 Rev.P7	BLOCK D UNIT TYPE D21.SR - 3B5P ACCESSIBLE
PSK-CGL-052922 Rev.P3	BLOCK D UNIT TYPE D14.SO - 2B4P
PSK-CGL-052923 Rev.P4	BLOCK D UNIT TYPE D15.PR - 2B4P
PSK-CGL-052924 Rev.P4	BLOCK D UNIT TYPE D16.PR - 2B4P
PSK-CGL-052925 Rev.P4	BLOCK D UNIT TYPE D17.PR - 3B5P
PSK-CGL-052926 Rev.P4	BLOCK D UNIT TYPE D19.PR - 3B5P
PSK-CGL-052927 Rev.P3	BLOCK D UNIT TYPE D23.SR - 3B5P ACCESSIBLE
PSK-CGL-052928 Rev.P4	BLOCK D UNIT TYPE D24.PR - 3B5P ACCESSIBLE
PSK-CGL-052929 Rev.P2	BLOCK D UNIT TYPE D25.PR - 3B5P ACCESSIBLE
PSK-CGL-052930 Rev.P1	BLOCK D UNIT TYPE D21.PR - 3B5P ACCESSIBLE
PSK-CGL-054000 Rev.P23	BLOCK FG GROUND FLOOR
PSK-CGL-054001 Rev.P18	BLOCK FG GA PLAN FIRST FLOOR

PSK-CGL-054002 Rev.P17	BLOCK FG GA PLAN SECOND FLOOR
PSK-CGL-054003 Rev.P16	BLOCK FG GA PLAN THIRD FLOOR
PSK-CGL-054004 Rev.P17	BLOCK FG GA PLAN FOURTH FLOOR
PSK-CGL-054005 Rev.P17	BLOCK FG GA PLAN FIFTH FLOOR
PSK-CGL-054006 Rev.P18	BLOCK FG GA PLAN SIXTH FLOOR
PSK-CGL-054007 Rev.P16	BLOCK FG GA PLAN SEVENTH FLOOR
PSK-CGL-054008 Rev.P16	BLOCK FG GA PLAN ROOF PLAN
PSK-CGL-054900 Rev.P8	BLOCK FG UNIT TYPE F1.PR - 1B2P ACCESSIBLE
PSK-CGL-054901 Rev.P8	BLOCK FG UNIT TYPE F2.PR - 1B2P ACCESSIBLE
PSK-CGL-054902 Rev.P4	BLOCK FG UNIT TYPE F3.SO - 2B4P
PSK-CGL-054903 Rev.P8	BLOCK FG UNIT TYPE F4.PR - 2B4P ACCESSIBLE
PSK-CGL-054904 Rev.P6	BLOCK FG UNIT TYPE F5.PR - 3B5P
PSK-CGL-054905 Rev.P6	BLOCK FG UNIT TYPE G1.PR - 1B2P
PSK-CGL-054906 Rev.P5	BLOCK FG UNIT TYPE G1.SO - 1B2P
PSK-CGL-054907 Rev.P5	BLOCK FG UNIT TYPE G2.PR - 1B2P
PSK-CGL-054908 Rev.P4	BLOCK FG UNIT TYPE G2.SO - 1B2P
PSK-CGL-054909 Rev.P3	BLOCK FG UNIT TYPE G3.SO - 1B2P
PSK-CGL-054910 Rev.P4	BLOCK FG UNIT TYPE G4.SO - 2B4P
PSK-CGL-054911 Rev.P9	BLOCK FG UNIT TYPE G4.PR - 2B4P
PSK-CGL-054912 Rev.P5	BLOCK FG UNIT TYPE G5.PR - 2B4P
PSK-CGL-054913 Rev.P4	BLOCK FG UNIT TYPE G5.SO - 2B4P
PSK-CGL-054914 Rev.P5	BLOCK FG UNIT TYPE G6.PR - 2B4P
PSK-CGL-054915 Rev.P4	BLOCK FG UNIT TYPE G6.SO - 2B4P
PSK-CGL-054916 Rev.P5	BLOCK FG UNIT TYPE G7.PR - 3B5P
PSK-CGL-054917 Rev.P7	BLOCK FG UNIT TYPE G8.SR - 3B5P ACCESSIBLE
PSK-CGL-060000 Rev.P12	BLOCK ABC SECTION A-A
PSK-CGL-060001 Rev.P11	BLOCK A SECTION B-B
PSK-CGL-060002 Rev.P11	BLOCK BC SECTION C-C
PSK-CGL-060003 Rev.P12	BLOCK A SECTION D-D
PSK-CGL-060004 Rev.P12	BLOCK BC SECTION E-E & F-F
PSK-CGL-061100 Rev.P15	BLOCK ABC ELEVATION EAST ELEVATION
PSK-CGL-061101 Rev.P13	BLOCK ABC ELEVATION NORTH ELEVATION
PSK-CGL-061102 Rev.P14	BLOCK ABC ELEVATION SOUTH ELEVATION
PSK-CGL-061103 Rev.P13	BLOCK ABC ELEVATION WEST ELEVATION
PSK-CGL-061200 Rev.P3	BLOCK ABC ELEVATION EAST ELEVATION - MATERIAL
PALETTE	
PSK-CGL-061201 Rev.P2	BLOCK ABC ELEVATION NORTH ELEVATION - MATERIAL
PALETTE	
PSK-CGL-061202 Rev.P2	BLOCK ABC ELEVATION SOUTH ELEVATION - MATERIAL
PALETTE	
PSK-CGL-061203 Rev.P2	BLOCK ABC ELEVATION WEST ELEVATION - MATERIAL
PALETTE	
PSK-CGL-062001 Rev.P11	BLOCK D SECTION A-A
PSK-CGL-062002 Rev.P11	BLOCK D SECTION B-B
PSK-CGL-062101 Rev.P13	BLOCK D ELEVATION SOUTH WEST ELEVATION
PSK-CGL-062102 Rev.P12	BLOCK D ELEVATION NORTH WEST ELEVATION
PSK-CGL-062103 Rev.P12	BLOCK D ELEVATION NORTH EAST ELEVATION
PSK-CGL-062105 Rev.P12	BLOCK D ELEVATION SOUTH EAST ELEVATION
PSK-CGL-062201 Rev.P2	BLOCK D ELEVATION SOUTH WEST ELEVATION -
MATERIAL PALETTE	
PSK-CGL-062202 Rev.P2	BLOCK D ELEVATION NORTH WEST ELEVATION -
MATERIAL PALETTE	
PSK-CGL-062203 Rev.P2	BLOCK D ELEVATION NORTH EAST ELEVATION -
MATERIAL PALETTE	
PSK-CGL-062204 Rev.P2	BLOCK D SOUTH EAST ELEVATION - MATERIAL PALETTE
PSK-CGL-064001 Rev.P11	BLOCK FG SECTION A-A
PSK-CGL-064002 Rev.P12	BLOCK FG SECTION B-B
PSK-CGL-064003 Rev.P11	BLOCK FG SECTION C-C
PSK-CGL-064010 Rev.P2	FACADE SECTIONS - BUILDING FG
PSK-CGL-064100 Rev.P13	BLOCK FG ELEVATION WEST ELEVATION PUBLIC
SQUARE	
PSK-CGL-064101 Rev.P11	BLOCK FG ELEVATION NORTH ELEVATION PUBLIC
SQUARE	

PSK-CGL-064102 Rev.P11	BLOCK FG ELEVATION WEST ELEVATION
PSK-CGL-064103 Rev.P12	BLOCK FG ELEVATION SOUTH ELEVATION
PSK-CGL-064104 Rev.P14	BLOCK FG ELEVATION EAST ELEVATION
PSK-CGL-064105 Rev.P14	BLOCK FG ELEVATION NORTH EAST ELEVATION
PSK-CGL-064106 Rev.P13	BLOCK FG ELEVATION NORTH WEST ELEVATION
PSK-CGL-064200 Rev.P5	BLOCK FG ELEVATION WEST ELEVATION PUBLIC
SQUARE	
PSK-CGL-064201 Rev.P3	BLOCK FG ELEVATION NORTH ELEVATION PUBLIC
SQUARE	
PSK-CGL-064202 Rev.P3	BLOCK FG ELEVATION WEST ELEVATION - MATERIAL
PALETTE	
PSK-CGL-064203 Rev.P3	BLOCK FG ELEVATION SOUTH ELEVATION - MATERIAL
PALETTE	
PSK-CGL-064204 Rev.P3	BLOCK FG ELEVATION EAST ELEVATION - MATERIAL
PALETTE	
PSK-CGL-064205 Rev.P5	BLOCK FG ELEVATION NORTH EAST ELEVATION -
MATERIAL PALETTE	
PSK-CGL-680001 Rev.P9	BLOCK ABC PROPOSED GROUND FLOOR PLAN - FIRE
STRATGEY	
PSK-CGL-682000 Rev.P8	BLOCK D PROPOSED GROUND FLOOR PLAN - FIRE
STRATEGY	
PSK-CGL-684000 Rev.P10	BLOCK FG PROPOSED GROUND FLOOR PLAN - FIRE
STRATEGY	
PSK-CGL-684001 Rev.P9	BLOCK FG PROPOSED FIRST FLOOR PLAN - FIRE
STRATEGY	
PSK-CGL-684002 Rev.P9	BLOCK FG PROPOSED SECOND FLOOR PLAN - FIRE
STRATEGY	
PSK-CGL-684003 Rev.P8	BLOCK FG PROPOSED THIRD FLOOR PLAN - FIRE
STRATEGY	
PSK-CGL-684004 Rev.P9	BLOCK FG PROPOSED FOURTH FLOOR PLAN - FIRE
STRATEGY	
PSK-CGL-684005 Rev.P7	BLOCK FG PROPOSED FIFTH FLOOR PLAN - FIRE
STRATEGY	
PSK-CGL-684006 Rev.P9	BLOCK FG PROPOSED SIXTH FLOOR PLAN - FIRE
STRATEGY	
PSK-CGL-910000 REV.P6	POSTAL/SERVICING STRATEGY
PSK-CGL-920000 Rev.P6	ACCESS STRATEGY
PSK-CGL-930000 REV.P3	FIRE STRATEGY
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PSK-CGL-950000 Rev.P5	CYCLE STRATEGY
PSK-CGL-961001 Rev.P4	BLOCK ABC AMENITY SCHEDULE
PSK-CGL-962002 Rev.P4	BLOCK D SCHEDULE AMENITY SCHEDULE
PSK-CGL-964002 Rev.P4	BLOCK FG SCHEDULE AMENITY SCHEDULE
PSK-CGL-PL0000 REV.P10	PROPOSED SITE PLAN
PSK-CGL-PL0001 Rev.P4	SITE PLAN GA LOWER GROUND FLOOR
PSK-CGL-PL0002 Rev.P13	SITE PLAN GA-GROUND FLOOR
PSK-CGL-PL0003 Rev.P7	SITE PLAN GA-FIRST FLOOR
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PSK-CGL-PL0006 Rev.P7	SITE PLAN GA-FOURTH FLOOR
PSK-CGL-PL0007 Rev.P6	SITE PLAN GA-FIFTH FLOOR
PSK-CGL-PL0008 Rev.P7	SITE PLAN GA-SIXTH FLOOR
PSK-CGL-PL0009 Rev.P5	SITE PLAN GA-SEVENTH FLOOR
PSK-CGL-PL0010 Rev.P6	SITE PLAN GA-EIGHTH FLOOR
PSK-CGL-PL0011 Rev.P5	SITE PLAN GA-NINTH FLOOR
PSK-CGL-PL0012 Rev.P5	SITE PLAN GA-TENTH FLOOR
PSK-CGL-PL0013 Rev.P5	SITE PLAN GA-ELEVENTH FLOOR
PSK-CGL-PL0014 Rev.P5	SITE PLAN GA-TWELTH FLOOR
PSK-CGL-PL0015 Rev.P4	SITE PLAN GA-THIRTEENTH FLOOR
PSK-CGL-PL0016 Rev.P4	SITE PLAN GA-FOURTEENTH FLOOR
PSK-CGL-PL0017 Rev.P4	SITE PLAN GA-FIFTEENTH FLOOR
PSK-CGL-PL0018 Rev.P5	SITE PLAN GA-SIXTEENTH FLOOR
PSK-CGL-PL0020 Rev.P3	SITE SECTIONAL ELEVATIONS SHEET 1 OF 2

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L-100 REV.P08	LANDSCAPE GENERAL ARRANGEMENT PLAN - GROUND FLOOR PLAN
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Reason: For the avoidance of doubt and in the interests of proper planning.

- 5 The development hereby permitted shall be carried out in the following Phasing Plan unless an alternative Phasing Plan is approved in writing by the Local Planning Authority pursuant to this condition:
- (i) Phase 1: Demolition of former Local Authority office unit and 16-24 & 25-33 Peel Precinct and erection of Block E and associated landscaping, private open space, associated car parking, cycle parking and servicing provision
  - (ii) Phase 2: Demolition of 1-7 & 15 Peel Precinct and 8-14 Neville Close and erection of Blocks A, B and C and associated landscaping, highways and public realm improvements (including new public space), private open space, associated car parking, cycle parking and servicing provision
  - (iii) Phase 3: Demolition of 34-57 Peel Precinct and erection of Blocks F & G and associated landscaping, private open space, highways and public realm improvements, cycle parking and servicing provision.
  - (iv) Phase 4: Demolition of 34-57 Peel Precinct, 97-112 Carlton House and remaining structures within the application site and erection of Block D and associated landscaping, private open space, associated car parking, cycle parking and servicing provision

Reason: In the interests of clarity and proper planning

- 6 The development shall provide the 85 shared ownership units and 42 social rented units (Class C3), as shown on the consented plans, in the following mix:
- Social Rented accommodation: 11 x 1 bedroom, 12 x 2-bedroom, 15 x 3-bedrom and 4 x

- 4-bedroom;
- Shared Ownership: 3x studio, 39 x 1-bedroom and 43 x 2-bedroom.

Reason: To ensure an appropriate mix of units having regard to the identified affordable housing needs of the Borough

- 7 The development shall provide 181 private sale units (Class C3), as shown on the consented plans, in the following mix: 18 x studio, 60x 1-bed, 60x 2-bed, 43x 3-bed.

Reason: To ensure an appropriate mix of units having regard to the identified housing needs of the Borough.

- 8 Not less than 10% of residential units shall be constructed to wheelchair accessible requirements (Building Regulations M4(3)) and the remainder shall meet easily accessible/adaptable standards (Building Regulations M4(2)).

Reason: To ensure suitable facilities for disabled users and to future proof homes.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, the units identified on Drawing Nos.PSK-CGL-PL0002 Rev.P13, PSK-CGL-PL0003 Rev.P7, PSK-CGL-051001 Rev.P20, PSK-CGL-054001 Rev.P18, as "Retail" (including the Pharmacy), and "Flexible Retail" shall only be used for purposes within Use Classes A1/A3/B1 as defined by the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To safeguard the amenity of residents, to ensure an appropriate array of uses, and in the interest of ensuring appropriate access and servicing.

- 10 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the elements of the development permitted for "Medical" (Use Class D1) and "Gym" (Use Class D2) shall only be used for those purposes respectively and shall not be used for any other purpose within Use Classes D1 and D2 as defined by the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: in order to ensure that the uses have an acceptable impact on residential amenity and the surrounding highway network

- 11 Prior to occupation of the relevant Phase the following shall be constructed and permanently marked out to serve the relevant Phase:

- (i) the approved number of car parking spaces as shown on the approved plans which shall include the provision of at least 20% active and 20% passive electric vehicle charging points, and
- (ii) provision of disabled parking spaces as shown on the approved plans

Thereafter the approved parking shall be retained and used solely for the specified purposes in connection with the Development hereby approved for the lifetime of the Development and shall not be obstructed or used for any other purpose(s).

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

- 12 The doors to the Health Centre on the Neville Close facade including entrance doors and refuse storage doors shall open inwards, unless for fire escape or operational reasons this is not feasible.

Reason: to prevent obstruction of the highway.

- 13 Prior to a Material Start on the relevant part of the Development being made, the developer



shall join, and for the period of construction, adhere to the requirements of the Considerate Constructors Scheme for the relevant part of the Development.

Reason: To ensure that throughout the construction process, appropriate regard is given to protecting neighbour amenity and the natural environment

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

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

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

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

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

- 15 No works at all including site clearance or demolition shall commence for each Phase of the development until a Construction Environmental Management Plan (CEMP) for the relevant Phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of measures to mitigate the impact of the demolition, construction and all associated works on noise, vibration and air quality for sensitive receptors including:

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

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

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

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

- 16 Prior to commencement of a Phase, with the exception of site clearance and demolition, further details of all exterior materials including samples to be provided on site for inspection and/or manufacturer's literature for the relevant Phase shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include but not be limited to:

- (i) building envelope materials e.g. bricks, render, cladding;
- (ii) windows, doors and glazing systems including colour samples; and
- (iii) balconies and screens

The works for each Phase shall be carried out in accordance with the approved details for the relevant Phase and shall be retained thereafter for the lifetime of the development.

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

- 17 Prior to the commencement of above ground works to Blocks A, B, C, F and G further details of the exterior of the non-residential ground floor frontages shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include but not be limited to:

- (i) windows, doors, shop fronts and glazing systems including colour samples; and
- (ii) details of where advertisements would be applied notwithstanding that the advertisements themselves would require separate advertisement consent
- (iii) size and siting of any projecting box signs
- (iv) design, siting of any roller shutter (inclusive of the shutter box and guide rails)

At least 50% of the area of the windows on the non-residential frontages shall be kept free from anything that would obscure views through the window including but not limited to applied lettering and screens, posters, screens set behind the windows..

The works shall be carried out in accordance with the approved details and shall be retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality and to ensure the non-residential elements provide an active frontage in the interests of natural surveillance and the viability and vitality of the area.

- 18 On commencement of the relevant Phase, further details of the hard and soft landscaping to serve that Phase shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include (but are not limited to):
- (i) Walls and fences: Details of proposed walls, fencing and other means of enclosure indicating materials and heights.
  - (ii) Trees: Details for all new tree planting across the site, with all new trees planted at a minimum girth of 12-14cm, with sizes to be agreed in writing.
  - (iii) Planting: Notwithstanding any details of landscape works referred to on the approved plans, a detailed scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes, locations and planting densities). Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the relevant Phase, or in accordance with a programme agreed in writing with the Local Planning Authority.
  - (iv) Physical separation: Adequate physical separation, such as protective walls and fencing, between landscaped and paved areas.
  - (v) Mounds existing contours and any alteration of the ground levels, such as earth mounding.
  - (x) Hard landscaping: Details of all areas of hard landscape works and proposed materials.
  - (xi) Cycle parking: Details of all external public cycle parking, including within Peel public square.
  - (vi) Signboards and seating: Other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, foot ways and other paved pedestrian and vehicle parking areas. Such details to also include further details of the 'PEEL' lettering within the public square
  - (vii) Other details to include: measures to mitigate against adverse wind conditions for those receptors identified as likely to experience adverse wind conditions in the XCO2, Wind Design Note (August 2019) .
  - (viii) A Landscape Management Plan including details of the proposed arrangements for the maintenance of the landscape works.

Prior to the occupation of the relevant Phase the works shall be carried out in accordance with the approved plans and shall be retained for the lifetime of the Development.

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

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act

- 19 (a) Prior to commencement of any works except site clearance and demolition a site wide draft children's play space delivery plan shall be submitted and approved in writing by the Local Planning Authority; and
- (b) Prior to commencement of the relevant Phase detailed children's play space delivery plans to serve that Phase shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- (i) the location of the play area and/or equipment
- (ii) details of the equipment and/or earthworks to meet the minimum standards for play

Prior to the occupation of the relevant Phase the works shall be carried out in accordance with the approved plans and shall be retained for the lifetime of the Development.

Reason: to ensure there is sufficient provision of areas and equipment for childrens' play

- 20 On commencement of the relevant Phase, further details of the external lighting to serve that Phase shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- (i) highway street lighting;
- (ii) other public realm lighting;
- (iii) communal amenity space including roof garden lighting; and
- (iv) car park lighting

Prior to the occupation of the relevant Phase the works shall be carried out in accordance with the approved plans and shall be retained for the lifetime of the Development.

Reason: These details are required to ensure that public and private spaces are adequately lit for pedestrian and highway safety and to prevent light pollution.

- 21 Prior to commencement of above ground works to Block A further details of the elevations shall be submitted to and approved in writing by the Local Planning Authority.

Prior to the occupation of the relevant Phase the works shall be carried out in accordance with the approved plans and shall be retained for the lifetime of the Development.

Reason: to ensure the tall building displays the highest architectural standards

- 22 No works to any Phase shall be commenced until a drainage strategy detailing any on and/or off site drainage works for that Phase has been submitted to and approved by the local planning authority in consultation with the sewerage undertaker. Such a strategy shall include:

- (i) adherence to the principles of Sustainable Urban Drainage Systems and the drainage hierarchy set out in London Plan policy 5.13; and
- (ii) all on or off site drainage works

No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works for the relevant Phase referred to in the strategy have been completed details of the drainage strategy and shall be retained for the lifetime of the Development.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community and to ensure the development meets the requirements of London Plan Policy 5.13

- 23 Prior to the installation of any mechanical plant within the relevant Phase further details of such mechanical plant, including but not limited to refrigeration, air-conditioning, ventilation system, air source heat pumps, combined heat and power units and kitchen extraction systems, to serve that Phase shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- (i) detail the particulars and or specification of noise levels, vibration and where relevant odour control of each item of mechanical plant;
- (ii) details of any ducting in terms of its appearance and siting;
- (iii) demonstrate that the individual and cumulative predicted noise levels from any mechanical plant together with any associated ducting, shall be 10 dB(A) or greater below the

typical background noise level (LA90) during the time of plant operation at 1 m from the nearest on and off-site NSR: the method of assessment should be carried out in accordance with BS4142:20147 'Method for rating industrial noise affecting mixed residential and industrial areas'; and

- (iv) include a scheme of mitigation in the event the predicted noise levels of the plant exceed the criteria in part (ii)
- (v) include a scheme of mitigation in the event the predicted vibration levels of the plant exceed acceptable norms
- (vi) include a scheme of mitigation in the event the predicted odour levels of the plant exceed acceptable norms

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

Reason: To ensure that users of the surrounding area do not suffer a loss of amenity by reason of noise, vibration and odour nuisance

- 24 Prior to occupation of the relevant Phase a report which demonstrates that air quality mitigation measures have been complied with for that Phase shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include evidence that the mitigation measures set out in the approved Air Quality Assessment (XCO2 December 2019) relating to that Phase have been fully implemented and shall be retained for the lifetime of the Development.

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

- 25 Prior to the occupation of any non-residential Use hereby approved further details of the hours of operation for the relevant Use shall be submitted to and agreed in writing by the Local Planning Authority. The relevant Use shall operate in accordance with the approved hours of operation for that Use for the lifetime of the development.

Reason: in the interests of the amenity of local residents

- 26 (i) Prior to the occupation of the relevant Phase a Delivery and Servicing Plan (DSP) to serve that Phase shall be submitted to and approved in writing by the Local Planning Authority.

On occupation of the relevant Phase the approved DSP shall be implemented in full and shall be adhered to for the lifetime of the development.

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure that deliveries and servicing are planned to minimise their impact on the local highway network.

- 27 Prior to first occupation of a relevant Phase hereby approved, confirmation from the Building Control body to demonstrate that the relevant building has been designed so that mains water consumption does not exceed a target of 105 litres or less per person per day for the residential elements within the relevant Phase and for the non-residential elements, water meters and leak detection systems, shall be submitted to and approved in writing by the Local Planning Authority.

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

- 28 The Combined Heat and Power (CHP) unit installed shall meet or improve upon the emissions standards and technical details described in the Air Quality Impact Assessment (XCO2



December 2019). Prior to the commencement of the use of the CHP unit details of tests undertaken on the installed unit to demonstrate that the emissions standards have been met shall be submitted to and approved in writing by the Local Planning Authority. The CHP unit shall thereafter be maintained in such a way as to ensure that these standards continue to be met.

Reason: To protect local air quality.

- 29 No piling shall take place on a Phase until a piling method statement for the relevant Phase (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 water 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 for the relevant Phase 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 water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 30 Prior to a material start on the relevant Phase of the development, including 'preparatory works', further details of tree protection shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the locations and the means of protection for each Phase of development (in accordance with BS5837:2012) of existing trees on site or in close proximity to the site identified for retention, including detailed proposed protection measures during any demolition or construction works to include locations of all protective fencing, ground protection, site facilities and storage areas. Where, for construction purposes, it is necessary to position tree protection fencing within the RPA of retained trees, suitable ground protection will be installed to prevent undue soil/root compaction from pedestrian and/or vehicular traffic.

No works shall be carried out on a relevant Phase until the tree protection for that Phase is installed in accordance with the approved details and is retained for the duration of those works to that Phase.

Furthermore, all trees within the approved details that are identified for retention as part of this development that fall into irreversible decline and/or die as a result of non-adherence to the approved protection measures within a period not to exceed five years from completion of works shall be replaced with a tree of size and species to be agreed with the Local Authority.

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

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

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

- 32 Prior to first use of the Market Square, details for the operational management of the Market Square shall be submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan shall contain details of:
- (a) A site supervisor/supervision of the market stalls, controls and responsibilities
  - (b) Litter control measures

- (c) Refuse plans, facilities locations and collection arrangements
- (d) Hours of operation - set up/opening
- (e) Noise control measures
- (f) Stall holder parking

The development shall only be undertaken in accordance with the approved details unless the prior written consent has first been granted by the Local Planning Authority.

Reason: To safeguard the amenity of residents and in the interest of highway safety.

- 33 A. Prior to commencement of above ground works on a Phase (excluding site clearance or demolition works), details of the design, number and siting of bat bricks/tiles and bird bricks/tubes/boxes designed into and around the new building(s) shall be submitted to the Local Planning Authority for approval in writing.
- B. The bricks/tiles/tubes/boxes shall only be fitted under the supervision of a suitably qualified ecologist and confirmation of installation prior to first occupation of the relevant part of the development in accordance with the agreed Phasing Plan together with accompanying photographic evidence shall be submitted to the Local Planning Authority.

Reason: To enhance the ecological value of the site.

- 34 Prior to the commencement of works on the relevant Phase (inclusive of site clearance and demolition), emergence surveys in accordance with the recommendations contained on page 30 of the Preliminary Ecological Survey (June 2019) shall be undertaken and reported on in accordance with the Bat Conservation Trust's "Bat Surveys for Professional Ecologists: Good Practice Guidelines 3rd edition"

Reason: The buildings and tree identified for removal have the potential to support roosting bats and to ensure that the Council fulfils its duties under the Conservation of Habitats and Species Regulations.

- 35 Prior to the commencement of works on the relevant Phase (inclusive of site clearance and demolition), a Methodology Statement for the eradication of invasive species shall be submitted to the Local Planning Authority for approval in writing. The Methodology shall include details of timescales for eradication, and, where the invasive plant species have not been eradicated at the time of commencement of works on the relevant Phase, details of the measures to be put in place to ensure that works do not cause its spread.

Reason: To ensure that biodiversity is not adversely affected by the proposed development through the spread of invasive species such as Japanese knotweed, cotoneaster, false acacia, buddleia, cherry laurel, or any other species listed on the London Invasive Species Initiative (LISI), or on Schedule 9 of the Wildlife and Countryside Act (1981 as amended).

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

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

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

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

## 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 applicant is advised that with respect to Phase 1 (Block E only), the following conditions have been discharged in relation to "Permission 1" (ref: 16/4174) and the development shall only be carried out in accordance with the following discharged conditions unless permission is otherwise agreed in writing by the LPA:
  - Condition 9a (Site Investigation) discharged via application reference 18/4428
  - Condition 9b (Remediation Strategy) discharged via application reference 19/2275
  - Condition 11 (Construction Management Plan) discharged via application reference 18/4426
  - Condition 13 (Materials) discharged via application reference 19/0603
  - Condition 15 (Landscaping) discharged via application reference 19/2372
  - Condition 17 (external lighting) discharged via application reference 19/2438
  - Condition 19 (Drainage Strategy) discharged via application reference 18/4848
  - Condition 21 (Vehicular Crossover) discharged via application reference 19/0244
  - Condition 24 (Delivery & Servicing Plan) discharged via application reference 19/2350
  - Condition 29 (Tree Protection) discharged via application reference 19/0410
- 3 Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant is reminded of hazards caused by asbestos materials especially during demolition and removal works and attention is drawn to your duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.
- 4 The applicant is advised to notify the Council's Highways and Infrastructure Service of the intention to commence works prior to commencement and include photographs showing the condition of highway along the site boundaries. The Highways and Infrastructure Service will require that any damage to the adopted highway associated with the works is made good at the expense of the developer.
- 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 reminded that nesting birds are protected under the Wildlife & Countryside Act, 1981 (as amended). All buildings and areas of trees, hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development approved, should only be cleared outside of the bird-nesting season (March - August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist must check the buildings and vegetation to be removed immediately prior to clearance and advise whether nesting birds are present.
- 8 The applicant is reminded to ensure that the appropriate Licenses have been granted for food and alcohol.
- 9 The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the

details of the piling method statement.

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



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