



Planning Committee

Wednesday 10 June 2020 at 6.00 pm

This will be held as an online virtual meeting.

The link to view this online meeting is available by clicking [HERE](#)

Membership:

Members

Councillors:

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

Substitute Members

Councillors:

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

Councillors

Colwill and Kansagra

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

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

The press and public are welcome to attend this as an online virtual meeting. The link to attend and view the meeting is available [HERE](#)

Members' virtual briefing will take place at 5.00pm

Notes for Members - Declarations of Interest:

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

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

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

***Disclosable Pecuniary Interests:**

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

****Personal Interests:**

The business relates to or affects:

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

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

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

or

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

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

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.		
2. Minutes of the previous meeting		1 - 8
APPLICATIONS FOR DECISION		
3. 19/1241 Car Park next to Sudbury Town Station, Station Approach, Wembley, HA0 2LA	Sudbury	13 - 58
4. 19/3092 Ujima House, 388 High Road, Wembley, HA9 6AR	Wembley Central	59 - 102
5. 19/2804 Chancel House, Neasden Lane, London, NW10	Dudden Hill	103 - 130
6. 19/4434 Pharamond Garages, rear of 258-262 Willesden Lane, Willesden, London	Brondesbury Park	131 - 162
7. 19/1099 192A Ealing Road, Wembley, HA0 4QD	Wembley Central	163 - 178
8. 19/4484 365 High Road, Wembley, HA9 6AA	Wembley Central	179 - 192
9. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or his representative before the meeting in accordance with Standing Order 60.		

Date of the next meeting: Wednesday 24 June 2020



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

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

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 6 May 2020 at 6.00 pm

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

ALSO PRESENT: Councillor Daly, Councillor Georgiou and Councillor Stephens.

Apologies for absence were received from Councillor Mahmood.

1. **Declarations of interests**

None.

Approaches.

All members received email correspondence from STRA in respect of the application for Sudbury Station Car Park.

2. **Minutes of the previous meeting - 17 March 2020**

RESOLVED:-

that the minutes of the previous meeting held on 17th March 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 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)

RECOMMENDATION: To grant planning permission subject to the referral of the application 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 reports.

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

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

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

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.

The Committee deferred this application at the last meeting on 17th March 2020 when Members were minded to refuse the application owing to concerns that related to the following aspects of the proposal: Affordable Housing provision, Loss of employment and Sunlight and daylight impact. Ms Victoria McDonagh (Development Management Team Leader) informed the Committee that further to the deferral, officers had provided additional information and clarification including changes in respect of housing mix, the loss of employment and the sunlight and daylight impacts. With those in view, officers considered the application policy compliant and reiterated the recommendation for planning permission to be granted as set out within the Committee reports.

Councillor Anton Georgiou (ward member) objected to the application on several grounds including the following; inadequate infrastructure to address the level and intensity of the development, excessive height, over-development of the site which would alter the character of the area to the detriment of residential amenity, major traffic concerns, lack of green and open space and concerns about affordability.

Members then sought further clarification on affordable housing provision, viability assessment for the scheme, infrastructure and loss of employment. Ms McDonagh drew Members' attention to the revised affordable housing offer as set out within the report highlighting that there would be a reduction of 27 Shared Ownership units with 22 Shared Ownership units remaining, a reduction of 3 Affordable Rented units with the remaining 53 units switching to London Affordable Rent. She considered that both affordable housing offers set out within the report were acceptable and policy compliant, representing more than the maximum reasonable provision of affordable housing in both cases.

Mr Alastair Westlake (Development Officer) gave a detailed breakdown and the methodologies of the financial viability assessment. He informed the Committee that the 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. He continued that the scheme would still be compliant with both adopted and emerging policy with regard to the amount of Affordable Housing. Mr Westlake added that the applicants had agreed to an early, middle and late stage viability review that would enable opportunities for additional affordable housing to be provided on the development subject to the conclusions of the reviews.

On the loss of employment, Ms McDonagh clarified that 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. She continued that Site Allocation BSWSA5 of the emerging local plan promoted the residential led redevelopment of the site, with an indicative capacity of 590 new homes. In addition, there would be some re-provision of employment floor space along the ground floors of the new buildings as well as other potential uses such as small scale retail, commercial leisure or community uses. Members heard that all of the light industrial floor space (545sqm) had been proposed as managed affordable workspace, at 50 % of market rent. In addition, the applicants have 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, although this is not a planning requirement.

Ms McDonagh explained that although there was no specific need to provide social infrastructure within the site, the scheme would provide a public canal pathway allowing for east/west connection in the future and that there would be a number of pocket parks, public open spaces and flexible uses including D1 uses. She added that the development would provide £8million in CIL contributions. She clarified that there was sufficient primary school capacity in the area and that the neighbouring Northfields development secured planning permission for a a medical facility.

Prior to voting Ms Saira Tamboo (Senior Planning Lawyer) advised the Committee to vote on the new scheme without regard to the scheme presented to Members at the meeting in March.

Prior to voting, all Members confirmed that they had followed all the proceedings and arguments throughout consideration of the application. Members then voted by a majority to refuse the application on grounds of level of affordable housing, social housing mix and lack of infrastructure to support the scheme.

Voting on the substantive recommendation for approval was recorded as follows;

For	Councillors Denselow and Johnson	(2)
Against:	Councillors S Butt, Chappell, Maurice and Sangani	(4)
Abstention:	Councillor Hylton	(1)

DECISION: Refused on grounds of level of affordable housing, social housing mix and lack of infrastructure to support the scheme and subject to stage 2 referral to the Mayor of London.

(Voting on the above decision was as follows: For 4, Against 2, Abstention 1)

4. 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 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).

RECOMMENDATION: 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 planning obligations set out within the Committee reports.

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

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

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

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.

Mr Neil Quinn (Principal Planning Officer) introduced the report and answered Members' questions. In reference to the supplementary report, Mr Quinn drew the Committee's attention to the additional letters of objection to the scheme and officers' responses to them. He informed members that the number of dual aspect units within the scheme should read as 20 units, rather than 36 units referred to in paragraph 73 of the main report. For the avoidance of doubt, the correct full text was set out within the supplementary report.

Mrs Carol O'Connell (objector) addressed the Committee and answered members' questions. Mrs O'Connell raised several issues including the following; over-development of the site, overlooking and loss of privacy, narrow access to the site and thus obstruction to large and emergency vehicles, excessive height and parking problems.

Councillor Daly (ward member) addressed the Committee and answered Members' questions. Councillor Daly objected to the application on several grounds including amenity deficit, inadequate access arrangements for emergency and waste collection vehicles, inadequate facilities for servicing and delivery, loss of parking at the station which could give rise to parking displacement and additional on-street parking.

Mr Paul Lorber an objector addressed the Committee and answered members' questions. He raised several issues including the following; over-development of the site for 52 flats; inadequate visitor and delivery facilities, inadequate provision for wheel chair users, detrimental impact on the amenity and sustainability of the local area. Mr Lorber urged the Committee to defer the application for a site visit to enable Members to assess the full impact of the development.

Councillor Stephens (ward member) addressed the Committee and answered Members' questions. Councillor Stephens' objections included the following; the affordability and housing mix were in contravention to Brent's policies and Local Plan policies, lack of family housing units, inadequate amenity space provisions, inadequate parking provisions including for disabled drivers and loss of parking which would give rise to parking displacement to the detriment of on-street parking.

Mr Alex Shillito (applicant) addressed the Committee and answered members' questions. Members heard that the scheme would provide affordable housing units for key workers with a further discount of 20% for local residents. In addition to being a sustainable development with landscaping, financial contributions would be made to Brent Council (£30,000) and Ealing Council (£20,000) for consultations and implementation of CPZ. Mr Shillito continued the scheme would complement the Grade II listed Sudbury Town Station, reflecting some of the key architectural features. He continued that the three existing disabled parking bays for station users would be re-provided with five of the homes made available for wheelchair users.

Mr Simon Topliss (architect) stated that he had given notice to speak only to clarify issues about design which had been covered in detail in his presentation.

In the ensuing question time, Members raised issues about affordable housing and tenure, amenity provisions, parking and departure from policies.

Mr Neil Quinn advised that the scheme would provide 100% affordable 1-bed units at an intermediate rate (sold at 80 % of market value). Although this did not accord with Brent and London Plan policy targets, sufficient justification and other benefits have been secured following robust financial viability assessment tests that officers consider outweighed this policy conflict. He added that the S106 legal agreement had secured £200,000 affordable housing grant for family affordable housing elsewhere within the borough. Members heard that the amenity space provisions were acceptable for the constrained site that lent itself to 1-bed flats whilst providing vehicular access that met minimum standards. He added that the scheme would provide an appropriate turning space within the courtyard and satisfactory delivery and servicing plans.

Mr John Fletcher (Highways Development) in responding to highways and access issues drew Members' attention to condition 23 which sought to address initial concerns raised by highway officers regarding the narrow width of the access road. However, he 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. He referenced the financial contributions of £30,000 to Brent Council under the S106 legal agreement towards a review of local CPZ operating hours and boundaries and towards improved bicycle parking facilities at Sudbury Town station. The legal agreement also provided for £20,000 for LB Ealing to review of its Controlled Parking Zone and to seek to implement any changes that they deemed necessary.

Prior to voting, all Members confirmed that they had followed all the proceedings and arguments throughout consideration of the application. Majority of the Members were minded to refuse the application for the following reasons; lack of family housing, loss of parking amenity and departure from policies, namely affordable housing tenure split. The Committee therefore deferred the application to a future meeting for a report assessing the reasons for refusal.

DECISION: Deferred to a future meeting, contrary to officers recommendation, for the following reasons to be tested, assessed and reported to Committee; failure to provide a policy compliant tenure split of affordable housing, lack of on-site family sized units, loss of parking amenities for particularly users of the station, lack of on-site disabled parking spaces.

(Voting on the above decision was as follows: For 4, Against 3, Abstention 0)

5. 19/3092 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.

RECOMMENDATION: To defer the application to a subsequent Planning Committee meeting.

The Head of Planning informed the Committee about a letter received on behalf of the owners of the adjoining building (Lanmor House, 370 High Road) objecting to the proposal. As a result, officers had amended the recommendation from the grant of planning permission deferral to allow the consideration of the matters raised within their letter.

DECISION: Deferred to a subsequent Planning Committee meeting.

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

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.

RECOMMENDATION: 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 as set out within the Committee reports 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.

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

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

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

Mr Sean Newton (Principal Planning Officer) introduced the report and answered Members' questions. Members heard that the revised scheme, a revision to the extant scheme would deliver significant elements of infrastructure and significant benefits, including the new health centre for South Kilburn and the provision of 127 (41%) affordable homes (56% by habitable room) and affordable workspace. Additionally, it would not give rise to harm to the identified heritage assets of South Kilburn Conservation Area

Mr Laurence Brooker (agent) in addressing the Committee stated the scheme was widely considered to be an exemplary case of estate regeneration, and one that gained significant support from stakeholders including local residents and the GLA. In design terms, the proposal was compliant with policies and would also

provide significantly more public realm comprising a destination market square, activated by additional commercial uses around its edges. He then summarised the key benefits of the scheme. In conclusion, Mr Brooker stated that the proposal would be of the highest quality sustainable design and architecture, with future connection to district heating networks and significant CIL payments generated for further infrastructure investment. Additionally, it would cement and enhance Peel's role as the civic heart of South Kilburn.

Prior to voting, all Members confirmed that they had followed all the proceedings and arguments throughout consideration of the application. Members then voted unanimously to grant planning permission as recommended

DECISION: Granted planning permission as recommended.
(Voting on the above decision was as follows: For 7, Against 0, Abstention 0)

7. Any Other Urgent Business

The meeting closed at 9.45 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.

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

Further information

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

Public speaking

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

Recommendation

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

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

10 June, 2020
03
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><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_144685</p> <p><u>When viewing this as an Hard Copy</u> .</p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "19/1241" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

INTRODUCTION

Members will be aware that the application was first reported to Committee at your meeting on 6 May 2020 where the application was deferred to further consider the precise reasons for refusal, after Members were minded to refuse the application due to concerns over the lack of affordable housing (with regard to the failure to comply with the tenure split set out in DMP15), the lack of any family sized units (three bedrooms or more), and the impact of the loss of the car park on existing users and resulting on-street demand for neighbouring occupiers.

Affordable Housing and mix of units

The original scheme proposed the provision of 52 x 1-bed units, all at an intermediate rate (i.e. at a 80% discounted market rate) for sale. Officers noted that this met the NPPF definition of affordable housing, and in this respect the proposal constituted a 100% affordable housing scheme. However, officers also highlighted that the scheme would conflict with part (b) of Policy DMP15, in that it would not provide any units within a social/ affordable tenure. Members highlighted this as a key concern.

At the same time, officers also noted that the scheme would not deliver a mix of unit sizes, and in particular did not include the provision of any family-sized units (i.e. providing 3-bedrooms or more). Officers had highlighted that this was in conflict with Policy CP21 of the Council's Core Strategy, and the application had been advertised as a departure from policy in this regard.

Following the assessment of scheme viability, it was concluded that the scheme would not be more financially advantageous to the applicants compared to a notional conventional scheme, however differences between some of the applicants' and the Council's assumptions were identified. A financial contribution of £197,181 was offered by the applicant, which would be secured via Section 106 agreement for the provision of affordable housing elsewhere in the Borough and that this could be used to enable the provision of off-site family sized Affordable Rented homes, should the Council choose to spend the contribution in this way.

With particular regard to the lack of mix, officers comments within the original committee report placed 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 the original committee report, 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. Some evidence was provided by the applicant of an identified need for the particular type of housing product being proposed in the application. These factors were all seen to provide justification for the shortfall in family-sized units, with the benefits of the scheme (100 % Affordable Homes and a contribution which could enable the provision of off-site Affordable Rented homes) outweighed the impacts associated with the departure from policy in this instance.

However, following discussion of these issues, Members considered that the benefits of the scheme did not outweigh the harm, citing the identified need as set out within Council policies (both adopted and emerging) for such units within the Borough, particularly at a social/ London Affordable rate.

In recognition of the committee's aim to maximise the delivery of affordable rented family housing the applicant has reviewed its section 106 commitment to make a financial contribution to facilitate the delivery of off-site affordable family houses. The applicant proposes to increase the contribution for off-site delivery of affordable rented homes to £600,000 which would enable the provision of six 3-bedroom family homes.

This increased offer is made in an attempt to take a pragmatic approach to resolve the concerns expressed by members at the committee meeting regarding the housing mix, while addressing concerns regarding the Borough's wider need for social/ Affordable rented accommodation. The applicant has expressed their willingness to pay the contribution to address the members concerns, but note that should the scheme be refused and appealed, they may not be able to maintain this level of off-site contribution due to the additional costs associated with an appeal and the associated timeframes.

The table below demonstrates how, taking into consideration the increased financial contribution set out above, the level of affordable housing provided by the proposed scheme would compare with a notional conventional scheme.

Scheme	Number of Homes	Number of Affordable Homes (% total)	Intermediate / Affordable Rent	AR Family Sized
Pocket	52	58: 52 on site and 6 offsite (111%)	52/6	6
Notional Conventional	32	16 (50%)	5/11	6

This level of off-site provision would reflect the number of 3-bedroom Affordable Rented homes (for which there is the greatest level of need within the borough) that was modelled within the notional conventional scheme. As such the proposal, if approved, would deliver 52 intermediate homes and would enable the provision of 6 family sized Affordable Rented Homes elsewhere in the borough. Officers consider this to be a significant benefit of the scheme, and when considered in context with the other site-specific circumstances outlined above, is considered to outweigh the absence of on-site family-sized and social/Affordable homes.

However, if, bearing in mind the discussion above, the Planning Committee are still minded to refuse consent, then the following reason for refusal could be considered:

The proposal would fail to provide an appropriate level of Affordable Rented housing to meet an identified, local need within the Borough, as well as failing to provide an appropriate mix of unit sizes within the development. This would be contrary to Core Strategy (2010) policies CP2 and CP21, Development Management Policy (2016) DMP15(b), policies 3.11 and 3.12 of the adopted London Plan (2016) and policy H6(a) of the Draft 'Intend to Publish' London Plan (2019).

Loss of car park and parking impact

Officers re-iterate that Transport for London have made the decision to close the car park (with the exception of blue badge spaces), and this is in line with the Mayor's objective to promote sustainable transport and deliver increased affordable housing on highly accessible sites such as this. The Council's approach reflects this by allocating the site for housing within the emerging Local Plan.

However, it is acknowledged that Members had concerns with the loss of the car park, and in particular how this would impact on vulnerable groups (who do not necessarily have Blue Badge permits), reliant on parking directly outside the Station and unable to use other routes (i.e. walking, cycling or using buses/ taxis). Furthermore, concerns were raised about the lack of additional Blue Badge spaces for the specific provision of future occupiers of the proposed development who may require them. At the previous committee meeting, Pocket Living specified that the uptake of accessible units by those with mobility issues within their schemes was very low; two homes out of more than 700 delivered.

In order to address this, the applicants have now included an additional Blue Badge space on the

site, closest to the main entrance and next to Building A. It would not affect the layout of the proposed buildings. This has been reviewed by Council's highways officers and would be acceptable in terms of its size and position. This would provide additional resilience should an occupier of a flat require a blue-badge parking space, providing blue badge parking in line with the TfL comments provided during the consultation process.. This space can be secured by way of a condition, meaning it must be provided prior to occupation of the building. It is important to note that this would satisfy TfL's comments in this regard. Furthermore, the provision of one Blue Badge space specifically for occupiers of the proposed development would only fall marginally short of with the London Plan policy requirements to provide 3 % disabled parking on-site, which would equate to 1.56 spaces

Members also expressed concerns regarding the subsequent impact of the loss of the car park, as well as additional demand generated by the proposed development on parking capacity within local streets. Concern was expressed not only in relation to the impacts of overspill parking, but the needs of those who do not hold blue badges but have other characteristics which may mean that they may be inclined not to travel to the station by other means. Policy DMP12 requires that any overspill parking generated can be safely accommodated on-street. The applicants have submitted further clarification on the findings of their parking survey, which is included within their supplementary note titled 'clarification for the LB Brent Planning Committee' (dated 22nd May 2020).

The note also makes reference to a TfL Car Parks Transport Study (August 2017), which found that 46% of users are from within 2km of Sudbury Town Station, which is considered to be a reasonable walking distance, while approximately 61% of users are within a 5km distance. The applicant also notes that South Harrow and Wembley Central stations provide public parking, and are within 5km of Sudbury Town Station. Wembley Central station also provides step-free access, while Sudbury Hill is expected to have step free provision by the end of 2020 (subject to any changes resulting from the Covid-19 situation). Furthermore, a 'Map of Journey Origin locations' for users of Sudbury Town Station, also produced by TfL, has also been submitted. This indicates that approximately 70% of current users of the station are equidistant, or closer, to Wembley Central than Sudbury Town.

As stated in the original committee report, officers would encourage an early review of the CPZ. The applicants have clarified that the contribution for this review is available for 10 years.

While there may be impacts on some car park users who do not hold blue badge (as set out in the previous committee report), the significant reduction in station parking is considered to align with the Council's declaration of a climate emergency and the priority given to non-car modes of access within planning policy. Furthermore, there are other stations with car parking in the local area, such as Wembley Central where there is a 242 space car park, including 19 disabled spaces. However, if, bearing in mind the discussion above, the Planning Committee are still minded to refuse consent, then the following reasons for refusal could be considered:

The proposal, by virtue of the loss of 81 car parking spaces within the development site, and the additional demand generated by the proposed development, fails to adequately demonstrate that there would be sufficient capacity on local streets to accommodate overspill parking safely and as such is likely to result in conditions prejudicial to the free and safe flow of traffic on the local highway network. This would be contrary to Development Management Policy DMP12, policy 6.13 of the adopted London Plan (2016) and policy T6 of the Draft 'Intend to Publish' London Plan (2019).

The proposal, by virtue of the loss of 81 car parking spaces within the development site and the associated impacts on certain existing user groups which may include those who are elderly, pregnant or with children, fails to adequately demonstrate that sufficient capacity would be maintained within the car park to meet need. This would be contrary to Development Management Policy DMP12, policy 6.13 of the adopted London Plan (2016) and policies GG1 and T6 of the Draft 'Intend to Publish' London Plan (2019).

Other matters

Some concerns were raised by Members, and local residents objecting to the application, regarding the continued use of the track maintenance compound to the east of the site by Transport for London. The applicants have provided clarification from TfL on why the maintenance compound is essential to the running of the London Underground, why 24 hour access is required, which constrains the site making it less suitable for family housing and why it needs to be retained following closure of the car park

The applicants' note of clarification also addresses issues raised at the previous meeting in regard to the use of the communal courtyard for refuse vehicles, which would attend the site no more than twice a week, and for a short period. It notes this space totalling 329sqm would be primarily used as amenity space because no delivery vehicles would be able to access the courtyard, with this managed by the site access gates. As stated at the last meeting, precise details of deliveries and servicing arrangements are to be controlled by an appropriate condition. The total amount of amenity space remains at 594sqm, equivalent to 11sqm per resident.

Should the application be refused, it would not be accompanied by a Section 106 legal agreement to secure the obligations set out in the main report. As such, the following reason for refusal would need to be included should members vote to refuse planning permission:

- In the absence of a legal agreement to control such matters, the development would not secure:*
- " Sustainability measures;
- " Job and training opportunities for local residents;
- " A travel plan, inclusive of car club measures;
- " Necessary contributions towards the expansion of controlled parking zones and removal of rights for parking permits for future residents;
- " Necessary contributions towards improvements to cycle parking associated with Sudbury Town Station

As a result, the proposal would fail to comply with policies 4.12 and 5.2 of the London Plan (consolidated with alterations since 2011); policies CP1 and CP19 of Brent's Core Strategy (2010); policies DMP1, and DMP12 of Brent's Development Management Policies (2016); policies E11, SI1, SI2, T4, and T9 of the emerging London Plan (intend to publish version 2019); policies DMP1, BT1 and BT2of Brent's emerging Local Plan (Reg 19 Version 2019) and the guidance contained within Brent's S106 Planning Obligations SPD (2013).

Equalities

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

Recommendation: Officers continue to recommend that permission is granted subject to the completion of a legal agreement and conditions set out above and within the original report (which is set out below), including an increase in the level of contribution for off-site Affordable Housing to £600,000.

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 measured 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

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



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.

Further representations discussed within the Supplementary Report to the 6 May committee meeting:

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 from 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 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 are 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 that 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 or 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.

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 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.

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 CO₂/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 CO₂/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 houses	2875		2875	£0.00	£60.00	£0.00	£171,473.21

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)	334	
TOTAL CHARGEABLE AMOUNT	£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: 01/06/2020

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

26.3.19

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.
- 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=Mo6YrmF80h48BJ7RfUaDCKzplVD12hp4Vkmosp0jzQtcs=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. Application forms should be completed on line via 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=Mo6YrmF80h48BJ7RfUaDCKzplVD12hp4Vkmosp0jzQtcs=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

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

10 June, 2020
04
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><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_146781</p> <p><u>When viewing this as an Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "19/3092" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

INTRODUCTION

This application was deferred from the 6 May 2020 Planning committee to allow officers to consider a late letter of objection that was sent on behalf of the owners of the adjoining building (Lanmor House, 370 High Road) objecting to the proposal.

Since the application was deferred from the last Planning Committee, a further letter of objection sent on behalf of the owners of the adjoining building (Lanmor House) and part owner of No. 26 to 29 Ecclestone Place has also been received, which set out in more detail the grounds of objection expanding upon the original objection. A response to these objections is set out below and expanded upon within the remarks section of the committee report where appropriate.

In addition to the above, the Daylight Sunlight Report was resubmitted on 7 May 2020, correcting an error in the summary text relating to properties on Ecclestone Place. All of the properties tested on Ecclestone Place comply with BRE target values for VSC, NSL and APSH, and these properties are therefore not discussed in the summary text. This minor update is not considered to result in a material change to the results of the Daylight and Sunlight report to warrant re-consultation.

Additional objection

Objections have been received on behalf of the owner of the adjoining site at Lanmor House (370 to 386 High Road) and part owner of 26-29 Ecclestone Place.

A summary of the concerns are set out below:

1. Consultation

The objector considers that there was a lack of consultation with the adjoining land owner during both pre-application and application stages.

With regards to consultation requirements for the planning application itself, the Council did post site notices outside the application site and the application was advertised in the local press. In addition, consultation letters were sent to all nearby occupiers. This included the commercial space and all flats within Lanmor House, and 26 to 29 Ecclestone Place.

The Council therefore exceeded its statutory duty for consulting on the planning application.

Further details of the comments received (including an objection received from 27 Ecclestone Place) are discussed within the "consultation" section below.

The NPPF paragraph 40 states that local planning authorities should encourage applicants to engage with the local community before submitting their applications, and Brent's adopted Statement of Community Involvement reinforces this by setting out recommended pre-application engagement for planning applications. For an application of this scale, discussions with neighbours and public meetings and exhibitions are recommended. However pre-application engagement is not a statutory requirement. In this case, local residents were invited to attend two public exhibitions and give feedback on the proposals, although non-resident property owners were not explicitly invited.

2. Accuracy of reporting

The objector considers that there was a lack of consideration of the proposal upon Lanmor House, taking into account the recent planning history and works carried out to Lanmor House. They also raised concern about the scale of surrounding buildings not being accurately reported and inaccurate reference to the building line being in line with adjoining sites where in fact it projects forward, and the resulting impact of the forward projection upon neighbouring amenity.

The above matters are discussed within the "remarks" section below.

3. Building scale and mass of envelope parameters

The objector has expressed concern about the footprint and resulting depth of the building and the impact on neighbouring occupiers, specifying that there would be an overdevelopment of the site.

4. Separation distances, privacy and outlook

The objector is concerned about the potential for overlooking and a loss of privacy and outlook to Lanmor House and 26 to 29 Ecclestone Place.

Once again, this is expanded upon within the "remarks" section below.

5. Daylight and Sunlight

The objector considers that there are inaccuracies within the daylight and sunlight report in terms of the reporting of the windows within Lanmor House and no consideration of the impact upon the communal roof top garden in Lanmor House.

This is expanded upon within the "remarks" section below.

6. Right of Light

The objector has highlighted that whilst outside of the remit of planning, the Council should be aware of its legal position regarding rights of light. As highlighted by the objector, this is outside the remit of planning.

7. Highway matters

Matters have been raised with regards to construction traffic, servicing and delivery traffic, and access to the proposed building.

This has been discussed within the remarks section below. (refer to paragraphs 121 and 134-135)

8. Streetscene

The objector considers that the assessment of the impact on the streetscape does not consider the curve in this part of the High Road and the potential for a "canyoning" effect along this part of the High Road with the nine storey building on the opposite side. Concerns are raised with the impact on the micro-climate wind tunnelling effect. They also believe that the Design and Access Statement misrepresents the building when viewed from the east as it is only shown as nine storeys.

These matters are discussed within the "remarks" section below.

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. Wind microclimate assessment
20. Retain provision for permissive rights of way for pedestrians and cyclists
21. s278 agreement to secure highway works
22. Lighting assessment
23. Remediation and verification of contaminated land
24. Parking permit restriction agreement
25. Travel Plan including two years free car club membership
26. Thames Water infrastructure capacity
27. Delivery and Servicing Plan
28. Commercial kitchen plant
29. Plant noise assessment
30. Post completion Energy Assessment Review and final carbon offsetting contribution

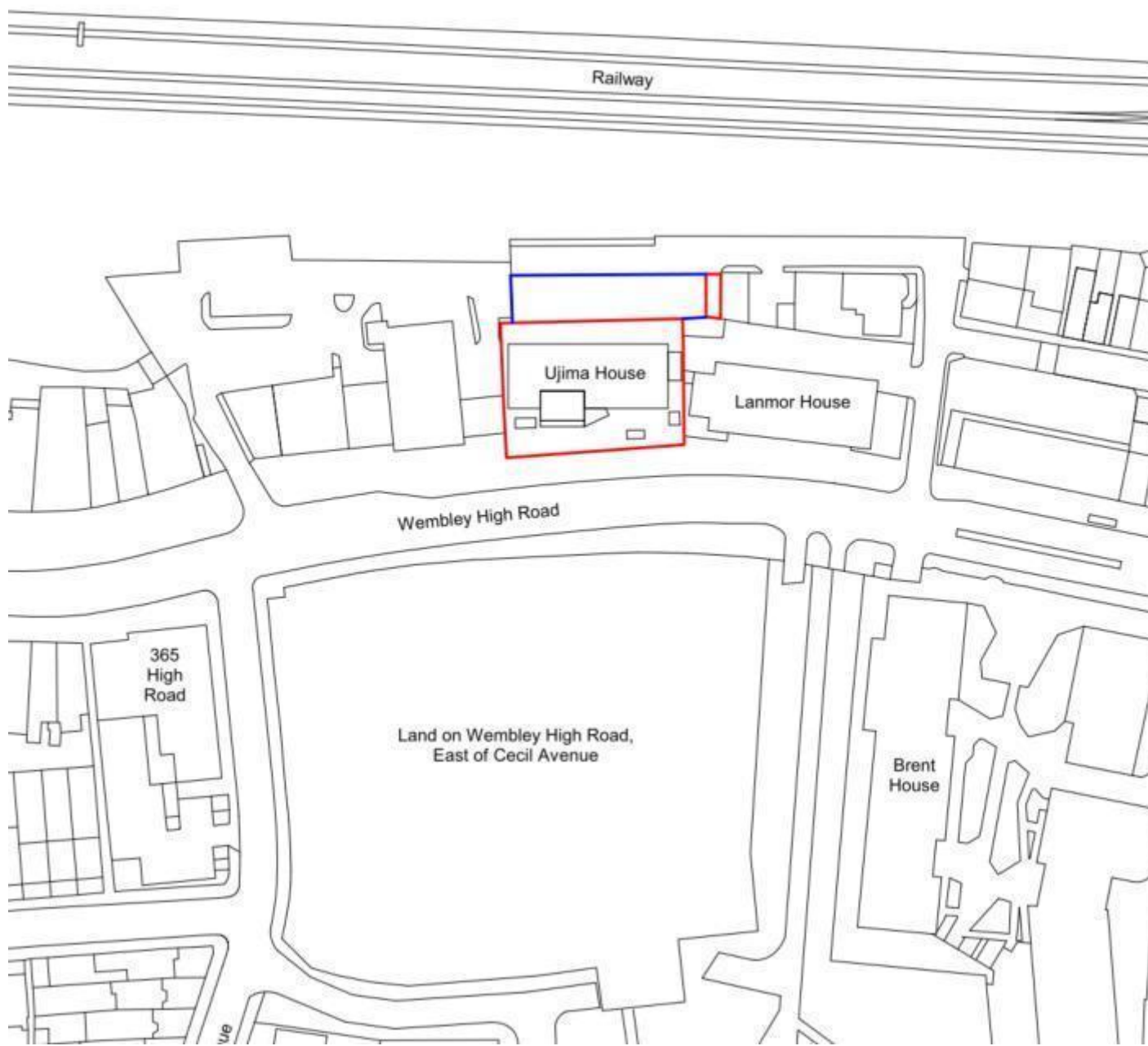
C. Informatives as detailed at the end of this report.

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

	<p>Planning Committee Map</p>
	<p>Site address: Ujima House, 388 High Road, Wembley, HA9 6AR</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100025260</p>



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.

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 paragraphs 133 and 134 - 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 addresses this issue – see paragraphs 133 and 134.
Noise, disturbance and air pollution caused by construction process.	See paragraph 108 - 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

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 20 to 33 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 the 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		
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	
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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:

	1bed	2bed	3bed	total
Market housing	23	10	2	35
Affordable rent	1	5	6	12
Shared ownership	4	3	0	7
% affordable mix	26%	42%	32%	
Total number of units	28	18	8	54
% total mix	52%	33%	15%	

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:

Scenario	Residual Land Value	Benchmark	Surplus / Deficit
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 a top floor set back by at least 10m from the front of the building and at least 12m from the eastern side, which the applicant envisages would contain 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 a total of eleven stories, of which the top floor would be well set back from the front and one side, in

addition to a basement. The top floor set back is shown on the parameter plans and so would be secured under the outline planning permission. The objector has raised concerns that the CGI when looking eastwards down the High Road is incorrect. The views provided on page 30 of the Design and Access Statement show the parameter massing just over 10-storeys in height which would represent a 10-storey building on the frontage with a parapet, and this is not considered to be misleading. The set-back top floor is not shown within these views but may not be visible due to the extent of the set-back. The indicative drawings and sketches in the Design and Access Statement provide an indication of the massing of the building and these are not considered to be misleading. The detailed design would be considered within the Reserved Matters application, should outline consent be granted. However the parameter plans would allow a development with ten stories and a set back eleventh storey, which officers consider to be in keeping with the emerging context.

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. The objector has raised concerns that the scheme would be notably taller than its immediate context (Lanmor House and Fairgate House). The proposed building would be taller than these buildings by around three storeys but the site is within the largest Growth Area within the borough where increases in height and density are expected. When viewed in the context of more recent consents and recent resolutions to grant consent by Planning Committee (former Chesterfield House at 21 to 26 storeys high, land behind High Road next to former Chesterfield House at 17 to 19 storeys high, and on the opposite of the High Road at 8 to 10 storeys high), it is considered that the height of the building is appropriate within the wider emerging context, and would not be considered out of keeping with the existing and emerging character along this part of the High Road. Concerns have also been raised with the increased height along both sides of the High Road resulting in a “canyoning” effect of the High Road and poor quality public realm. A distance of over 40m would be maintained between the proposed development and the development at the junction of High Road/Cecil Avenue, and therefore this is not considered to result in a “canyoning” effect given the separation between the buildings. The quality of the public realm and improvements to the footway fronting the building is discussed within paragraph 52 below.
40. The objector has also expressed concerns that no microclimate assessment (in particular a wind study) has been submitted. It is considered that given that the emerging context includes buildings of a similar height and that this stretch of the High Road is wide, the impact on wind is unlikely to result in an adverse impact on the local environment and pedestrian comfort and further detail can be secured through the Reserved Matters applications.
41. 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 indicative plans show the front building line being aligned with the adjoining buildings so as to create a consistent and legible street scene and well defined public realm. However, the parameter volume does show the footprint projecting forward of the neighbouring site at Lanmor House (approx. 0.9m from the ground floor projection and 2.4m from the main front building line of Lanmor House) but being consistent with the front building line of the main frontage to Fairgate House. Given that a good width of pavement would be maintained (minimum 7.25m), it is not considered that the forward projection would have a harmful impact on the streetscene. The detailing within the elevations would be secured as part of reserved matters to break up the bulk of the building and provide visual interest when viewed from the High Road.
42. Objections have been raised regarding the parameter plans showing the new building with a significantly deeper floorplate than Ujima House, and the impacts that this would have upon Lanmor House and 26 to 29 Ecclestone Place. The impact upon the amenities of Lanmor House and Ecclestone Place is discussed below. In design terms, the deeper floorplan is considered to make the most efficient use of this highly constrained site.
43. 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

44. 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.

45. 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.
46. 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.
47. 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.
48. 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.
49. 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.
50. 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.
51. 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.

52. 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

53. 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.
54. 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

55. 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.
56. 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

57. 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.
58. 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.
59. 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

60. 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.

- 61. 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.
- 62. 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.
- 63. 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

- 64. 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.
- 65. 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		

- 66. 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.

67. 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.
68. 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

69. 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

70. 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.
71. 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.
72. 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.
73. 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

74. 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.

75. 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.
76. Objections have been raised with regard to overlooking into the habitable rooms of the flats of Lanmor House through their side facing windows. The nearest side windows within Lanmor House serve open plan living/kitchen areas with an additional window for these rooms facing the High Road. It should be noted that the application is at outline stage and no detailed floor plans are yet proposed. However, the indicative layout indicates that a dual aspect unit on each of the upper floors would be located next to Lanmor House with outlook to the north (rearwards) and south (to the High Road) with no windows facing directly onto Lanmor House. Furthermore, Condition 16 would prevent habitable room windows being provided on either side elevation. In the event that windows are proposed to non-habitable rooms (or secondary windows to habitable rooms) on the side elevations, these could be conditioned to be obscured glazed and high opening only, to prevent overlooking to neighbouring occupiers. Further details would be provided as part of reserved matters. No. 26 to 29 Ecclestone Place is located to the north east of the application site and over approx. 30m distant. It is therefore considered that the scheme would not have a significant adverse impact on the amenities of Ecclestone Place through overlooking and loss of privacy.

Assessment of daylight and sunlight

77. A daylight sunlight assessment has been submitted, based on the maximum bulk and volume identified in the parameter plans. An updated Daylight and Sunlight Report was submitted following the deferral of the application, correcting an error in the summary text of the original report. The paragraphs below have therefore been updated to reflect this correction. This is not considered to be a material change to require re-consultation. The assessment 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 in respect of VSC and NSL (91% of windows and 94% of rooms tested), whilst 430 out of 431 windows tested would also meet BRE guidelines for APSH, and that all existing amenity spaces tested would comply with the target values for sunlight.
78. 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
 - 26 to 29 Ecclestone Place
 - 356-368 High Road
79. 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. The objector has set out concerns that the full history of Lanmor House has not been fully set out and the assessment upon their amenity has only been assessed based on the permitted development scheme. Clarification on the planning history for Lanmor House is set out below.
80. Lanmor House was previously in use as an office building. An application was granted for external cladding and re-arrangement of the fenestration to include replacement of windows to the building in 2014 (LPA Ref: 14/3019 and subsequent non-material amendment LPA Ref: 15/2750). Prior approval was granted in 2015 (LPA Ref: 14/4811) to convert the second, third, fourth and part of the first floors to 26 flats. A planning application was approved in 2016 for two additional storeys to the building to provide 8 self contained flats (LPA Ref: 15/0196). The remainder of the first floor was converted to 2 flats through a planning application in 2018 (LPA Ref: 18/0370). The building currently contains commercial space at ground floor and 36 flats on the upper floors.
81. The daylight and sunlight report has tested the impact upon Lanmor House based on the internal layout and window arrangement as reflected in the planning history above (namely 18/0370) and cross referenced with the layouts provided within the street naming and numbering application. With regards to VSC, the flats that are affected are the front and rear flats closest to Ujima House. With regards to the rear flat at first to fourth level a side facing living/kitchen window (W24) would experience a significant reduction in VSC by up to 0.35 its former value. However this room is also served by a rear facing window (W2) that would continue to comply with BRE guidance by maintaining at least 0.9 its former value. This room would also continue to comply with NSL targets. Rear facing windows on the

fifth and sixth floors were not tested, however these would comply with the BRE's 25 degree guidance with respect to the proposed building, which indicates that further testing is not required, and the windows below them on the fourth floor were all tested as retaining VSC values of over 36%.

82. The front flat facing High Road would experience more of a significant impact. The room within this flat closest to Ujima House is an open plan kitchen/living/dining room with a window on the side elevation and one of the High Road. The VSC value of the side elevation windows (W23 and W13) would fall as low as 0.05 times their former value, which would result in a significant reduction on daylight from these windows. The other windows facing the High Road (W21 and W11) would experience a reduction by 0.7 times their former value at the worst case which, whilst is notable, is not considered a significant breach of BRE guidelines. The bedroom to this flat facing the High Road also has two windows. The side facing window facing the application site (W22 and W12) would experience a reduction to 0.34 its former value. However, the window facing the High Road would maintain a value of over 0.8 times its former value. Furthermore, NSL and ASPH target values would continue to be complied with for these bedrooms.
83. 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.
84. 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.
85. 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.
86. 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

87. 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

88. 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.

89. 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

90. 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.
91. 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.
92. For the non-domestic elements, a 56% reduction in carbon emissions would be achieved on-site, which significantly exceeds the policy target.
93. 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.
94. 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.
95. 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

96. 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.
97. 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

98. 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.
99. 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

100. 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.
101. 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

102. 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.
103. 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

104. 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 operable 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.

105. 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

106. 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

107. 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

108. 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

109. 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.
110. 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.
111. 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.
112. Electric vehicle charging points, potentially for all spaces, would be provided, and further details of these would be secured at reserved matters stage.
113. 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.
114. 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

115. 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.
116. 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.
117. 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.
118. The objector has raised concerns regarding the width of the residential entrance and whether it would lead to conflict between pedestrians and cyclists during peak times. The width of the corridor is over 3m wide which is sufficient for pedestrians and cyclists to pass one another.

Access and servicing

119. 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.
120. 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.
121. 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.
122. 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.
123. 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.
124. 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

125. 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.
126. 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.
127. 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.
128. 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.
129. 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

130. 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.
131. 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.
132. 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

133. 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.

134. 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

135. 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

136. 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

137. 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

138. 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.

139. 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
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(Brent) General business use	656.4	0	445.93	£40.00	£0.00	£26,755.71	£0.00
(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	
TOTAL CHARGEABLE AMOUNT	£1,156,577.16	£262,891.40

*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: 19/3092

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: 01/06/2020

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;
- up to 80% of open market rent (including service charge where applicable) and capped at Local Housing Allowance Rates for 1 and 2 bedroom units
 - up to 60% 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 constructions 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 by the 5th 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 CO2 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 microclimate wind assessment prepared by a suitably qualified third party consultant shall be submitted to and approved in writing by the Council. The development shall be carried out in accordance with any recommendations therein.

Reason: To ensure that the development has an acceptable impact on the wind microclimate in the surrounding area, in accordance with London Plan Policy 7.7 and Intend to Publish London Plan Policies D8 and D9.

- 19 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.

- 20 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.

- 21 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.

- 22 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.

- 23 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

- 24 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.

- 25 (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.

- 26 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.

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.

- 27 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.

- 28 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.

- 29 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.

- 30 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.
- 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
- 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 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

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

10 June, 2020
05
19/2804

SITE INFORMATION

RECEIVED	7 August, 2019
WARD	Dudden Hill
PLANNING AREA	Church End Neighbourhood Forum
LOCATION	Chancel House, Neasden Lane, London, NW10
PROPOSAL	Demolition of existing buildings and construction of a secondary school with sixth-form arranged in a 5 storey building incorporating a multi-use games area (MUGA) at roof level and incidental works to include landscaping, play-areas, means of enclosure, access and car and cycle parking (Departure from Local Plan, however site allocated for education use in emerging Brent Local Plan 2019 – BSSA19)
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_146470</p> <p><u>When viewing this as an Hard Copy .</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "19/2804" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal Services and Procurement.

That the committee resolve to GRANT planning permission subject to:

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

1. Payment on completion of the deed of the Council's legal and professional fees in preparing and thereafter monitoring the agreement
2. Notice of commencement within 28 days of a material operation
3. Highways works - including s278 works to alter the footpath and kerbs, installation of new Puffin Crossing adjacent school's pedestrian entrances, provide 5m radius kerbs
4. School travel plan
5. Energy Assessment and offset payment
6. Training and employment
7. Financial Contribution of up to £750, 000 to TFL for local bus services, or an appropriate agreed financial contribution and/or mitigation strategy
8. 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.

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

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

Conditions

1. Time Limit
2. Approved Plans
3. Details of materials
4. Landscaping scheme
5. Adherence to Arboriculture Method Statement and Tree Protection Plan
6. Construction Management Statement
7. Non road mobile machinery
8. Electric vehicle charging points
9. Delivery and Servicing Plan
10. Site investigation
11. Remediation measures
12. Provision of cycle storage
13. External lighting scheme
15. Bin storages
16. Construction logistics plan
17. BREEAM interim assessment
18. BREEAM post assessment
19. Community use agreement
20. Outward opening doors to MUGA
21. Wastewater upgrades
22. Surface water upgrades
23. District Heating Network
24. Considerate constructors scheme

25. Coach management plan

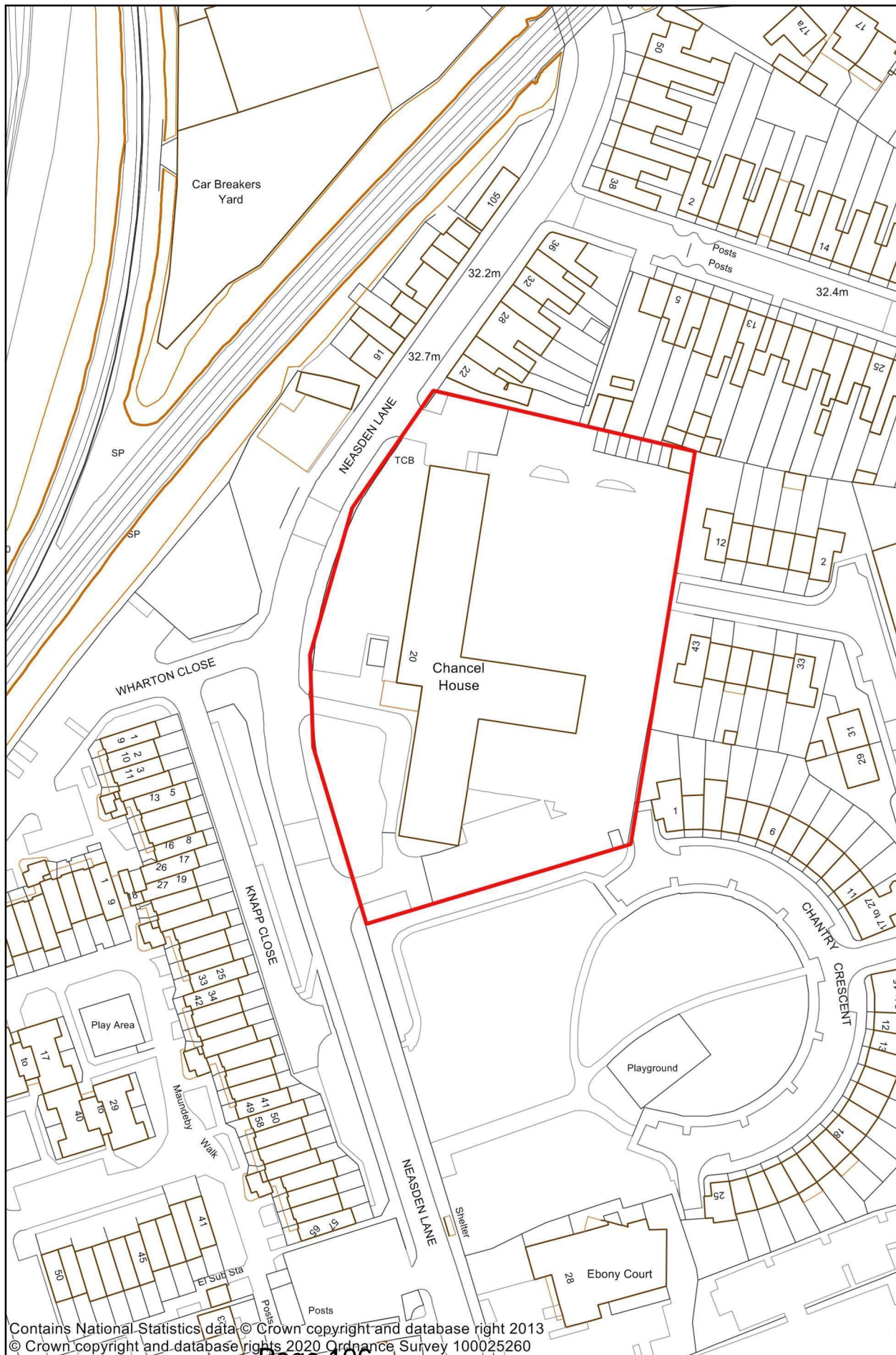
Informative

1. Fire Safety
2. London Living Wage
3. Party Wall
6. Thames Water Notification
7. Thames Water: Water Pressure

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

SITE MAP

	Planning Committee Map
	Site address: Chancel House, Neasden Lane, London, NW10 © Crown copyright and database rights 2011 Ordnance Survey 100025260



Contains National Statistics data © Crown copyright and database right 2013
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This map is indicative only.

PROPOSAL IN DETAIL

The proposal consists of the demolition of the existing building and associated outbuildings and hardstanding area and a construction of a new purpose built secondary school building comprising two attached blocks; a 900 pupil block accommodating years 7 to 11 and a sixth form block accommodated 250 pupils aged 16 and above.

The school will comprise teaching and ancillary spaces over 5 storeys. A sports hall various hard and soft play areas including two large multi use games areas (MUGA), external landscaping areas and parking and servicing.

EXISTING

The site is around 0.8 ha in size and is occupied by a 6 storey concrete framed office building. There is a generous amount of soft landscaping to the front with the rest of the area around the building largely dedicated to car parking. The site is bounded by Neasden Lane to the west, a public park to the south and residential buildings to the north and east. The site is not located in a conservation area and is not a listed, or within the curtilage of a listed building. The site falls within the Church End Growth Area.

SUMMARY OF KEY ISSUES

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

1. **Representations received:** Two objections have been received. Officers have considered the comments and the planning merits of the proposal and consider that the proposal is acceptable.
2. **Provision of a new 6 forms of entry school:** There is a demonstrable need for a new secondary school in the borough as evidenced in the emerging Infrastructure Delivery Plan. Great weight is given to the delivery of a new secondary school in the borough.
3. **Design, layout and height:** The development would replace a building of a similar height to the existing Chancel House building. Although the development would be larger, it is considered to be well designed and appropriate for the site and its context. During the course of the application amendments were requested to improve the design of the sports hall.
4. **Neighbouring amenity:** The development would accord with the 30 and 45 degree guidance in relation to most surrounding properties. However, it would project above the 45 degree guidance line in relation to the gardens of three properties. Nevertheless when considering the extent of the breaches identified and the existing circumstances on site in relation to the affected residential properties, the resulting impact would be acceptable and any harm identified would be outweighed by the benefit of the new school. The windows of the proposed school accord with the guidance within SPD1 in relation to the privacy of adjoining properties and their gardens.
5. **Highways and transportation:** A transport assessment has been submitted by the applicant to demonstrate that the school would not have a detrimental impact on the local highway network. Sustainable transport modes have been promoted and a number of conditions/obligations have been agreed in order to ensure the safety of future pupils.
6. **Trees, landscaping and public realm:** The applicant has submitted a tree survey and arboricultural method statement to ensure the protection of healthy trees. There are 23 trees on site at present, with 17 of these proposed to be retained, including the mature Willow and London Plane to the frontage. Whilst 6 trees are proposed to be lost to facilitate the development, 13 trees are to be replanted and therefore there would be a net increase in trees on site. Additional soft landscaping is also proposed where it does not conflict with the usability of the school.

7. **Sustainability** The development would achieve a 27.5% reduction on carbon emissions over Part L of building regulations falling short of the 35% target. Nevertheless, the applicant has shown a commitment to reducing carbon emissions in line with the 'be lean, be clean, be green' hierarchy and has calculated a carbon offset payment to make up the shortfall. The application has also proposed to meet the requirements of BREEAM excellent.

8. **Flood Risk:** The site is in Flood Zone 3a for surface water flooding and the applicant has demonstrated that the proposed development would not give rise to an increase in surface water flooding through the incorporation of blue roofs, attenuation storage tanks and porous paving.

RELEVANT SITE HISTORY

None of relevance.

CONSULTATIONS

432 neighbouring properties were notified. Site notices were also displayed and a press notice was placed in a local paper. As a result of this consultation two objections were received from neighbouring property.

Objection	Response
The area is already overpopulated and development will make life, noise and congestion a nightmare for residents	The development has been fully assessment in terms of the plots suitability, transport and noise and is considered acceptable, This is discussed in detail the main report.
Flats would be more beneficial to the area	There is an identified need for a new secondary school in the borough and this is one of very few sites capable of accommodating the development.
Neasden Lane is already a traffic nightmare and the presence of a school will make it worse and put children at risk of traffic incidents	Please refer to the transport section of the report. A number of measures are to be secured via a section 106 agreement in order to safeguard the students.
College of NW London is already a nuisance due to open drug dealing and use by students	This would be a matter for the police and the school authority to manage. The site would be secure and operations within would be controlled by the school's staff.

POLICY CONSIDERATIONS

For the purposes of Section 36(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the Brent Core Strategy 2010, the Wembley Area Action Plan 2015, Brent Development Management Policies DPD 2016 and the London Plan 2016 (Consolidated with Alterations since 2011)

Key policies include

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

3.1 Life Chances for All

3.18 Education Facilities

3.19 Sports Facilities

5.2 Minimising carbon dioxide emissions

- 5.3 Sustainable design and construction
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.15 Water Use and Supplies
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.14 Improving Air
- 7.15 Reducing and Managing Noise
- 7.21 Trees and Woodlands

Brent Core Strategy (2010)

- CP1: Spatial Development Strategy
- CP2: Population and Housing Growth
- CP5: Placemaking
- CP6: Design & Density in Place Shaping
- CP10: Growth End Growth Area

Brent Development Management Policies (2016)

- DMP 1: Development Management General Policy
- 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

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. As such considerable weight should be given to these policies.

Draft London Plan

- GG1 Building Strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city

GG5 Growing a Good Economy
GG6 Increasing Efficiency and Resilience
D1 London's Form and Characteristics
D2 Delivering Good Design
D3 Inclusive Design
D7 Public Realm
D11 Fire Safety
D13 Noise
G1 Green Infrastructure
G7 Trees and Woodlands
S1 Developing London's social infrastructure
S3 Education and Childcare Facilities
S5 Sports and recreation facilities
SI1 Improving Air Quality
SI5 Water Infrastructure
SI7 Reducing Waste and Supporting the Circular Economy
SI12 Flood Risk Management
SI13 Sustainable Drainage
T4 Assessing and Mitigating Transport Impacts
T5 Cycling
T6 Car Parking
T7 Deliveries, servicing and construction

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 the 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.

Brent Draft Local Plan

BD1: Leading the Way in Good Urban Design
BSI1: Social Infrastructure and Community Facilities
BG12: Trees and Woodlands
BSUI2: Air Quality
BSUI4: On Site Water Management and Surface Water Attenuation
BT1: Sustainable Travel Choice

BT2: Parking and Car Free Development

BSU13 Managing Flood Risk

BSU14: On site water management and surface water attenuation

BP5: South

BSGA1: Church End Growth Area

BSSA19: Chancel House Site allocation

Other material planning considerations include:

National Planning Policy Framework (2019)

Supplementary Planning Documents/Guidance (SPD/SPG)

Brent SPD1: Design Guide for New Development (2018)

Mayor's Sustainable Design and Construction SPG

National Planning Policy Guidance

National Design Guide

Brent Waste Planning Guide

DETAILED CONSIDERATIONS

1. *Principle*

1.1 The proposal is for a new 6FE secondary school, on the Chancel House site within Church End Growth Area.

1.2 London Plan policy 3.16 states development proposals, which provide high quality social infrastructure, will be supported in light of local social infrastructure needs assessment. There is a demonstrable need for an additional secondary school within the borough, as evidenced by the emerging Infrastructure Delivery Plan which supports the Draft Local Plan. Given site availability and projected population growth, including in the immediate vicinity, Chancel House is the preferred location for a new secondary school to meet identified needs in the short to medium term. Without this provision there will be a deficit of places in Brent.

1.3 Whilst current site allocation CE5 allocates Chancel House for mixed-use development including housing and employment, this is from the 2011 Site Allocation DPD. This is not reflective of current social infrastructure demands. An extensive search was undertaken over a number of years to identify appropriate sites for secondary schools. Those that are appropriate and available are in very short supply. This is the only realistic site that has been identified outside existing school sites. Existing school sites will also be used to create additional supply. As such, although the proposed use is a departure from the current adopted Local Plan allocation, Draft Local Plan (Regulation 19) policy BSSA 19 allocates the site for a 6FE Secondary School to address the need for secondary school places discussed above. There has been no adverse responses to the site allocated within the draft Local Plan in relation to the representations received on the principle of the use of the site for a secondary school. As such this can be given weight. The general principle of the provision of a secondary school on this site is considered to be acceptable, resulting in significant benefits in relation to the provision of school places to meet an identified need.

1.4 In accordance with London Plan policy 3.16, the multiple use of premises is encouraged. Ensuring the shared use of sport and leisure facilities promotes community integration, and is necessary to ensure sufficient recreational provision for Brent's growing population. A Community Use Agreement (CUA) is therefore to be secured by condition to ensure dual use of facilities such as the sports halls and MUGA for non-members of the North Brent School.

2. Character and appearance

Design, siting and mass

2.1 Policy DMP 1 states that development will be acceptable providing it is amongst other things of a 'scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality.'

2.2 The existing office building measures 6 storeys in height with a width of 85m. The proposed school building would consist of two linked buildings with the main school building measuring a maximum of 5 storeys, with the linked sports hall and Multiple Use Games Area (MUGA) being of a comparable height. Whilst the proposed school building would occupy a greater width of the plot, the development would be comparable to the existing Chancel House building in terms of its height. Therefore whilst of a greater scale than the surrounding buildings, the scale and massing of the proposed building is considered to be appropriate within this context.

2.3 The footprint of the school building would be greater than that of the existing, nevertheless, it would suitably set back from Neasden Lane and would allow a good amount of space to be retained around the building. The provision of this would ensure that the resulting building does not dominate the plot and it would continue to provide an appropriate setting for a building that is evidently much greater in scale and size than those surrounding it.

2.4 In terms of materials, the front elevation, which is the most sensitive, comprises predominantly brick (in grey and buff) and some rain screen cladding, which would be in a variety of blues. The proposed use of the building is noted and therefore whilst surrounding uses are predominantly brick, the use of contemporary and colourful materials is acceptable. It is also noted that the re-development of the site would result in the loss of the concrete structure, which is not considered to be of any architectural merit, and makes little contribution to the locality. The replacement building would be a contemporary in its approach and would add interest to this stretch of Neasden Lane.

2.5 During the course of the application, amendments were sought to address concerns regarding the massing of the sports hall which occupies a similarly prominent position to the linked school building. In order to break up what was initially a very blank façade, ribbon windows were introduced and the zinc cladding broken up through the introduction of vertical brick piers. Noting the design restrictions due to the use of the building, the changes made are considered to appropriately address the initial concerns raised and therefore the development is considered to have an acceptable impact on Neasden Lane and the sites wider context.

Trees and landscaping

2.6 The existing office building has a generous expanse of soft landscaping to the frontage as well as one mature weeping willow tree, all of which provides an attractive setting for the building and adds some welcome softening to Neasden Lane.

2.7 The proposed school building would be set further forwards of the existing office building which immediately reduces the area available for soft landscaping. However, it is acknowledged that the subject site is to comprise a 6FE school and therefore there are competing demands on the use of the space. Nevertheless, where possible soft landscaping has been incorporated to ensure an appropriate setting for the new school building. Grass and hedging is proposed to the frontage, although this would not cover the same area as that previously proposed, it would ensure a good degree of softening to the front. A number of trees are also proposed to be retained around the site, including the prominent and healthy Willow and the retention of the adjacent London Plane. There are currently 23 trees on site, with 6 of these proposed to be removed to facilitate the development. As well as the 17 trees to be retained, an additional 13 trees are proposed to be planted, meaning that there would be a net increase of trees on site.

2.8 In order to ensure the protection of the trees a condition will be attached to this permission requiring the submitted tree survey and arboricultural method statement to be adhered to. Additionally, a site supervision condition is also to be attached to ensure specialist input at key demolition and construction stages within the Root Protection Areas of retained trees.

2.9 In terms of landscaping to the school grounds, this is relatively limited given that a large amount of space around the building is to be for the use of the facilities associated with the school use. Where proposed, the majority of soft landscaping would be secured to the front of the site, with just small areas of hedging and some new trees planted to the rear of the site. However, it is acknowledged that whilst there is

considerably more soft landscaping to the front as existing, the rear is dedicated to car parking and therefore is entirely hard surfaced. The areas to the rear would not be viewed as a whole from surrounding vantage points and the full extent of the hardstanding would only really be appreciated from within the site. Therefore although, the ratio of hard to soft landscaping would clearly be disproportionate, however having regard to the nature of the use, the existing layout, together with the competing requirements in terms of space, the provision is considered acceptable.

3. Impact on neighbouring properties

3.1 The site is bordered by residential properties on Chapel Close and Denzil Road to the south and east. DMP1 states that development will be acceptable, amongst other things, when it ensures high levels of internal and external amenity.

3.2 SPD 1 provides guidance on how new development should be designed in order to safeguard the amenity of neighbouring residential properties and refers to the 30 and 45 degree rule in ensuring this. It also supports the use of 'Site Layout planning for daylight and sunlight: a guide to good practice'.

22 Neasden Lane

3.3 The side boundary of this property runs parallel to the subject site and tapers from the front to the rear. The ground level of the Chancel House is on a higher ground level to this neighbouring property with an existing brick boundary wall delineating the boundary with the subject site and this neighbouring property. Due to the L shaped form of the proposed building, the rear projection would extend the entire depth of the rear garden of this neighbouring property, although there would not be any habitable room windows directed towards the site. When considered against the 30 degree rule, the development would comply. However, when considered in relation to the 45 degree rule, there would be a breach of this requirement. Nevertheless, given the 13m separation and the extent of the breach, together with the orientation of the building relative to the rear garden area, with the use of the site and existing arrangement, the transgression is not considered to be significantly harmful.

3.4 In order to further assess the impact of the development on this neighbouring property, the applicant has submitted a daylight/ sunlight report. There are a number of side facing windows to this neighbouring property at ground floor level, some of which are identified to be affected. However, given the size, nature and location of this windows, which are either non habitable or secondary windows, the impact on these is considered acceptable. All primary habitable room windows would meet or exceed BRE baseline targets for daylight/sunlight.

3.5 In terms of overshadowing BRE states that for a garden area to be adequately sunlit throughout the year, no more than half of the area should be prevented by buildings from receiving two hours of sunlight at spring equinox. In this case the reduction to the rear garden area would be from 56% to 28% and therefore 0.5 of its former value. However, it should be noted that the site is within the Church End Growth Area and BRE itself acknowledges that in certain growth/opportunity area aspirations for new jobs/housing/infrastructure may be undermined if all development is required to strictly adhere to standards and therefore these should be viewed as advisory.

5 and 7 Denzil Road

3.4 As with 22 Neasden Lane, there would also be a transgression in to the 45 angle when taken from the rear boundary of 5 Denzil Road and the development would extend the entire width of the rear garden. There would also be a breach for a smaller part of the width of 7 Denzil Road but this is far less significant. However, it should be noted that the rear gardens of both of these properties are generously proportioned, measuring 23 m in depth and the breach would be from the less useable rear part of the garden. It is also noted in relation to no. 5 Denzil Road, which is considered to be the affected property, there are already a number of outbuildings affecting the rear garden, due to the garage along the rear boundary at Chancel House and the structures at no 3 Denzil Road positioned along their side boundary. Furthermore, there are existing mature trees that create a canopy over the rear of these gardens. Although it is acknowledged that the impact of a building is very different to trees and vegetation, the rear of these gardens experience a level of overshadowing and being enclosed and the proposed development would not result in any significant further harm. Given the length of the garden, at 23m, and noting that it is already affected to some extent, the breach can be accepted in this instance.

3.5 In terms of the daylight/ sunlight assessment, all habitable room windows and the garden areas of

both of 5 and 7 Denzil Road would meet or exceed BRE standards.

12 and 43 Chapel Close

3.5 To the rear the development site extends along the side boundaries of 12 and 43 Chapel Close. Due to the form of the school the rear projection would sit in relatively close proximity to the side boundary of this property. Whilst there is a large amount of space adjacent the flank wall of this property it was identified on site that this area is used for parking, rather than any private amenity space and therefore the development is not considered to have any harmful overbearing impact on the private garden area of this adjacent property. As it is only secondary windows and non-habitable primary windows to the flank elevations of these property, they would continue to receive good levels of light. All windows assessed in the submitted report would meet BRE daylight and sunlight targets therefore retaining good levels of light.

9-17 Denzil Road

3.6 The rear boundaries of these properties also abut the rear of the subject site. However, the rear boundaries are adjacent to open space rather than the building itself as is the case with 5 and 7 Denzil Road. The development would therefore fully comply with the 45-degree rule. The daylight/sunlight report submitted shows that these properties would continue to exceed BRE standards and the proposed development would have a negligible impact on the receipt of daylight and sunlight of the occupants of these neighbouring properties to both habitable rooms and garden spaces.

12 and 43 Chapel Close

3.7 In relation to no. 12 Chapel Close, the flank elevation of this building would be adjacent the rear of the rear projection, although there would be a separate distance of 12m. Whilst there is a large space adjacent the flank elevation, it was identified on site that this was not used as garden space, but rather a parking area. When the 45-degree rule is applied from the useable garden space, there would be no breach and therefore the development would be acceptable in this regard. The submitted report, also identifies that there would be very limited overshadowing impact to the rear garden.

3.8 There are a number of side facing windows on the property, however, all but one of these are non-habitable. In the case of the habitable room, this is also served by a front facing window. When considered against targets there would be negligible losses and the windows would exceed BRE daylight and sunlight targets.

3.9 Any losses would be even smaller to 43 Chapel Close due to the relationship with the proposed development and therefore this property would not suffer from any material loss of light or overshadowing impacts as a result of the development.

Maundeby Court and Chantry Crescent

3.10 The daylight sunlight report would also include an assessment of these properties. However, given the separation distances and the relationship of the building with these properties, for the most part these would have no greater impact than the existing situation.

Summary

3.11 When considering the impact of the development, in terms of daylight/sunlight, overshadowing and any overbearing impact in relation to immediately adjoining properties, it is acknowledged that there would be some breach of standards with regards to 22 Neasden Lane and 5-7 Denzil Road, namely in terms of the 45 degree rule and the overshadowing tests. However, SPD 1 is guidance and the specific wording is that development should '*normally*' be set below a 45 degree line taken from the garden edge. Whilst it should be achievable in most developments, noting the nature of the development, the number of pupils the school intends to cater for, the location within the Church End Growth area, the wider benefits to the borough and the fact that the site in question is the only realistic site identified to serve this purpose, the breaches are not considered significant, and therefore any harm identified would not outweigh the benefits of the scheme. When all factors are considered, the development would ensure good levels of internal and external amenity for surrounding residential properties as required by DMP 1 for adjoining neighbouring properties.

Noise

3.12 Due to the nature of the development and the proximity of the school grounds to neighbouring

properties, the development has the potential to result in noise disturbance. SPD 1 states that buildings and spaces should be designed in order to minimise potential noise.

3.13 In order to demonstrate that the development would have a satisfactory impact on the nearby residential properties, a noise assessment has been submitted to accompany the application. The noise assessment identifies four different points within the subject site which has residential buildings in close proximity. Ambient noise came from the Neasden Lane traffic which could be picked up towards the western area of the site with other levels of significant ambient noise coming from other traffic areas and recycling yard activity. BB93 standards (Acoustics design of schools: performance standards) have been used in the determination of accepted limits of noise from the premises. From the values, the limits are expected to be within the guidelines under this standard, and no greater than existing background noise levels. The development would therefore not result in any unacceptable noise levels to the detrimental of nearby residential properties. The noise assessment has been reviewed by environmental noise officers, who consider it to be acceptable.

3.14 In terms of the arrangement of the school itself, the noisy areas of the building have been positioned to the front, including music rooms and the main hall areas, with the individual classrooms positioned to the rear. Given that these would be individual teaching rooms for around 30 pupils, it is not considered that any particularly noisy activity would occur from the building itself that would result in any undue disturbance to nearby residential property, given the proximity of the school of building. In terms of the outdoor space, it is acknowledged that the grounds of the school would be in close proximity particularly to the rear gardens of 12 and 43 Chapel Close. It is difficult to determine the level of noise that might be generated by students congregating in these areas during recreation times. However, break times would be limited throughout the school day and would be within typical school hours and therefore whilst there might be periods where noise would increase, due to the number of pupils that could potentially use the area, nearby residents would not be subjected to this for prolonged periods. It is also noted that the school includes indoor recreation areas, which would likely reduce the number of pupils requiring use of outdoor space at any given time. Whilst there are outdoor games courts these would again be used throughout the school day and given that it would be individual classes occupying these courts at any one time, it is not considered that the noise generated would result in any excessive disturbance. Nevertheless, in order to ensure that the neighbouring residential properties are not adversely affected by noise disturbance, the hours of operation for the rear games should be limited within the community use agreement to ensure there are not excessive impacts that are beyond what would reasonably be expected with a school use.

4. Transport

4.1 This development is likely to generate significant number of trips at school opening and closing times, so a Transport Assessment has been submitted to support the proposal.

Site Layout

4.2 In terms of car parking, allowances for schools are set out at Appendix 1 of the adopted DMP 2016 and allow up to one space per 5 staff for locations with moderate access to public transport services such as this. A total of 115 staff are proposed to be employed at the school, so up to 23 off-street parking spaces would be permitted. The proposed provision of 11 spaces is therefore acceptable, being within the maximum allowance.

4.3 One of the spaces is shown widened and marked for disabled persons, in accordance with Brent's standards for disabled parking.

4.4 At least four spaces (three active & one passive) will also need to be equipped with electric vehicle charging points and this has been acknowledged by the applicant. A condition is recommended to this end, as the electric vehicle charging points are not shown on the plans.

4.5 In terms of layout, the space closest to the site entrance appears inaccessible, being set behind the entrance gates and with less than the required 5.5m turning space, however the overall parking provision is considered to be acceptable and the layout of the remaining spaces meets standard dimensions.

4.6 The continued use of existing northernmost access from Neasden Lane (with widened 5m kerb radii) is acceptable, subject to the addition of tactile paving and improved surfacing, with suitable sightlines available in both directions. Any modest alterations to the kerbline can be covered within a s278 agreement to ensure that the requirements of the highway authority are met. The proposed gates are shown suitably set back from the highway boundary to allow vehicles to wait clear of Neasden Lane whilst they are opened and

closed.

4.7 The central and southernmost crossovers will no longer be required though and these sections of the highway must be reinstated to footway at the developer's expense as a condition noting the requirement of s278 to ensure highways works are carried out.

4.8 Policy DMP12 also requires that any overspill parking that is generated can be safely accommodated on-street. In this regard, the site is located within a CPZ, so the opportunities for parking by staff and parents around the site is very limited, with the nearest unrestricted parking being in Mayo Road, some 400m (5 minutes' walk) south of the site.

4.9 As a secondary school, car use amongst pupils is in any case much lower than experienced for primary schools and those pupils that are brought to the site by car are likely to be dropped off and picked up much further from the site, rather than directly outside the school gates. It is also noted that core school hours are proposed to be relatively early (8.25am-2.45pm), which will help to keep any school traffic away from the main network peak hours.

4.10 Delivery and refuse collection vehicles are also to use the northern entrance to access the site, with the intention being that they pass through the car park and a further set of gates to access the north eastern corner of the site, where a shared service yard/future play space is indicated. Tracking has been provided to show that vehicles up to a 12m long refuse vehicle can turn within this area. Bin storage is proposed at the eastern end of the car park, so under these arrangements, refuse vehicles would be able to access the bins easily enough.

4.11 The practicality of sharing the use of the service yard area between vehicles and children is not ideal, however it is accepted that this could be effectively managed through a Delivery & Servicing Plan to ensure delivery vehicles do not enter the playground when pupils are present. The Delivery and Servicing Plan is requested by condition.

4.12 The proposal also involves the use of private buses to bring pupils to and from the school from the North Wembley Area. The applicant initially proposed up to four coaches in the morning and four coaches in the afternoon for this purpose. Whilst tracking diagrams and a drop off/pick up procedure was submitted to demonstrate that the site could accommodate certain size coaches with turning space, as the area is quite constrained it would be inadequate to serve the frequency of coaches, particularly as it would be a shared space and would prevent the car parking spaces being accessed.. Concerns were also raised by TfL with regards to practicality and pupil safety if this arrangement were to be accepted. During the course of the application it was agreed that the site could comfortably accommodate one coach in the morning and one in the afternoon for the purposes of bringing pupils from the North Wembley Area. This arrangement would exclude any coaches needed for more infrequent journeys such as schools trips or sports events. Full details of on site coach arrangements are to be secured through a coach management plan.

4.13 Given the issues with private coaches being accommodated on site, pupils would therefore need to rely more heavily on public transport. The impact on bus services is therefore likely to be significant and Transport for London, under whose remit bus services fall, have considered the implications the proposed school would have on bus capacity routes passing the site. To ensure sustainable and safe journeys to the school, a TFL contribution to enhance bus services has been agreed and this payment of up to £750,000 (or an appropriate agreed financial contribution or mitigation strategy) would be secured through an obligation within the S106 agreement. This payment would allow the capacity of the buses within the network to be improved and is a practical method for the pupils to access the school.

Cycle Parking

4.16 London Plan cycle parking standards would require about 170 bicycle parking spaces for pupils and staff. Indicative bicycle parking for up to 172 bikes on two-tier racks has been shown in six locations along the front of the site.

4.17 Of these, 94 are shown as potential future spaces, to be provided as the school grows towards full capacity by 2029, rather than being provided at the outset. For this approach to be acceptable, demand for bicycle parking will need to be very carefully monitored through the Travel Plan and provision increased as and when demand reaches 75% of existing provision. Funding will also need to be safeguarded for this and

the difficulty of keeping a sum set aside means it would be far preferable to provide the full cycle parking standard at the outset.

4.18 In terms of pedestrian access, separate entrances are proposed from Neasden Lane for pupils, visitors and for the sports facilities. The entrance gates at the pupil entrance are shown set back 6.5m from the carriageway edge, which is welcomed as providing additional space for pupils to muster at the beginning and end of the school day.

4.19 In terms of landscaping, the car park aisle and access road is to be surfaced in asphalt, with the parking spaces surfaced in gravel. Block paving is proposed for parts of the service yard and the areas of bicycle parking, whilst concrete paving slabs are proposed for footpaths through the site. These materials are all considered appropriate for their relative uses.

Network Impacts

4.20 In order to estimate the number of trips that are likely to be generated on the local transport networks, travel data from three other secondary schools in Brent has been examined. For robustness, it has been assumed that all 1150 pupils and 115 staff would arrive and leave during one hour, although in reality trips are likely to be spread across a longer time period, particularly in the afternoon if after-school activities are hosted.

4.21 Modal share information from the other schools suggests that about 11% of secondary school pupils are taken to and from school by car, with 43% using public transport, 44% walking and 2% cycling. The restrained level of car parking proposed means that staff trips by car are also likely to be low, with 13% of staff estimated to drive to the site and 4% to travel as car passengers. This leaves 78% using public transport, 9% walking, 6% cycling and 2% using motorbikes.

4.22 In terms of vehicle trips each peak hour, assuming some pupils car share with friends or siblings, about 106 cars would bring pupils to the school, although many would be pass-by trips that may stop further afield than Neasden Lane. A total of 15 arrivals in the morning peak hour and 15 departures at the end of the school day would be expected by school staff in cars.

4.23 Although no surveys of existing trips to and from the existing office building when it was last in use have been provided, it is likely that the number of peak-hour car trips on the network as a result of the redevelopment as a secondary school would far fewer than for the existing office building with its extensive car park. There is not therefore considered to be any need to undertake any junction capacity assessments for the local highway network.

4.24 With regard to public transport trips, a total of 432 bus journeys and 137 rail journeys are predicted at the start and finish of the school day. This amounts to an average of 12 additional passengers per bus on the three routes passing close to the site and 3-4 passengers per tube service passing Neasden station.

4.25 Walking and cycling trips are estimated to total 513 and 33 trips at the start and finish of the school day respectively. To examine the impact of these additional journeys, an Active Travel Zone assessment has been carried out for streets in the wider area (four routes to Neasden town centre, Church Road area, Willesden High Road and Dollis Hill station were examined).

4.26 Focusing on the locations of serious accidents in the area and weak points along the four examined routes, a number of recommendations for improvements to the networks for pedestrians and cyclists were put forward in Tables 5.1 and 5.2 of the Transport Assessment. Particular focus is placed on improving cycle route facilities and markings along the routes, improvements to paving and kerbing and the provision of increased seating, litter bins and planting.

4.27 None of these improvements are absolutely necessary to make the school scheme acceptable, but should form the focus of any wider Community Infrastructure Levy funding improvement works for the area.

4.28 A Road Safety Assessment has been submitted which shows a new Puffin Crossing directly outside of the school entrance gates. Whilst there is an existing crossing 100m to the south, concerns were raised during the course of this application, that the location of this crossing relative to the school entrance would not be adequate for pupil safety, due to their desire lines when alighting and boarding bus services. The Puffin Crossing is therefore a welcome addition and would ensure better pupil safety, not only for those using the nearby bus stops but also those approaching the school from Neasden Station.

4.29 In addition to the relocated crossing, suitable signage for the school is to be provided, including SCHOOL KEEP CLEAR zig-zag markings (n.b. these have been marked on the drawing at Appendix E of the Transport Assessment across the car park entrance, but are more important to provide across the main pupil entrance gates) and school advance warning signs. Additional guardrailings will also be considered if necessary.

School Travel Plan

4.30 To help to discourage car use to the site, a School Travel Plan is proposed to be implemented by a School Travel Plan Co-ordinator and to this end, a draft document has been submitted with the application.

4.31 This is intended to follow TfL's STARS accreditation system for Travel Plans and lists 30 potential measures to be included in an initial Action Plan for the school, from which the school will be able to select preferred measures. The aim will be to steadily increase the number of measures employed over the seven year course of the Travel Plan so that Gold accreditation can ultimately be achieved.

4.32 The proposed targets are to reduce the percentage of pupils being brought to the school by car from the baseline estimate of 11.1% to 6.6%, with walking and cycling trips increasing by 3 and 4.5 percentage points respectively. For staff, the aim will be to reduce the percentage of trips by car drivers to 10% over the seven years of the Travel Plan, with walking trips increased from 8% to 12% and cycling from 5% to 8%.

4.33 To monitor progress, an initial survey of travel patterns will be undertaken within six months of the school opening to obtain a measured baseline modal share. Further surveys will then be undertaken annually to assess progress in accordance with the STARS programme.

4.34 The Travel Plan is welcomed and its operation should be secured through an appropriate condition or legal agreement, with a full Travel Plan to be approved prior to first occupation of the school.

Construction Impact

4.35 Consideration has been given to construction impact during the building of the school from January 2020 – January 2022, which will have to be revised. This will be developed into a full Construction Logistics Plan, written in accordance with TfL guidance, to be implemented prior to works commencing. The aim will be to maximise safety and minimise congestion and emissions around the site, through reducing car trips by staff, avoiding peak hour deliveries, using greener vehicles and sustainable transport modes and promoting efficiency.. This is to be secured through a planning condition

Transport Summary

In summary there are no objections to the development on transport grounds subject to (a) the undertaking of highway works through a S278 Agreement under the Highways Act 1980 to (i) install a new Puffin crossing on a raised speed table adjacent to the schools pedestrian entrance to include the removal of on street parking bays along the western side of Neasden Lane and potential removal of the existing crossing on Neasden Lane to the south of the site, in general accordance with drawing 3220-1100-T-021B (ii) provide SCHOOL KEEP CLEAR markings on Neasden Lane in front of all main entrances to the school; (iii) provide advance school warning signs; (iv) provide guardrailings in front of the school entrance (subject to further consideration); (v) provide 5m radius kerbs, tactile paving and a resurfaced crossover at the car park access; and (vi) remove all existing redundant crossovers and reinstate them to footway with full-height kerbs; (b) the provision of four (2 active & 2 passive) electric vehicle charging points within the car park; (c) submission and approval of a full School Travel Plan based upon the submitted draft School Travel Plan prior to occupation of the school; (d) submission and approval of a Delivery, Servicing and Coach Management Plan prior to occupation of the school; (e) submission and approval of a Construction Logistics Plan prior to the commencement; and (f) A financial contribution for TfL to offset the development's impact on the capacity of the bus network and/or otherwise agreed mitigation.

5. Sustainability

5.1 Policy 5.2 of the London Plan requires that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the 'be lean, be clean, be green' hierarchy. For non domestic buildings, a minimum 35 per cent reduction on carbon emissions over Part L of building regulations is required. The submitted development complies with the London Plan in so far as the

development has prioritised the efficiency of the fabric in the first instance and incorporates renewable energy. However, the submitted statement only confirms a 27.5% reduction in carbon emissions which would fail to comply with London Plan requirements. The applicant has stated that there is a significant cost associated with achieving the 35% reduction. Given the nature of the development, being a new state school, there is a capped budget for the site purchase, demolition and construction. 5.2 (c) states that carbon dioxide emissions should be met on site, however, it goes on to state that where it is clearly demonstrated that the specific targets cannot be fully achieved on site, any shortfall may be provided off site through a cash in lieu contribution to the relevant borough. In this case, the applicant has calculated a payment of £24,932 to be secured through a section 106 agreement.

5.2 The submitted sustainability statement has been reviewed by the Council's Sustainability Officer and it is agreed that the strategy is reasonable. Whilst further discussions have taken place with the applicant in order to try and boost this percentage figure, this has not been achieved. However, the wider benefits of the scheme need to be taken in to account in the assessment of this application. Whilst such a shortfall might not normally be acceptable, the nature of the development and the fact that there is a wider demonstrable need for an additional secondary school within the borough, as evidenced by the emerging Infrastructure Delivery Plan which supports the Draft Local Plan, it is not considered reasonable in light of this demand to refuse the application on this basis. Furthermore, discussions have taken place with the applicant in relation to how the design could be maximised to reduce carbon emissions. It was considered that the most feasible way would be to enhance the number of PV panels, however it is accepted that this has already been maximised and the area of the roof that could accommodate the PV panels is limited due to the MUGA and the necessary plants and access to these.

5.3 The application has also been accompanied by a BREEAM pre-assessment demonstrating that the building can achieve an Excellent rating. An interim and post completion certificate to demonstrate this is requested by condition to ensure there is a commitment to achieving this excellent rating.

5.4 The development would therefore fail to comply with emerging London Plan Policy SI2 of the London Plan, although the developer has shown commitment to minimising carbon dioxide emissions in the context of the framework. However, given local needs and with all matters considered, this shortfall can be accepted.

6. Flood Risk

6.1 The subject site is located in an area susceptible to surface water flooding, being within Flood Zone 3a. A Flood Risk assessment and sustainable urban drainage plan has been submitted by the applicant to demonstrate that consideration and provision has been made for the installation and management of measures for the control and reduction of surface water run off.

6.2 Whilst there is a generous proportion of soft landscaping to the front of the site, the majority of the site is occupied by the hard surfaced car parking area and the footprint of the building. There are currently no SuDs features present with most of the surface water run off routed directly to the surface water sewer.

6.3 The submitted information identifies a number of measures that care to be incorporated within the new development in order to safeguard the site from surface water flooding. Amongst the measures identified, are the inclusion of attenuation storage tanks, blue roofs and porous pavements.

6.4 The local authority drainage engineer has been consulted on the application and has confirmed that proposed measures, would ensure that the proposed development does not increase flood risk to the site, but would significantly reduce it by a substantial amount through reduced discharge to greenfield rates.

7. Equalities

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

8. Conclusion

The proposed development would meet an identified need in the borough, with the site being

identified as one of the only ones suitable within the borough to accommodate a new secondary school. The scale and design of the building is considered to be appropriate for its context. Although there have been some shortfalls and the proposal would be a departure from the development plan policy, any harm identified is considered to be clearly outweighed by the wider benefits of the scheme.



Brent

DECISION NOTICE – APPROVAL

Application No: 19/2804

To: Rory McManus
Turley
8th Floor
Lacon House
84 Theobalds Road
London
WC1X 8NL

I refer to your application dated **07/08/2019** proposing the following:

Demolition of existing buildings and construction of a secondary school with sixth-form arranged in a 5 storey building incorporating a multi-use games area (MUGA) at roof level and incidental works to include landscaping, play-areas, means of enclosure, access and car and cycle parking (Departure from Local Plan, however site allocated for education use in emerging Brent Local Plan 2019 – BSSA19)

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

at **Chancel House, Neasden Lane, London, NW10**

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

Date: 01/06/2020

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)
Draft Local Plan (2020)
Core Strategy (2010)
Draft London Plan (2020)
Brent Development Management Policies (2016)
SPD 1 - Brent Design Guide (2018)

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

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

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

10010 Rev P01
10100 Rev P01
10101 Rev P01
10102 Rev P02
10103 Rev P02
10104 Rev P02
10105 Rev P02
10110 Rev P01
10200 Rev P02
10300 Rev P01
19-407-TLP-PA01
19407-TLP-CP06
10601 Rev P01
19407-TLP-PA06
19407-TLP-PA05
FS0616-BMD-ZZ-00-DR-D-59000-P03

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

- 3 Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant works. 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.

- 4 The works shall be carried out in full accordance with the measures specified in the submitted Arboricultural Method Statement and Tree Protection Plan (Simon Pryce Arboriculture dated 20 April 2019).

Reason: In order to ensure that nearby trees are safeguarded during the works.

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

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

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

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

- 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 Prior to first occupation of the development hereby approved, 2 active and 2 passive electric vehicle charging points shall be provided and made available for use with the approved car parking spaces on site. The provision of electric vehicle charging points shall be in accordance with adopted London Plan standards, providing both active and passive charging points, unless otherwise agreed in writing with the local planning authority.

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

- 8 Prior to the occupation of the development hereby approved, the applicant shall submit a Delivery and Servicing Plan detailing the arrangements so to ensure delivery vehicles do not enter the playground when pupils are present.

The delivery and service plan shall be submitted to and approved in writing by the Local Planning Authority and the measures outlined should be implemented and adhered to in full for the lifetime of the development unless otherwise agreed in writing by the local planning authority

Reason: In the interests of highway safety and to comply with DMP 12.

- 9 Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011 + A2:2017 and the Environment Agency's current Land Contamination Risk Management Guidance. A report shall be submitted to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an

assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

- 11 Within 6 months of a material start a BREEAM Interim Stage Certificate shall be submitted to and approved in writing by the local authority to confirm that the development is likely to achieve a BREEAM Excellent Rating.

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

- 12 Prior to the first occupation of the development hereby approved, a community use agreement, shall be submitted to and approved in writing by the local planning authority in consultation with Sports England. The agreement shall apply to the sports hall and MUGA, and shall include details of pricing policy, hours of use, access by non North Brent School members, management responsibilities and a mechanism for review. The development shall then be used in accordance with the approved details.

Reason: To secure well managed safe community access to the sports facility to ensure sufficient benefit to the development of sport and the wider community and to accord with DMP 1.

- 13 Notwithstanding the approved drawings, the doors/gates to the MUGA and sports hall shall open outwards

Reasons: In the interests of sports safety.

- 14 The development hereby approved shall not be occupied until confirmation has been provided that either:- 1.All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- 2. 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.

Reason - Network reinforcement works are likely to be required to accommodate the proposed development.

- 15 The development hereby approved shall not be occupied until confirmation has been provided that either:- 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.

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.

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

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

- 17 Prior to the first occupation of the development hereby approved, 78 secure cycle spaces shall be laid out and provided on site in accordance with the details indicated on drawing no. 19407-TLP-PA01 The cycle parking shall then be retained as approved for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To ensure adequate provision for cyclists and in the interests of sustainable transport.

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

Reason: In the interest of highway flow and safety.

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

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

- 20 The maximum number of coaches allowed on site is one vehicle between the hours of 8:00am to 9:00am and one between the hours of 15:00 to 16:00.

At other times to meet the requirements for occasional school trips, the frequency of such to be agreed with the local planning authority, more than one coach is permitted on the site subject to sufficient school staff are present within the coach set down / pick up area to manage the movement of pupils onto / off the coaches and the on-site coach manoeuvrings.

The arrangements for managing the Coach set down and pick up are to be set out in a Car / Coach Parking Management Plan to be submitted to and approved in writing by the Local Planning Authority before occupation of the school.

Private coaches not exceeding 11m in length are permitted to drop off and pick up on site provided they are capable of turning around within the site so as to access and exit the site in a forward direction.

No on street coach parking outside the school site is permitted.

Reasons: In the interests of highway and school safety.

- 21 Details of the landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding any demolition, site clearance and the laying of foundations). Such details shall include:

- (i) A planting plan for the site
- (ii) Provision of any walls, fences, gates or other form of boundary treatment to be provided or retained;
- (iii) Details of surfacing materials for hard landscaped areas within the site

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

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

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

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.

- 22 Prior to first occupation of the development, a Post Construction Stage Review BRE Certificate shall be submitted to and approved in writing by the Local Planning Authority, The Certificate shall demonstrate that the Development has achieved BREEAM "Excellent" unless otherwise agreed in writing by the Local Planning Authority. The development shall be maintained so that it continues to comply for the lifetime of the development.

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

- 23 Prior to the commencement of development a Construction Logistics Plan, written in accordance with TfL guidance, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To maximise safety and minimise congestion and emissions around the site.

- 24 Prior to the occupation of the development hereby approved details of how the development shall be designed to allow future connection to a district heating network should one become available, shall be submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with the approved details.

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

INFORMATIVES

- 1 In accordance with draft London Plan Policy D11, the application shall submit a fire statement, produced by a third party suitably qualified assessor.
- 2 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.

- 3 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

- 4 The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. https://urldefense.proofpoint.com/v2/url?u=https-3A__developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor2Ddiverting2Dour2Dpipes&d=DwIFaQ&c=OMjwGp47Ad5otWl0__lpOg&r=G_hzVySAkixNxE_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=Yl4yBM67yIYGnNDPhbQjFmbf1FLavz42CbnzNBJustM&s=mANg1HbLXlkh7i0RGcCTN48pgb6M68AfYRE5J2KAKBE&e.

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

- 5 There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, 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=OMjwGp47Ad5otWl0__lpOg&r=G_hzVySAkixNxE_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=Yl4yBM67yIYGnNDPhbQjFmbf1FLavz42CbnzNBJustM&s=mANg1HbLXlkh7i0RGcCTN48pgb6M68AfYRE5J2KAKBE&e

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

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

10 June, 2020
06
19/4434

SITE INFORMATION

RECEIVED	17 December, 2019
WARD	Brondesbury Park
PLANNING AREA	
LOCATION	Pharamond Garages, rear of 258-262 Willesden Lane, Willesden, London
PROPOSAL	Demolition of the existing garages and redevelopment to provide a four storey building comprising 10 self-contained flats with associated car parking, cycle and refuse storage, amenity space and landscaping.
PLAN NO'S	618-2b-001A, 100C, 110A, 111A, 112B, 200A, 300A, 301A, 900A, WIE/SA/95/0009/A02, 0010/A02, 0011/A02 & 240915B
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_148241</p> <p><u>When viewing this as an Hard Copy</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "19/4434" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

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

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

Conditions

1. *3 Years to commence development*
2. *Development to be built in accordance with approved plans*
3. *Details of SUDs/Drainage secured*
4. *Affordable housing*
5. *Restriction on housing to be within C3 use (no C4 use)*
6. *Bike storage and electric charging points*
7. *Details of water consumption*
8. *Requirement for 10% wheelchair accessible units*
9. *Submission of employment and training plan*
10. *Submission of construction management plan*
11. *Submission of energy assessment*
12. *Plant noise*
13. *Contaminated land site investigation*
14. *Contaminated Land remediation*
15. *Submit details of materials*
16. *Submit details of external lighting*
17. *Details of tree works and protection secured*
18. *Submit Air quality neutral assessment and mitigation measures*
19. *Submit landscaping and tree planting details*
20. *Submit Biodiversity action/management plan*
21. *Submit details of Considerate Constructor Scheme*
22. *Confirmation of sewerage capacity*
23. *Confirmation of surface water capacity*
24. *Submit details of sustainable development*
25. *Non-road mobile machinery to be limited in terms of power output*
26. *Revised details of balconies*

Informatives

Asbestos
Party Wall
Building near boundary
CIL liable approval
London living wage
Quality of imported soil
Fire safety
Contact Thames Water
Thames Water – minimum water pressure

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

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

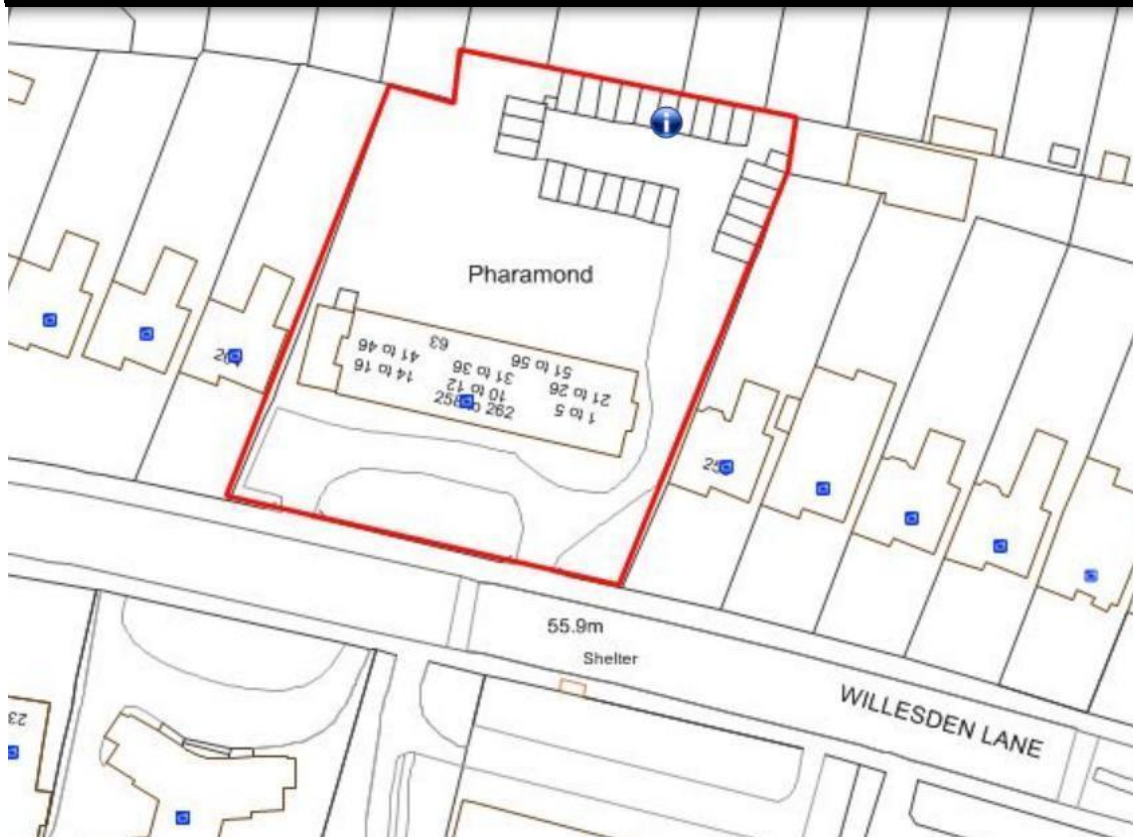


Brent

Planning Committee Map

Site address: Pharamond Garages, rear of 258-262 Willesden Lane, Willesden, London

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This map is indicative only.

PROPOSAL IN DETAIL

The proposal seeks to demolish existing garage block and develop the existing car parking area and garages to the rear of the site to create 10 (2 x 1 bed, 6 x 2 bed and 2 x 3 bed) affordable rent dwellings set out over a four storey building.

Parking provision amended to 24 hard-standing & 1 garage space, with access unaltered.

EXISTING

The site lies to the rear of Pharamond House currently occupied by a car parking area and garages. Pharamond is a six storey building accessed via Willesden Lane that consists of 36 self-contained flats with a large area of communal amenity space to the rear. The site is not located within a conservation area nor does it contain any listed buildings. The surrounding area is generally residential in character.

The site is accessed via 2 x 6.5m crossovers with carriage drive at front of block and a garage block at rear. The garage block is generally in poor condition, with limited use for car parking.

SUMMARY OF KEY ISSUES

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

- **Representations received** – 13 objections have been received and considered. It is considered that the proposal accords with planning policy, having regard to material consideration, and it is recommended that planning permission is granted.
- **Principle of use** - Additional residential homes in this residential area is acceptable in principle.
- **Affordable homes / unit mix** – The proposed development is to be 100% affordable housing (London Affordable Rent). While the proposal does not include any Intermediate Accommodation and the proportion of family size homes (20 %) falls below the target for new homes within the borough, the benefits of providing Affordable Rented accommodation are considered to outweigh the harm associated with the absence of Intermediate accommodation and the lower proportion of family homes given the acute need for Affordable Rented accommodation.
- **Design/Heritage impacts** – The proposed development is considered subordinate in scale to the main building, Pharamond, and appropriate in character and appearance for its context. The proposal will not result in any harm to designated heritage assets.
- **Quality of accommodation** – The proposed accommodation would be of good quality size and layout, consistent with London plan standards, with good access to light, outlook, with adequate amenity provision for existing and future occupiers.
- **Neighbour amenity** – The proposals generally comply with guidance of SPD1 subject to conditions relating to the balconies of three of the flats.

- **Highways** – The proposal will result in a reduction from 40 to 25 parking spaces. However, the applicant reports that 22 of the 24 garages is disused. The resultant level of parking is considered to be sufficient for the existing and proposed homes, and no significant harm is considered likely to occur to the highway network.
- **Trees, landscaping** – 9 Individual trees and two groups of trees are proposed to be removed. However, a number of trees are proposed to be planted to mitigate the loss of the trees and tree protection measures are proposed to be put in place for the trees that are to be retained. 25 trees are proposed for planting throughout the site.
- **Environment and sustainability** – It is proposed that the new homes are connected to the heat network within Pharamond if feasible, with Air Source Heat Pumps provided if this is not feasible. The approach is considered to be acceptable, but an updated energy statement is recommended to be secured through condition. Consideration has been given to ecology and the sustainable development of the proposals benefits of which are proposed to be secured by conditions.

RELEVANT SITE HISTORY

No formal planning applications in recent times.

CONSULTATIONS

Site notices were placed outside the site and a press notice was placed in local paper.

119 Neighbour notification letters were sent to nearby addresses.

In total 13 objections were received were received

Summary of Objection Comments:

Comment	Response
Inappropriate height and bulk, materials and appearance	Refer to character and appearance section.
Loss residential amenity, outlook, light, privacy	Refer to neighbouring amenity section.
Will increase traffic and parking problems	Refer to highways section.
Lack of affordable housing	Refer to affordable housing section.
Not in keeping with area	Refer to character and appearance section.
Excessive noise and nuisance	Refer to noise section.
Loss of trees and greenspace and reliance on tree cover of other properties	Refer to trees and landscaping section, character and appearance and neighbouring amenity sections.
Inappropriate stacking of flats	Whilst there are some living rooms over bedrooms, new development in accordance

	with building regulations is able to ensure appropriate sound insulation measures.
The proposed flats may not receive a Freeview TV signal as the Pharamond blocks signal from Crystal Palace.	TV signal to new development is not a material planning consideration.
Willesden Lane a historic pilgrimage route and the provision of additional parking will be detrimental to the character of the lane / path.	The proposed development is not considered to adversely affect the character of Willesden Lane. Please see character and appearance section.
Garages better use of site	Use of land for housing helps meet the objectives of the development plan policies CP2 and CP21 to deliver more housing choice.
Right to light	Is a civil matter.

External Consultees:

Thames Water – Prior to occupation sewerage and drainage capacity shall be confirmed. This can be secured by condition.

Internal Consultees:

Lead Local Flood Authority – Drainage strategy will reduce existing impacts by 65%, overall drainage strategy improvement on existing and acceptable.

Tree officer – no objection subject to condition encouraging additional and native planting.

Sustainability officer – Acceptable subject to condition.

Environmental health – no objection subject to conditions.

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

- 2.18 Green infrastructure
- 3.1 Life Chances for All
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities

- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 5.2 Minimising Climate Change
- 5.3 Sustainable Design and Construction
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.15 Water Use and Supplies
- 6.3 Assessing Effects of Development on transport Capacity
- 6.9 Cycling
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands

Brent Core Strategy (2010)

- CP1: Spatial Development Strategy
- CP2: Population and Housing Growth
- CP5: Placemaking
- CP6: Design & Density in Place Shaping
- CP16: Town Centres and Sequential Approach to 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

Brent Development Management Policies (2016)

- DMP1: Development Management General Policy
- DMP2: Supporting Strong Centres
- DMP3: Non Retail Uses
- DMP7: Heritage Assets
- DMP9A: Managing Flood Risk
- DMP9B: On Site Water Management and Surface Water Attenuation
- DMP11: Forming an Access on to a Road
- DMP12: Parking
- DMP13: Movement of Goods and Materials
- DMP15: Affordable Housing
- DMP18: Dwelling Size and Residential Outbuildings
- DMP19: Residential Amenity Space

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 some policies contained within

the draft Brent Local Plan.

Key draft Local Plan policies include:

BD1: Leading the Way in Good Urban Design
BSI1: Social Infrastructure and Community Facilities
BE1: Economic Growth and Opportunities For All
BG11: Green and Blue Infrastructure in Brent
BH1: Increasing Housing Supply in Brent
BHC1: Brent Heritage Assets
BH5: Affordable Housing
BH6: Housing Size Mix
BG12: Trees and Woodlands
BSUI2: Air Quality
BSUI4: On Site Water Management and Surface Water Attenuation
BT1: Sustainable Travel Choice
BT2: Parking and Car Free Development
BT3: Freight and Servicing

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 weight.

Key London Plan “Intend to Publish” version policies include:

GG1 Building Strong and inclusive communities
GG2 Making the best use of land
GG3 Creating a healthy city
GG4 Delivering New Homes Londoner's need
GG6 Increasing Efficiency and Resilience
D1 London's Form and Characteristics
D4 Delivering Good Design
D5 Inclusive Design
D6 Housing Quality and Standards
D7 Accessible Housing
D3 Optimising Site Capacity
D11 Safety, Security and Resilience to Emergency
D12 Fire Safety
D14 Noise
G1 Green Infrastructure
G5 Urban Greening
G6 Biodiversity and Access to Nature
G7 Trees and Woodlands
H1 Increasing Housing Supply
H4 Delivering affordable housing
H5 Threshold approach to applications
H6 Affordable housing tenure
H10 Housing size mix
S3 Education and Childcare Facilities
S4 Play and Informal Recreation
SI1 Improving Air Quality
SI2 Minimising Green house Emissions
SI3 Energy infrastructure
SI4 Managing Heat Risk
SI7 Reducing Waste and Supporting the Circular Economy
SI12 Flood Risk Management

SI13 Sustainable Drainage
T4 Assessing and Mitigating Transport Impacts
T5 Cycling
T6 Car Parking
T7 Deliveries, servicing and construction
DF1 Delivery of the Plan and Planning Obligations

Other Relevant Material Considerations include:

National Planning Policy Framework

Supplementary Planning Documents/Guidance (SPD/SPG)

Brent SPD1: Design Guide for New Development (2018)
Brent s106 Planning Obligations SPD (2013)
Brent Waste Planning Guide
Mayor's Affordable Housing and Viability SPG
Mayor's Housing SPG
Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG
Mayor's Sustainable Design and Construction SPG
National Planning Practice Guidance
National Design Guide

DETAILED CONSIDERATIONS

Principle

1. The application site is located within an existing residential area and the proposed building would largely be sited on an area currently occupied by a garage block. As such, the general principle of the residential use of the site is already established. The delivery of housing helps meet other objectives of the adopted development plan such as CS Policy CP2 and CP21 to deliver additional and balanced housing stock.
2. The proposed building would sit behind the main building line and Policy CP17 is relevant, relating to the suburban character of Brent. The proposal is considered to relate appropriately to its context for the reasons set out within the "Character and appearance" section of this report.
3. The general principle of the development of the site to provide new homes is considered to accord with policy, subject to the relevant material planning considerations set out below.

Affordable Housing

4. Brent's adopted local policy (CP2 and DMP15) sets out the affordable housing requirements for major applications and 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 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. The policies allow for the reduction in the level of Affordable Housing (below the 50 % target) on economic viability grounds. This is discussed in more detail later in this report.

5. The emerging London Plan (Intend to Publish Version) has been subject to examination and the associated affordable housing policies (H4, H5 and H6) are now given greater weight. These policies establish the threshold approach to applications where a policy compliant tenure mix is proposed*, where viability is not tested at application stage if affordable housing proposals achieve a minimum of:
 - 35 % Affordable Housing; or
 - 50 % Affordable Housing on industrial land** or public sector land where there is no portfolio agreement with the Mayor.

6. * other criteria are also applicable.

** industrial land includes Strategic Industrial Locations, Locally Significant Industrial Sites and non-designated industrial sites where the scheme would result in a net loss of industrial capacity.

7. The policies set out the Mayor's commitment to delivering "genuinely affordable" housing and the following mix of affordable housing 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 homes;
 - 40% to be determined by the borough based on identified need.
8. When interpreting these policies, the tenure mix set out in Brent's adopted policies (70:30 ratio of Affordable Rent : Intermediate) and Brent's emerging policies (70:30 ratio of London Affordable Rent : Intermediate) provide clarity on the tenure of the third category (40 % to be determined by the borough). This means that this element of Affordable housing mix should be provided as Affordable Rented homes.
9. These policies allow for a reduction to affordable housing obligations on economic viability grounds where it can be robustly demonstrated that the target level of affordable housing would undermine the deliverability of the scheme. The policies require schemes to deliver the maximum reasonable amount of Affordable Housing (i.e. the most that the scheme can viably deliver, up to the targets) and schemes that aren't eligible for the threshold approach must be accompanied by a Financial Viability Assessment. It is important to note that these policies do not require all schemes to deliver 35 % or 50 % Affordable Housing.
10. Brent's emerging Local Plan has yet to be examined by the Planning Inspectorate and as such the adopted policy DMP15 policy and emerging London Plan policies H4, H5 and H6 would carry considerably more weight than the Brent emerging Affordable Housing policy at this point in time.

11. All of the proposed homes (100%) will be affordable housing at London affordable rent, this exceeds policy requirements for 50% affordable housing on public land and complies with the emerging London Plan and Brent policies for Affordable Rented homes. The scheme would not include 30 % Intermediate homes set out within Brent and London Plan policy targets. However, given the acute shortage of Affordable Rented homes, the benefits of the proposed mix is considered to significantly outweigh the absence of intermediate homes.

Unit Mix/Family sized dwellings

12. Brent Policy CP21 requires Major developments (10+ homes) to include a proportion of family sized homes and the proposal accords with this, with two 3-bedroom flats proposed. Policy CP2 of Brent's Core Strategy 2010 sets a borough wide target of 25% of the new homes to be family sized. If directly applied to this scheme rather than on the borough-wide basis set out in this policy, this would correspond to a minimum of 2.5 homes. The proposal includes 20% family sized units. Emerging Brent Policy BH6 sets targets for family homes on a scheme basis. However, objections have been received to this policy and it can only be given limited weight prior to the Examination in Public of the draft Local Plan.
13. When balancing the shortfall against the borough wide target and the benefits of the scheme (100 % London Affordable Rent homes) and taking into account the compliance with Policy CP21, the proposed housing mix is considered to be acceptable.

Character and Appearance

14. London Plan policy 7.1 ("Lifetime Neighbourhoods") advises that the design of new buildings and the spaces created by them should "help to reinforce or enhance the character, permeability, and accessibility of the neighbourhood" while policies 7.4, 7.5 and 7.6 confirm the requirement for achieving the highest architectural quality, taking into consideration the local context and its contribution to that context. Design should respond to contributing towards "a positive relationship between urban structure and natural landscape features..." Additional design guidance can be found in DMP1 ("Development Management General Policy") and within the Councils SPD1 ("Design Guide for New Development").
15. Local Plan Policy DMP1 states that development will be acceptable provided it is of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design and complements the local area. Core Strategy Policy CP17 states that the distinctive suburban character of Brent will be protected from inappropriate development.
16. A four storey building with recessed fourth storey is considered to be acceptable in this location. It will be subordinate to the existing 6 storey Pharamond and would have a spacious setting, set well in from the neighbouring boundaries. It would not occupy a street

frontage. However, there are other examples of built forms projecting significantly back from the street frontage in the vicinity, including Yates Court and Hillspring Hostel. The proposal is largely to be situated on land currently occupied by garages and parking and is not considered to be harmful to the suburban character of the area.

17. The design is considered acceptable in the context of the existing Pharamond House. The fenestration and balconies help reduce the visual mass and bulk of the building, whilst the use of high quality brickwork add to the character and appearance of the building.
18. Overall the proposals are considered to represent appropriate quality architecture which relates well to Pharamond House and will help to improve the function and overall quality of the area, with sympathetic design, effective landscaping and appropriate mix of uses and improved accessibility consistent with the objectives of the development plan.

Density

19. Policy CP6 supports high densities in areas of good public transport accessibility, subject to the quality of the design, location of the site and the need to provide family housing. Given the large site increasing density of the site is considered proportionate to the wider context of the site and makes efficient use of the land.

Quality of Residential Accommodation

20. Local Plan Policies DMP1 and DMP18 state that it is important that development provide high levels of internal amenity and create a high quality environment, and should be consistent with London Plan Policy 3.5, Table 3.3 'Minimum Space Standards for New Dwellings'.
21. All of the residential units would meet or exceed the minimum size standards as required by DMP policy DMP18, London Plan policy 3.5 and emerging London Plan policy D6 with efficient layout and good aspect, outlook and light.
22. Policy DMP19 provides guidance for outdoor residential amenity space and specifies that new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents needs. It is specified that this is normally expected to be 20 sqm per flat and 50 sqm per family unit including ground floor flats. This quantum is not an absolute, as the policy does allow for some flexibility in that this quantum is to be "normally expected". Moreover, where sufficient private amenity space cannot be achieved, communal amenity space is acceptable. Emerging London Plan policy D6 sets out a requirement for 5 sqm for 1- or 2-person flats, and 1 sqm for each additional person beyond this. Of the 10 proposed flats, Flats 9 and 10 on the third floor are each provided with terraces offering 20 sqm. Flat 9 has three bedrooms but is not at ground level and as such, the 20 sqm target is applicable. Each of the second and first floor flats are provided

with balconies of either 7sqm or 8sqm. These are 1-bedroom 2-person or 2-bedroom 4-person flats so meet emerging mayoral policy. Both of the ground floor flats are provided with larger private terraces (20sqm and 13sqm respectively). All flats accord with emerging London Plan Policy D6 in terms of external space, but there is a shortfall of 112 sqm of private amenity space below DMP19 targets, which could therefore be provided in the form of communal space.

23. Approximately 1,020 sqm of communal amenity space is available within the grounds which are shared with the existing flats, Pharamond.
24. Pharamond consists of 36 flats that are understood to be either one or two bed units, with 5 units on the ground floor and the remainder over the 6 upper floors. The 20 sqm target result in a requirement of 870 sqm for the existing flats in addition to the 112 sqm shortfall within the proposed 10 home scheme. This would create an overall requirement of 990 sqm. The communal provision of 1,020 sqm would meet the targets set out in Policy DMP19 when applying the standards to both the existing and proposed flats. The level of private external amenity space for two one-bedroom flats is likely to reduce to 5 sqm (each) as a result of the amendment to the balconies discussed below. However, the level of external amenity space would continue to be acceptable.
25. Outlook and access to light are considered to be satisfactory. Overall the proposed flats would benefit from good aspect and dual aspect in most cases.

Neighbouring Amenity

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

Privacy

27. The design guide for new developments SPD1 outlines the minimum distance between habitable facing windows is 18m and distance from windows to private amenity space should be 9m. The distance between the proposed buildings and Pharamond measures 17.75 m on the submitted drawings. A shortfall of 25 cm below targets is not considered to result in noticeably less privacy. The amenity spaces within the Pharamond grounds are communal rather than private, and the development meets or exceeds the minimum distance of 9 m to surrounding suburban gardens.
28. One projecting balcony is proposed on the northern side of the building and two on the eastern side which would be less than 9m from the adjoining garden. This would result in levels of overlooking of adjoining gardens beyond those anticipated within SPD1. This

could be addressed by:

- relocating one of the balconies on the eastern side of the building to the southern side;
- relocating the balcony to the north so that it is situated within eastern façade;
- Partly recessing the balconies in the eastern façade and reducing their size to 5 sqm (which will continue to meet size targets).

29. This would not be considered to materially alter the scheme and could be secured through condition. It would result in a reduction in internal floorspace, but levels of floorspace are not likely to fall below the 50 sqm target. A good standard of residential accommodation would continue to be provided and the reduced level of private external amenity space would continue to be mitigated by the provision of communal amenity space. This amendment is recommended to be secured through condition.

30. The balconies within the southern façade and western façade comply with SPD1 guidance as they are adjacent to communal amenity space and are more than 9 m from habitable rooms.

Daylight/Sunlight/Outlook

31. The design guide for new developments SPD1 outlines the 30 and 45 degree principles in relation to the potential impact of a development on the outlook from adjoining properties, and the potential for an overbearing relationship. The proposed building is shown to comply with the 30 degree line guidance set out in SPD1. The proposed building is shown to be approximately 11.6 m above ground level within the adjoining gardens and a minimum of 9 m from the boundary. Elements of the proposed building will project marginally (up to 0.6 m) above the SPD1 45 degree line from the adjoining gardens. However, this relates to relatively small parts of the building: a 5.1 m wide section of the stair core within the northern façade and a 4 m wide section of the eastern façade of the proposed building. The affected gardens are large, with the garden to the rear (north) approximately 30 m deep garden and the garden to the side (east) approximately 30 m deep and 12.5 m wide. The proposal is not considered to have a significant impact on these gardens.

32. Brent SPD1 encourages the use of BRE209 guidance in the assessment of potential impacts on surrounding properties and amenity / open spaces. A Daylight and Sunlight Assessment has been submitted to accompany the application. This assessment concludes that the proposed development would have an imperceptible impact on nearby windows and amenity areas in terms of daylight and sunlight. Only 5 windows are shown to have levels of VSC reduction in excess of 20 %. However, the absolute value for the associated windows remains above the BRE target of 27 % and the windows continue to meet BRE guidance. Daylight Distribution (also known as no-sky-line) testing has not been undertaken. However, the layout of surrounding homes would not be known and in such

instances, such testing is not necessary. Also, the development would not project above the BRE 25 degree line for most surrounding windows and further testing of those windows is therefore not required. The neighbouring properties would retain acceptable levels of daylight/sunlight and outlook.

Noise

33. Local Plan Policy DMP1 states that new development will be acceptable providing it does not unacceptably increase exposure to noise and general disturbances.
34. The predominantly residential use of the site fits within the surrounding residential context and unlikely to generate significant noise impacts to neighbouring occupiers.

Parking, access and refuse storage

35. 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). Policies DMP11 and 12 provide the criteria upon which developments will be assessed with regard to layout and access / servicing / parking standards.
36. The NPPF para.109 states, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
37. The site has PTAL 3 (moderate) score. Willesden Lane is a London distributor road & bus route. On-street parking prohibited 8am-6.30pm & loading prohibited at peak hours along site frontage. Wider area within Controlled Parking Zone "MA" – 10am-3pm weekdays.
38. As the site is in a PTAL 3 area, the higher residential parking allowance set out in Table 6 of Appendix 1 of the DMP applies.
39. The sizes of the 36 existing flats are 1 and 2 bed units. On this basis, up to 36 off-street parking spaces would be allowed and the existing provision of about 40 spaces exceeds the maximum allowance (although the applicant states that 22 of the 24 garages are currently disused).
40. This proposal would increase the maximum parking allowance by 11 spaces to 47 spaces. At the same time, the off-street parking provision would be reduced to 25 spaces through the demolition of the rear garage court. The site would therefore be brought into line with maximum standards.

41. Policy DMP12 also requires that any overspill parking that is generated can be safely accommodated on-street though. In this case, the site fronts a major London distributor road and bus route which needs to be kept clear to cater for high volumes of traffic. The street frontage does not therefore offer scope to accommodate parking from this site and it is considered essential that the site continues to provide sufficient off-street parking to meet demand.
42. In this respect, affordable social rented housing is generally predicated to generate parking demand at about 50% of the maximum parking standard, which would equate to about 24 spaces in this case.
43. To test whether this is the case in practice, a Transport Consultant has been appointed to carry out overnight car parking surveys on four separate dates in March 2017 and December 2018. The latter survey dates included the site itself and identified 18-19 cars parking overnight at present. This equates closely to the 50% parking level assumed above. It also corresponds fairly closely with 2011 Census data, which records average car ownership for flats in the immediate area as 0.45 cars/flat. On this basis, the proposed provision of 25 spaces is considered sufficient to meet demand and thus mitigate potential overspill parking.
44. Of the proposed parking spaces, one is to be marked for a disabled person, in accordance with standards. Eleven spaces (five active and six passive) are also to be provided with electric vehicle charging points, in accordance with London Plan standards.
45. The new spaces towards the rear of the site are generally to be provided parallel to the access drive and all spaces are shown with adequate dimensions and turning space.
46. The London Plan requires at least 18 secure bicycle parking spaces for the new flats. An internal bicycle store for 18 bikes on semi-vertical racks has been shown to satisfy this requirement.
47. Tracking has been provided to demonstrate that the driveway layout will be able to accommodate access and turning by 10m refuse vehicles (and thus fire appliances) adjacent to the new block, so maximum refuse carrying and fire hose distances would be complied with.
48. A 1.35m wide segregated pedestrian footway is proposed alongside the existing driveway to access the new block of flats to the rear, which is fine. It does result in the carriageway being reduced to a single-width of about 3.5m for a distance of about 15m, but there is plenty of space for vehicles to wait at either end of the pinch point clear of the highway, with clear visibility between vehicles, so this arrangement is fine.

49. Overall the development would be safe with suitable access and the impacts on the highway would be limited.

Wheel chair accessibility

50. London Plan Policy 3.8 requires 90% of new housing to meet Building Regulation requirement M4 (2) “accessible and adaptable dwellings”. It also requires 10% of new housing to meet the Building Regulation requirement M4(3) “wheelchair user dwellings”.
51. One of the units proposed (10%) meets Building Regulation requirement M4(3) ‘wheelchair user dwellings’ and the rest of the units (90%) meet requirement M4(2) ‘accessible and adaptable dwellings’, in compliance with the London Plan (2016).

Air quality

52. Demolition and construction therefore has the potential to contribute to background air pollution levels and cause nuisance to neighbours. Environmental Health have assessed the application, with potential mitigation measures appropriately secured by condition.
53. Prior to the commencement of the development a Construction Method Statement should 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.
54. 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. This can be secured by condition.

Land Contamination

55. The site to be redeveloped use as garages gives rise to potential land contamination. A site investigation and remediation conditions should be attached to any grant of permission to protect human health and restore healthy ground conditions.

Trees / Landscaping

56. London Plan Policy 5.10 ('Urban Greening') and DMP Policy DMP1 seeks to retain high amenity trees and landscape features and provide appropriate additions or enhancements.

Trees are a key component of green infrastructure and help to create resilient and more sustainable development. Core Policy 18 ('Protection and Enhancement of Open Space, Sports and Biodiversity') of the Core Strategy confirms that support will be given to the improvement of the built environment.

57. The proposed development is expected to require the removal of nine individual trees and two groups of trees. However, the majority of these trees are deemed to be of a low, Category C value.
58. It is expected that some construction works will be carried out within the RPAs of a Silver Maple tree (T8), Damson (T13) and a mixed species tree group (number G4) towards the northern site boundary.
59. No significant impacts of development on the Root Protection Areas (RPAs) of retained trees are anticipated. In order to minimise unforeseen impacts on retained trees, it is recommended that proposed works are conducted in accordance with the guidelines set out in BS5837:2012 and that tree protection barriers are installed to protect retained trees. This recommendation forms part of the arboricultural survey which will be conditioned as an approved document.
60. The Council's Tree officer raises no objection to the removal of trees as set out within the arboricultural impact assessment and agree that the root ingress into retained trees can be carefully managed with a suitable arboricultural method statement and tree protection plan.
61. Some objections have been received which specify that the scheme relies on trees within adjoining sites. However, the proposed building is set sufficient from the boundaries to ensure levels of privacy in line with SPD1 (subject to the conditions discussed above).
62. The proposed tree planting includes some very attractive species which are proposed between existing and proposed flats, further details will be required by condition to ensure species of tree are used with appropriate durability and of a more robust flowering natives to provide food source for pollinators and appropriate biodiversity enhancement.
63. The inclusion of a temporary irrigation system is a positive aspect of the scheme.
64. The landscaping arrangements offer a more flexible and diverse arrangement of amenity areas and is considered to take opportunity to improve the existing arrangements.

Biodiversity and Ecology

65. Policy 7.19 ('Biodiversity and access to nature') of the London Plan requires development

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

66. Local authority has a duty to consider potential impacts upon biodiversity, wildlife and protected species as part of policy and decision making as set out in sec 40 of the National Environment and Rural Communities Act 2006 (as amended) (NERC) and The Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2010 (as amended). It is an objective of the NPPF (paragraphs 8 and 175) to help improve biodiversity.
67. Given the site context the risk to protected species is low. No immediate risk is identified to wildlife or protected species from the proposals and there are no local wildlife sites or sites of nature conservation or notable habitats close to the site.
68. A suitable biodiversity management plan could be conditioned to meet the objectives of policies CP18 and DMP para 5.6 which requires all developments to make a positive contribution to biodiversity to enhance habitat opportunities and a lighting condition will also have relevance to enhancing biodiversity on site.

Flood Risk

69. London Plan policies 5.12 and 5.13 require the consideration of the effects of development on flood risk and sustainable drainage respectively. Policy DMP9A ('Managing Flood Risk') confirms that new development must avoid and reduce the risk of flooding, and not increase the risks elsewhere and that planning permission will only be granted for proposals which have addressed all sources of flood risk and would not be subject to, or result in unacceptable levels of flood risk on site or increase the level of flood risk to third parties. DMP9B ('On Site Water Management and Surface Water Attenuation') requires minor schemes to make provision of an appropriate SuDS scheme where feasible.
70. The Council's drainage engineer has reviewed the application and supports the improvements proposed. The site is within a fluvial flood zone 1, also is close to a surface water flood zone 3 which is adjacent to the site. The proposed site will demonstrate almost a 65% reduction in discharge rates to the current site. This will result in an overall mitigation of flood risk to the surface water catchment.
71. Thames water have requested conditions to confirm appropriate surface and foul water capacity prior to occupation which can be attached to any grant of permission.

Sustainable Design and Construction

72. London plan Policy 5.3 Sustainable Design and Construction and the Mayors Sustainable Design and Construction SPG requires applicants to demonstrate sustainable design standards are integral to new development, including its construction.
73. 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.
74. Initially the use of individual boilers was proposed. However, the approach was revised in response to feedback from the Council's sustainability officer. It is now proposed that the feasibility of connection to the heat network within Pharamond House is evaluated and this option is taken forward if possible. If this is not feasible then the use of individual Air Source Heat Pumps is pursued. The revised approach is considered to be acceptable, but would required an updated energy assessment which can be secured through condition.
75. London Plan policy 5.18 confirms that through the Local Plan, developers should be required to produce site waste management plans (SWMP) to arrange for the efficient handling of construction, excavation and demolition waste and materials. The supporting text to CP19 ('Brent Strategic Climate Change Mitigation and Adaptation Measures') of the Core Strategy confirms that developers will be expected to play their part in reducing the overall waste arising and is managed towards the upper end of the waste hierarchy.
76. A construction method statement/management plan condition could demonstrate acceptable construction practices to avoid excess waste and nuisance arising from the development.

Fire Safety

77. The London Plan policy 7.13 requires development to minimise potential risk from fire and draft London Plan policy D12 also requires fire statement for major applications, although acknowledges this typically a matter for building regulations to address. The proposals would provide adequate access for a fire appliance to reach the development and details of fire mitigation in the construction of the building is a matter of building regulations to address. A report has not been provided with the application. However, the submission include vehicle tracking drawings showing that a fire appliance can enter the site, access the development and turn within the site. The detailed fire strategy will be dealt with within the Building Regulations application (should permission be granted).

Public Sector Equality Duty

78. The Equality Act 2010 came into force in April 2011. Section 149 of the Act introduced the public sector equality duty, which requires public authorities to have 'due regard' to the need to eliminate discrimination on the grounds of the relevant protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation, and to advance equality of opportunity. In relation to this specific application due regard has been made to the protected characteristics and it is considered that there would be no adverse impact caused following this development.

Conclusion

79. The proposal are considered to have significant benefits of delivering 10 London Affordable Rented homes and make effective use of previously developed land. The scale and massing is appropriate in the context of the broader Pharamond House site and remains a subordinate development of complimentary character and appearance.

80. Appropriate replacement tree planting and landscaping can be secured by condition which will ensure a net gain of trees on site as well as further enhance and integrate the development with the locality.

81. The proposal development sufficiently complies with guidance in SPD1 with respect to neighbouring amenity and not considered to cause undue harm to existing or future occupier overall living conditions, therefore meeting the requirements of policy DMP1.

82. On balance the proposals are considered to accord with the objectives of the development plan and it is recommended the application be approved.

CIL DETAILS

This application is liable to pay **£131,372.61** * 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): 350 sq. m.

Total amount of floorspace on completion (G): 716 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
(Mayoral) Dwelling houses	716	0	366	£0.00	£60.00	£0.00	£22,226.18
(Brent) Dwelling houses	716	0	366	£200.00	£0.00	£109,146.43	£0.00

BCIS figure for year in which the charging schedule took effect (Ic)	224	330
BCIS figure for year in which the planning permission was granted (Ip)	334	

TOTAL CHARGEABLE AMOUNT	£109,146.43	£22,226.18
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*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: 19/4434

To: Miss Csuka
JLL
30 Warwick Street
London
W1B 5NH

I refer to your application dated **17/12/2019** proposing the following:

Demolition of the existing garages and redevelopment to provide a four storey building comprising 10 self-contained flats with associated car parking, cycle and refuse storage, amenity space and landscaping.

and accompanied by plans or documents listed here:

618-2b-001A, 100C, 110A, 111A, 112B, 200A, 300A, 301A, 900A, WIE/SA/95/0009/A02, 0010/A02, 0011/A02 & 240915B

at **Pharamond Garages, rear of 258-262 Willesden Lane, Willesden, London**

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

Date: 01/06/2020

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 on balance is considered acceptable when considered against the development plan and all material considerations.

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

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

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

618-2b-001A,
100C,
110A,
111A,
112B,
200A,
300A,
301A,
900A,
WIE/SA/95/0009/A02,
0010/A02,
0011/A02
240915B
RT-MME-129209-05 Rev A

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

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

- 4 The residential units of the development hereby approved shall be implemented and maintained for the lifetime of the development as 100% affordable rented housing (capped at London Affordable Rent as defined by the Mayor of London document, Homes for Londoners - Affordable Homes Programme 2016-2021, Nov 2016, with rents to set at rate no more than the relevant benchmark of the year of first occupation and thereafter London Affordable Rent homes will be subject to rent-setting guidance issued by the Social Housing Regulator) and LB Brent will have the right to nominate people to be housed in the whole of the affordable housing development, unless otherwise agreed in writing with the local planning authority.

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

Reason: To ensure the development is implemented in accordance with the approved details submitted having regard to Local Plan affordable housing policy, the weight that was given to

this scheme being 100% affordable when reaching a decision and to contribute to meeting Brent's identified housing needs, including meeting LB Brent's statutory housing duties.

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interest of providing local employment opportunities.

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

statement shall be implemented throughout the duration of construction.

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

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

Non Road Mobile Machinery

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

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

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

- 11 Prior to commencement of development (excluding any site clearance, demolition and hoarding) an updated Energy assessment shall be submitted including feasibility study regarding connection to Pharamond House heat network and confirmation of details of means of heating and hot water for future occupiers. The details shall be agreed prior to the commencement of development and thereafter implemented and maintained in accordance with approved details.

Pending the outcome of the Energy Assessment should it be necessary the applicant shall enter into a Memorandum of Understanding (MOU) with the Local Planning Authority in order to provide appropriate offsetting measures for the development's carbon emissions.

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

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

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

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

The plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: To safeguard the residential amenity of nearby properties.

- 13 Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011 + A2:2017 and the Environment Agency's current Land Contamination Risk Management Guidance. A report shall be submitted to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

- 15 Prior to commencement of development (excluding any site clearance, demolition and hoarding), details of materials for all external work, including samples which shall be made available for viewing on site, shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

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

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

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

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

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

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

Reason: To protect local air quality.

- 19 Prior to first occupation of the development, details of tree planting and landscaping scheme has been submitted to and agreed in writing with the local planning authority. The approved details shall be implemented in full prior to the first occupation of the development hereby approved.

Any planting that is part of the approved scheme that within a period of five years after planting

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

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

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

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

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

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

- 21 The development shall not be occupied until confirmation has been provided in writing to the local planning authority that either:

- all wastewater 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.

Reason - The ensure sustainable development with appropriate infrastructure and protect against sewage flooding

- 22 The development shall not be occupied until confirmation has been provided that either:

- all surfacewater 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.

Reason - The ensure sustainable development with appropriate infrastructure and protect against sewage flooding and pollution

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

Reason: To protect local amenity and air quality in accordance with Brent Policy DMP1 and London Plan policies 5.3 and 7.14.

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

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

- 25 Prior to the commencement of development, revised details of the balconies for flats 03, 06 and 07 shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details. The revised balconies shall be situated no less than 9 m from a boundary with an adjoining residential garden and shall be at least 5 sqm in size in relation to flats 3 and 6 and 7 sqm in size in relation to flat 7.

Reason: In the interest of the privacy of adjoining occupiers and to ensure a satisfactory standard of accommodation for future residents of the development.

INFORMATIVES

- 1 Given the age of the building to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.
- 2 (PWAL) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 3 (F16) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 The applicant is advised that 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.
- 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 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 Council recommends that the maximum standards for fire safety are achieved within the development.
- 8 Thames Water advise the applicant that if they are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.
- 9 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

10 June, 2020
07
19/1099

SITE INFORMATION

RECEIVED	21 March, 2019
WARD	Wembley Central
PLANNING AREA	
LOCATION	192A Ealing Road, Wembley, HA0 4QD
PROPOSAL	First floor rear extension and loft conversion to incorporate 4 new flats, three side dormer windows, proposed rooflights, first floor rear terrace area, provision of internal cycle storage, creation of refuse storage to ground floor with installation of new side ground floor door, increase in height to single storey rear projection and alterations to fenestration
PLAN NO'S	See Condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_144525</p> <p><u>When viewing this as an Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "19/1099" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

A. That the Committee resolve to GRANT planning permission.

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

Conditions:

1. 3 Year time period
2. Approved plans / drawings
3. Removal of permitted development rights relating to change of use to C4
4. Obscured glazed flank wall windows
5. Refuse store for flats
6. Cycle store for flats
7. External materials to match
8. Highway works
9. Parking permit restriction


Informatives:

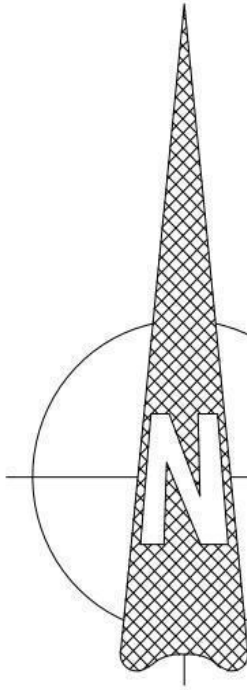
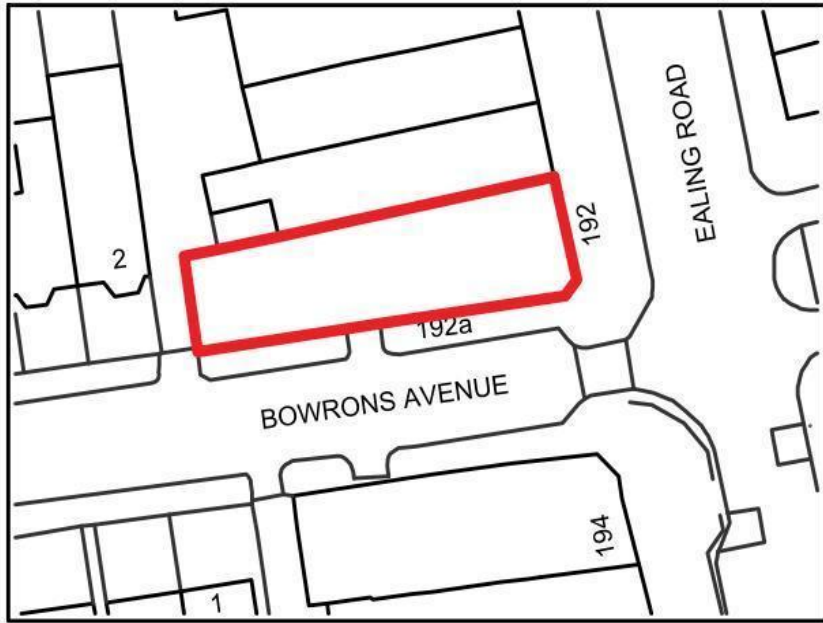
1. CIL approval
2. Building near a boundary
3. Party Wall etc Act
4. Damage to the highway during works
5. Any other informative(s) considered necessary by the Head of Planning

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

SITE MAP

	Planning Committee Map
Brent	Site address: 192A Ealing Road, Wembley, HA0 4QD
	© Crown copyright and database rights 2011 Ordnance Survey 100025260



SITE LOCATION

scale 1:1250

This map is indicative only.

PROPOSAL IN DETAIL

A first floor rear extension and loft conversion to incorporate 4 new flats (one studio, one 1 bedroom flat and two 2 bedroom flats), three side dormer windows, proposed rooflights, first floor rear terrace area, provision of internal cycle storage, creation of refuse storage to ground floor with installation of new side ground floor door, increase in height to single storey rear projection and alterations to fenestration.

EXISTING

The application site comprises of a two storey end of terrace building located within a corner of Ealing Road and Bowrons Avenue. The building is relatively new construction (planning permission granted in 2005– see planning history below). The ground floor contains multiple retail units. The authorised use of the upper floor is for two flats (1 x two-bedroom flat and 1 x one-bedroom flat), although the plans submitted with the planning application indicate that it is use in as a large scale House in Multiple Occupation. There is no permission for the HMO use.

The surrounding area is mixed, with predominantly commercial premises with residential flats on the upper floors along Ealing Road and residential dwellings are situated along Bowrons Avenue. The building is sited within Ealing Road Town Centre and is designated as a primary shopping frontage. The building is not situated within a conservation area nor is it a listed building.

AMENDMENTS SINCE SUBMISSION

Amendments were provided during the course of the application to alter the design of the proposed extension. The rear portion of the extension has been set in from the shared boundary. The original flat roof design to the rear has been re-designed with a hipped element along the northern elevation of the proposed works. Given the overall reductions, the proposal would now include in a new internal layout and therefore the proposal would facilitate 4 flats.

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 have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

Representations received: A petition with 76 signatures has been received, objecting to the application for a variety of reasons. Officers consider that the proposal is acceptable for the reasons set out in this report.

Principle of development: The proposal results in the creation of 4 self contained flats on the upper floors of the building. Residential use on upper floors of buildings in town centre locations is considered an appropriate use and would not adversely impact on the vitality or viability of the commercial uses at ground along Ealing Road Town Centre. The additional residential flats would contribute towards the Borough's housing stock.

Design and scale: The proposed extensions at first floor and roof level are considered to be of an appropriate design and scale, that would complement the existing property and would respect the traditional two storey dwellings west of the application site.

Impact on neighbouring amenity: Amended drawings were provided during the course of the application to alter the roof design and reduce the size of the first floor rear extension to ensure an acceptable relationship is achieved in relation to the residential windows to the rear of No. 190. A sunlight and daylight report was provided during the course of the application ensuring that the development would not result in an unduly detrimental impact on the light or outlook from these windows. Overall the development would not have an unduly detrimental impact on the occupiers of the nearby residential units.

Highways and transportation: The proposal will result in an increase in the number of homes within the site and an associated increase in potential parking demand. However, there is a CPZ in operation in the area and the development is recommended to be “parking permit restricted” to mitigate the potential impacts of overspill parking.

Quality of the resulting residential accommodation: The new homes that are proposed would meet internal space standards and are considered to be of sufficiently high quality, despite three of the flats not having access to any external amenity space and no flats meeting the 20 sqm per unit target. The flats would have satisfactory levels of good outlook and light

RELEVANT SITE HISTORY

17/3010 - Conversion to provide 5 self-contained flats on upper floors, to include the erection of a first and second floor extension with private amenity space and associated refuse and cycle storage on ground floor – Refused, 22/09/2017.

Reasons:

1. The proposed first floor and second floor extensions, by reason of their size, siting and design, would have a detrimental impact on the character of the street scene and would result in inappropriate bulk and massing at this prominent corner plot. As such the development would fail to comply with Policy DMP1 of the Brent Development Management Policies 2016, Supplementary Planning Guidance 17 and draft Supplementary Planning Document 1.

2. The proposed extension, by reason of its size and siting, would also appear overbearing and result in a loss of outlook in relation to the first floor rear window of the adjoining neighbouring accommodation directly north of the site, No. 190 Ealing Road. Therefore the proposal would have an unduly detrimental impact on the residential amenities of the neighbouring flat, contrary to policy DMP1 of the Brent Development Management Policies 2016, and SPG17 and draft SPD1.

3. The proposal, by reason of the layout of the flat denoted as "studio 2", constitutes the provision of a habitable room with poor light or outlook and thus, a poor standard of residential accommodation to the detriment of the amenities of future occupiers, contrary to policy DMP1 of the Development Management Policies 2016, Brent Supplementary Planning Guidance 17 and draft Supplementary Planning Document 1.

CONSULTATIONS

Public Consultation

46 properties were consulted on the application by letter on 30/04/2019. A signed petition was received during the course of the application on behalf of Wembley Central & Alperton Residents' Association (WCARA) with 76 signatures from 32 addresses.

Summary of objections:

- The proposed design is overdevelopment of the site and detract from the street scene to the bulk and height.
- Inadequate waste disposal facilities.
- Residents of this property have been reported for fly-tipping.
- Current health and safety issues regarding the fire exit along Bowrons Avenue.
- There is a high level of anti-social behaviour along the alleyway to the rear of the building.
- The proposed construction works would result in machinery blocking the emergency vehicles along

the highway.

Officer Comments: _

The issues raised fly-tipping matters are not material planning considerations. This should be raised with the Environmental Health Team. The health and safety issues raised are also not a material planning consideration, and the concerns with anti-social behaviour should be addressed to the Police and the Neighbourhood Management Team. The additional items are discussed in the main body of the report.

Subsequent consultation letters to 46 properties and the WCARA were sent out on 05/03/2020. No further comments were received. The consultation letter sent out the amendments to the plans as discussed in the "summary of amendments" section below.

Internal consultation

Environmental Health Officer: No objections raised.

POLICY CONSIDERATIONS

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

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

Material Considerations include the National Planning Policy Framework 2019 and the Council's Supplementary Planning Document 1 "Brent's Design Guide" 2018, and Technical Housing Standards- Nationally Described Space Standard

Key development plan policies include:

London Plan

Policy 3.5 - Quality and design of housing developments
Policy 6.9 - Cycling

Brent's Core Strategy 2010

CP 2 – Population and Housing Growth

Development Management Policies 2016

DMP 1 Development Management General Policy
DMP 12 Parking
DMP 18 Dwelling size and Residential Outbuildings
DMP 19 Residential Amenity Space

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. As such considerable weight should be given to these policies.

The Draft London Plan

Key policies include:
D4 - Delivering good design
D5 - Inclusive design
D6 - Housing quality and standards
T5 – Cycling
T6.1 - Residential Parking

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.

Draft Local Plan

Key policies include:

- Policy BD1 – Leading the Way in Good Urban Design
- Policy BH1 Increasing Housing Supply in Brent
- Policy BH4 Small Sites and Small Housing Developments in Brent
- Policy BH13 Residential Amenity Space
- Policy BSUI2 Air Quality
- Policy BT2 Parking and Car Free Development

DETAILED CONSIDERATIONS

Proposal

1. The proposal is seeking planning permission for a new first floor rear extension and together with roof extensions and alterations including the provision of self contained flats in the loft of the building. The proposed alterations would result in 4 new flats that would comprise of one studio, one 1 bedroom flat and two 2 bedroom flats. Three dormer windows would be added to the southern flank elevation of the proposed upper floor works.
2. The ground floor element of the southern flank elevation would result in new a window layouts and a new door to facilitate the refuse storage area for the residential flats. The refuse store will replace one of the existing retail units at ground floor formed as part of the 2015 planning permission. Internal alterations to the existing residential entrance on Bowman Avenue is proposed to improve the size of this entrance internally. The existing single storey projection to the rear portion of the building will be increased in height by approximately 0.5m. A new terrace area would be included on the roof of the single storey rear projection to facilitate outdoor space for Flat 2.

Principle

3. London Plan Policy 3.3, in seeking to increase the supply of housing in London, sets borough housing targets, and in Table 3.1 puts the minimum annual monitoring target for the London Borough of Brent at 1,525 additional homes per year between 2015 and 2025. Emerging London Plan Policy H1 (Increasing housing supply) looks to increase this target to 2,335 new homes per annum. Draft policies BH2 and BP7 supports residential development in town centres including Ealing Road town centre. As such, the provision of additional flats on the upper floors of the property would accord with the above policies and would not have a detrimental impact on the vitality and viability of the primary shopping frontage of Ealing Road Town Centre as retail uses will be maintained at ground floor level.

Design, Character and Impact on Street Scene

4. SPD1 states that development should respond to the local context and respect the existing character of the landscape, streetscape, architectural and historic environment. New development height, massing and façade design should positively respond to the existing context and scale; facilitating good urban design. Building heights should positively respond to the existing character. Development massing should limit its visual impact by effectively breaking up facades, creating a varied roofscape and relating positively to existing surroundings.
5. The proposed upper floor extension would not project above the ridge height of the main building, and would sit at a lower height to the properties along Bowrons Avenue. Whilst there is a large crowned roof, this is screened from the street from the hipped roof design, which would would complement the general

design of the residential properties along the street scene. When viewed from Bowrons Avenue, the width of the upper floor rear projection is not considered excessive. In addition to this the proposed dormers along the flank elevation of the property would be suitably subservient to the southern roof slope and provide residential characteristics which would mirror the traditional residential dwellings along the Bowrons Avenue.

6. The introduction of rooflights to the modified roof on the front elevation would be acceptable as these additions are common features within the area.
7. The use of durable and attractive materials is essential in order to create development that is appealing, robust and sustainable and fits in with local character. In terms of materials, the application form submitted with the application outline that the materials used would match the existing dwelling and principle of this is acceptable.
8. Overall the proposed works would not result in a detrimental impact on the street scene, appear out of context or have a negative impact on the character of the property. It is considered that the amended roof design has overcome the previous concerns in relation to the size, siting and design of the first and second floor extensions proposed as part of the 2017 application which were considered to have a detrimental impact on the character of the street scene and would result in inappropriate bulk and massing at this prominent corner plot.

Impact on Residential Amenities

9. To the west of the application is No. 2 Bowrons Avenue. The proposal will face the flank elevation of this building and its front garden. As such it is not considered to result in a harmful impact to the amenities of No. 2 Bowrons Avenue. Furthermore, a separation distance of 13m will be maintained from the first floor terrace to the boundary with No. 2 Bowrons Avenue, which exceeds the minimum distance of 9m set out in SPD1.
10. The rear elevation of the main portion of No.190 Ealing Road contains habitable room windows serving residential uses on the upper floor. The existing projection to the rear of the application property currently extends beyond these windows and the two storey element directly west of this property currently blocks the subject windows. The upper floor extension proposed as part of this application maintains the same set in from the side boundary with No. 190 (i.e. 2m). The existing rear projection already projects beyond the SPD1 1:2 line from the rear facing bedroom window, and its continued projection along the same building line would not be considered to result in an excessive increase in the sense of enclosure or reduced outlook. There is a bedroom window on the first floor rear elevation of the two-storey outrigger to the adjoining property (No. 190) which is largely obscured by the unlawful extension to that property. The middle of that window is approximately 6.3m away from the upper floor extension and the proposed extension would project beyond the 1:2 guidance line (when taking into account the removal of the unauthorised extension). However, it is considered to be a sufficient distance away to not be unduly overbearing taken into account the location, size and design (including the hipped roof) of the extension in relation to the location of the window.
11. A residential property is situated to the rear of 190 Ealing Road directly facing towards the proposed works. A flat occupies the first floor level of this two storey element with a window facing south. The proposal would be visible from the windows of that property and would be 4.82 m from it. The amenity space of one of the first floor flats would also be situated in front of the window of that flat, again 4.82 m from it. A 1.8 m high wall would prevent a loss of privacy for the adjoining flat. It should be noted that this extension and the associated flat unit is unlawful and an enforcement notice was served requiring the removal of the extension (Enforcement Reference Number: E/04/0708). As such this residential unit has been constructed unlawfully. The extensions proposed within this application will fall below the SPD1 30 degree line extensions and it is considered that the proposed extension will not have an unduly detrimental impact on the unlawful flat.
12. The proposal would not materially harm the properties to the south of the application site given the separation distances that would be achieved. A Daylight Impact Assessment was provided with the

application which illustrates that the proposed development does not have a significant adverse effect on the adjacent properties windows. It is also demonstrated that all windows will achieve VSC values that are more than 80% of the existing daylight levels and is therefore in compliance with BRE criteria. Annual Probable Skylight would also continue to comply with BRE guidelines. While winter sunlight has not been tested, given the location of nearby homes and their amenity spaces, the proposal is not considered likely to have an unduly detrimental impact on the sunlight received by surrounding properties.

13. It is noted that the kitchen window at first floor level to the rear of 190 Ealing Road facing the development would result in a decrease in relation to No Sky Line. This has reduced by 75% of its former value which is marginally more than the 80% reduction of its former value to comply with BRE guidelines.
14. The proposal would not result in any materially harmful overlooking with regards to the residential units within the vicinity of the application property. Windows and roof lights on the northern elevation are recommended to be conditioned to be obscured and non-opening at a height of 1.7m or below from internal floor level. The private terrace area serving Flat 3 would incorporate a 1.8m screen which is acceptable and would provide sufficient screening in relation to upper floor residential unit directly north west of the application site. Furthermore this is a common relationship between residential units in the area given the density of residential and commercial built form along this portion of Ealing Road.

Standard of Accommodation

15. The new dwellings should be in line with the National Technical Space Standards both in terms of the overall unit sizes, together with minimum bedroom sizes and storage areas. This is further supported within policy DMP18. The proposal would meet the London Plan floorspace standards as set out in the table below.

Unit No	Internal unit Size	London Plan requirements
1 Studio	40sqm	39sqm
(2 bedroom 4 person)	80sqm	70sqm
(2 bedroom 3 person)	61sqm	61sqm
(1 bedroom 2 person)	50sqm	50sqm

16. It is noted that the proposed studio flat located on the first floor would contain a single aspect however all habitable rooms across the scheme benefit from good levels of outlook, through the use of windows, dormers and roof lights. The proposed studio flat on the first floor would be facing a westerly direction and would therefore not rely on a single aspect from a northerly direction. Overall, the internal layout of the proposed flats would benefit from good levels of light and outlook. Furthermore the proposed flats would meet the floorspace requirements of the London Plan. As such, the proposed standard of accommodation is considered satisfactory for any future occupiers.
17. Policy DMP19 states that new dwellings will be required to have private external space of a sufficient size and type, and that this 20 sqm is normally expected to be provided per flat. Emerging London Plan policy D6 specifies that 5 sqm of external amenity space should be provided for a 1- or 2-person dwelling with 1 sqm extra for each additional occupant. This is reinforced in the draft Local Plan policy BH13. Only flat 3 will benefit from an area of external amenity space (20sqm). The proposal does not achieve these targets set out in policy. However, due to the constraints linked to the site it would be difficult to fully accommodate external amenity space provision for all four flats whilst ensuring that the design of the building is in keeping with the character of the area. Therefore in this particular instance, given the nature of the scheme and the proximity to One Tree Hill Park (approximately 330 m), the lack of amenity space is acceptable.

Transport Considerations

Parking

18. As the site does not have good access to public transport services, the higher residential car parking maximum standards set out in Appendix 1 of the adopted DMP applies.
19. The existing lawful use of the upper floors as two flats would be permitted up to 2 spaces. A further 4-5 spaces would be allowed for the ground floor retail kiosks. With no off-street parking available, maximum standards are currently complied with.
20. Policy T6.1 of the Draft London Plan states that residential parking standards for a development within the PTAL 3 is 0.75 spaces per dwelling. The four proposed flats are allowed up to 3 spaces, which is a significant increase in the parking standard. Again, with no new parking proposed within the site, standards would be complied with. However, Policy DMP12 requires that any on-street parking that is generated can be safely accommodated on-street.
21. Policy of BT2 encourages car free development is encouraged where there is an existing Controlled Parking Zone in place. Ealing Road is a busy distributor road and bus route that cannot accommodate parking along the site frontage. Bowrons Avenue is subject to a CPZ that restricts parking for permit holders throughout the year. Outside the application site there are two shared residents' permit/pay and display bays along the site frontage, plus a loading bay that could be used for parking after 9pm. However, in line with emerging policy, it is recommended that the four flats are parking permit restricted so that they are not entitled to parking permits.
22. There are also yellow lines in place to protect a crossover that is now redundant. This once served the loading area of the retail unit prior to it being subdivided into smaller units. Removal of this crossover and associated yellow lines and replacement with an extension to the parking bay could increase on-street parking provision at night along the Bowrons Avenue frontage to five spaces. These additional spaces will be of use to their visitors as it would be a pay & display bay. It would also be of use to visitors to the ground floor retail units.
23. A condition requiring the applicant to enter into an agreement with the Local Highway Authority to fund the cost of removing the crossover and extending the parking bays along Bowrons Avenue is therefore sought.

Cycle Parking

24. The London Plan requires at least one secure bicycle parking space per 1-bed flat and two spaces per 2-bed unit, giving a total requirement for eight spaces. Eight spaces are indicated at first floor level, which are secure and therefore meet standards. Provision of spaces at first floor level is not ideal, as bicycles would need to be carried up the stairs. However, there is no space available on the ground floor where a bicycle store could realistically be located. This arrangement is supported by your highways officers in this instance.

Refuse Facilities

25. A communal bin store for two Eurobins is to be provided fronting Bowrons Avenue, allowing easy collection of waste. This is of sufficient size for 4 flats, and within 10m carrying distance of the public highway.
26. The bin store for the retail units will be retained at the rear as per the approved plans for planning permission reference: 15/5321.

Conclusion

27. Following the above discussion, and weighing up all aspects of the proposal, officers consider that the proposal should be approved subject to conditions. Whilst three of the flats do not have access to any external amenity space, and thus would not meet the targets set out within Brent Policy DMP19 or emerging London Plan Policy D6, the units are considered to be of good quality accommodation. Furthermore, it is common place to see flats above shops with none or very limited external amenity space. The benefits of this scheme and considered to outweigh this limited policy conflict.

CIL DETAILS

This application is liable to pay **£48,398.60** * 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): 136 sq. m.

Total amount of floorspace on completion (G): 270 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	270		134	£200.00	£0.00	£39,960.71	£0.00
(Brent)			0	£0.00	£0.00	£0.00	£0.00
(Mayoral) Dwelling houses	270		136	£0.00	£60.00	£0.00	£8,437.89
(Mayoral)			0	£0.00	£0.00	£0.00	£0.00

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)	334	
TOTAL CHARGEABLE AMOUNT	£39,960.71	£8,437.89

*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: 19/1099

To: Coom
Jetview Properties Ltd
Argyle House
Third Floor Northside
Joel Street
Northwood Hills
HA6 1NW

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

First floor rear extension and loft conversion to incorporate 4 new flats, three side dormer windows, proposed rooflights, first floor rear terrace area, provision of internal cycle storage, creation of refuse storage to ground floor with installation of new side ground floor door, increase in height to single storey rear projection and alterations to fenestration

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

at **192A Ealing Road, Wembley, HA0 4QD**

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

Date: 01/06/2020

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
Core Strategy 2010
Development Management Policies 2016
Draft London Plan
Draft Local Plan
Supplementary Planning Document 1 – Brent Design Guide 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):

PA-01, PA-02, PA-03, PA-04, PA-05, PA-06, PA-07, PA-08, PA-09 Rev. C, PA-10 Rev. D, PA-11 Rev. D, PA-12 Rev. B, PA-13 Rev. D, PA-14 Rev. C, PA-15 Rev. D

Information Submitted: _

Design and Access Statement

Daylight Impact Assessment prepared by Mach Group

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

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

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

- 4 The proposed upper floor flank windows along the northern flank elevation of the development shall be fitted with obscure glazing and contain opening points 1.7 metres above the floor of the room in which the window is installed.

Reason To protect the residential amenities of near by residents.

- 5 The flats hereby approved shall not be occupied until the refuse area for the flats as shown on the submitted plans has been provided, and thereafter such refuse storage area shall not be used other than a refuse store ancillary to the occupation for the residential units.

Reason: To ensure the residential units have access to refuse storage facilities.

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

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

- 7 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations) details of materials for all external work, including samples which shall be made available for viewing on site, shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

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

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

- (i) the removal of the redundant crossover to the site and its reinstatement to footway with full-height kerbs and the removal of the associated yellow lines and the extension of the adjoining parking bays at the developer's expense.
- (ii) The development shall not be occupied until the highway works have been completed to the satisfaction of the Local Highway Authority, and verification of such works have been submitted to and approved in writing by the Local Planning Authority.

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

- 9 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.

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

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

Reason: In order to ensure that the development does not result in an increased demand for

parking that cannot be safely met within the locality of the site.

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 2 The applicant is advised to contact the Head of Highways & Infrastructure to arrange for the crossover and parking bay works to be undertaken on their behalf.
- 3 (PWAL) 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
- 4 (F16) 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.

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

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

10 June, 2020
08
19/4484

SITE INFORMATION

RECEIVED	20 December, 2019
WARD	Wembley Central
PLANNING AREA	
LOCATION	365 High Road, Wembley, HA9 6AA
PROPOSAL	Construction of a rooftop structure to provide an amenity space to hotel (Use Class C1)
PLAN NO'S	See Condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_148298</p> <p><u>When viewing this as an Hard Copy .</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "19/4484" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

Recommendation

A. That the Committee resolve to GRANT planning permission.

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

Conditions:

1. 3 Year time period
1. Approved plans / drawings
2. External materials
4. Hard and soft landscaping
5. Management Plan

Informatives:

1. Any informative(s) considered necessary by the Head of Planning.

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

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

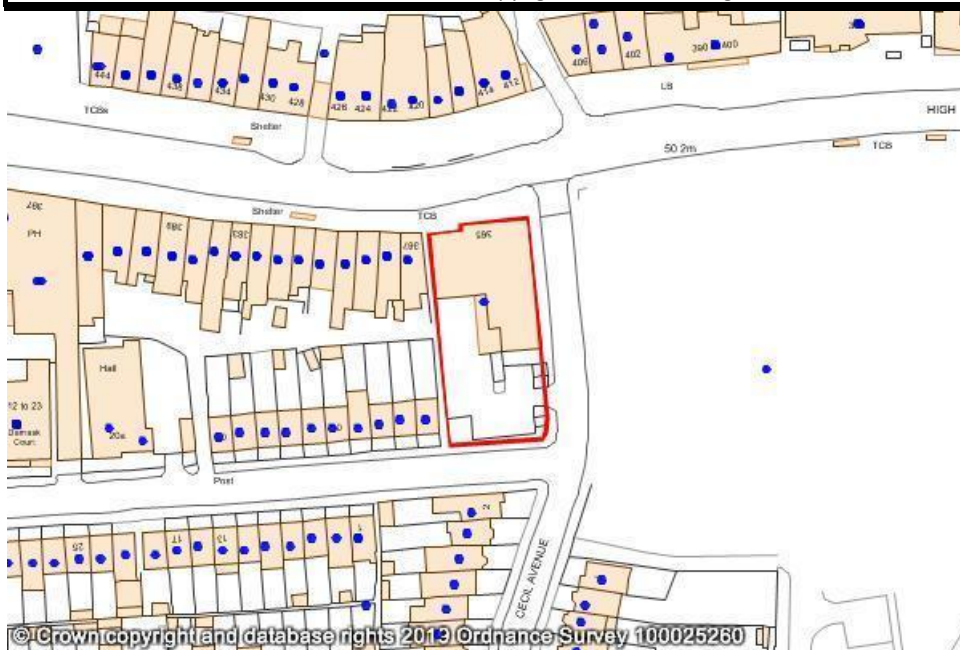
SITE MAP



Planning Committee Map

Site address: 365 High Road, Wembley, HA9 6AA

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This map is indicative only.

PROPOSAL IN DETAIL

Construction of a rooftop structure to provide an amenity space to hotel (Use Class C1)

EXISTING

The subject site is situated on the corner of the Wembley High Road and Cecil Avenue. It is situated within the designated Wembley Town Centre. The application site currently occupied by Best Western Plus hotel.

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 considerations and the objectives of relevant planning policies when making a decision on the application:

Representations received: A petition with 116 signatures has been received, objecting to the application for a variety of reasons. Officers consider that the proposal is acceptable for the reasons set out in this report.

Principle of development: The proposal results in the creation of a roof top garden of the guests of the existing hotel on site. It is considered acceptable in this town centre location.

Design and scale: The proposed roof top extensions are considered to be of an appropriate design and scale, that would complement the existing property and wider streetscape.

Impact on neighbouring amenity: The roof top garden is set in within the edges of the existing building. It would not result in a significant loss of privacy or overbearing appearance to nearby residential properties. A management plan will be conditioned restricting use to hotel gets only with limitations on hours of use and no amplified music/sound.

RELEVANT SITE HISTORY

13/3216 - Demolition of existing third floor and erection of new third, fourth and part fifth storey building with three storey rear extension and conversion into hotel, comprising 116 hotel rooms, ancillary bar/lounge, restaurant in basement, provision of 8 car parking spaces, 26 cycle stands, 5 motorbike spaces and associated parking for coaches and subject to a Deed of Agreement dated 31st January 2014 under Section 106 of the Town and Country Planning Act 1990, as amended – **Granted, 03/02/2014. Scheme has been implemented.**

13/3216 - Demolition of existing third floor and erection of new third, fourth and part fifth storey building with three storey rear extension and conversion into hotel, comprising 116 hotel rooms, ancillary bar/lounge, restaurant in basement, provision of 8 car parking spaces, 26 cycle stands, 5 motorbike spaces and associated parking for coaches and subject to a Deed of Agreement dated 31st January 2014 under Section 106 of the Town and Country Planning Act 1990, as amended – **Granted, 03/02/2014. This scheme has been implemented.**

15/3904 - Proposed minor material amendments to planning permission 13/3216 dated 3 February 2014 including an increase in the total number of hotel rooms from 116 to 149 and other amendments including:

- The conversion of part the consented part-basement restaurant to additional hotel rooms (14);
- The provision of flush covered light wells within the High Road and Cecil Avenue frontages;
- The provision of 14 additional hotel rooms within a new area of basement adjacent to the basement plant room with skylights;
- The removal of one hotel bedroom at ground floor level to provide ancillary office space;
- Amendments to the car park layout and plant areas;
- The provision of a substation room adjacent to the car park area;

- Internal revisions to increase the number of wheelchair accessible rooms to 15;
- Other associated internal amendments

Granted, 02/11/2015 - Implemented

16/1594 - Non-material amendment to allow the following:

* inclusion of drawing nos - A 100 500 Rev P8 and A 120 501 Rev P3 to form part of the approved documents relating to ref 15/3904

of variation of condition application reference 15/3904 dated 02/11/2015 for Proposed minor material amendments to planning permission 13/3216 dated 3 February 2014 including in an increase in the total number of hotel rooms from 116 to 149 and other amendments including:

- The conversion of part the consented part-basement restaurant to additional hotel rooms (14);
- The provision of flush covered light wells within the High Road and Cecil Avenue frontages;
- The provision of 14 additional hotel rooms within a new area of basement adjacent to the basement plant room with skylights;
- The removal of one hotel bedroom at ground floor level to provide ancillary office space;
- Amendments to the car park layout and plant areas;
- The provision of a substation room adjacent to the car park area;
- Internal revisions to increase the number of wheelchair accessible rooms to 15;
- Other associated internal amendments

Planning permission reference 13/3216 was for Demolition of existing third floor and erection of new third, fourth and part fifth storey building with three storey rear extension and conversion into hotel, comprising 116 hotel rooms, ancillary bar/lounge, restaurant in basement, provision of 8 car parking spaces, 26 cycle stands, 5 motorbike spaces and associated parking for coaches and subject to a Deed of Agreement dated 31st January 2014 under Section 106 of the Town and Country Planning Act 1990, as amended.

Granted – 07/06/2017 – Implemented

17/0434 - Construction of a new sixth floor roof extension to create 4 duplex units with the consented rooms below – **Granted – 27/03/2017 - Implemented**

17/1234 - Part change of use the ground floor from hotel (Use class C1) into a restaurant (Use class A3) with ancillary bar, minor alterations to ground floor layout and front elevation of hotel – **Granted – 09/06/2017 – Implemented**

17/1234 - Part change of use the ground floor from hotel (Use class C1) into a restaurant (Use class A3) with ancillary bar, minor alterations to ground floor layout and front elevation of hotel – **Granted – 09/06/2017 – Implemented**

17/2097 - Extension to the existing hotel at fourth and fifth roof levels and at first and second above the coach parking, providing seven additional rooms – **Granted – 21/12/2017 – Partially Implemented**

17/2435 - Full planning application for the sub-division of consented duplex rooms from fifth to sixth floor to accommodate 5 non-duplex guestrooms at sixth floor along with internal alterations including relocation of the window positions of the rooftop envelope and the addition of stairs at fifth floor including the loss of one room, resulting in the overall net gain of 4 non-duplex guestrooms - **Granted – 19/12/2017 - Implemented**

19/4182 - Creation of seven additional hotel guest rooms (four at semi-basement level and three above the car parking spaces) involving the removal of one coach drop-off space at semi-basement level and construction of a single storey extension, and the construction of an intermediate level extension above undercroft parking space and reconfiguration of basement parking area. – **Granted, 17/02/2020**

19/4182 - Creation of seven additional hotel guest rooms (four at semi-basement level and three above the car parking spaces) involving the removal of one coach drop-off space at semi-basement level and construction of a single storey extension, and the construction of an intermediate level extension above undercroft parking space and reconfiguration of basement parking area. – **Granted, 17/02/2020**

19/4181 - Construction of extensions to the first floor - west elevation and second and fifth floor south elevations of the hotel to provide eleven additional rooms – **Granted, 24/01/2020**

CONSULTATIONS

Public consultation letters were sent out on 30/12/2019. 33 adjoining addresses were consulted.

One objection was received together with a petition with 119 signatures. A summary of the objections are set out below:

Objection	Officer Response
There are too many high-rise buildings in Brent and particularly Wembley area.	See paragraphs 4-8.
By adding these extra floors to the hotel there will be an added impact to the environment.	This application does not include additional floors to the hotel. It involves a roof garden which is contained within high level screening.
There will be much more pollution caused in the construction of the building as well as in the operation of the extra floors and amenity spaces when completed.	<p>Given the scale of the proposed alterations, the construction impacts are not considered to be significant.</p> <p>It is recommended that a management plan is conditioned to ensure that the roof top garden does not have an adverse impact on neighbouring amenity.</p>
There will be increased use of water, electricity and gas.	Use of such facilities for a roof top garden are not considered to be significant.
Economic gains for Brent put above community welfare	See paragraphs 9-14 Paragraphs
Increased noise and traffic resulting in increased demand for parking and loss of parking for existing residents	<p>The proposed roof top garden will be restricted for use by hotel guests only. It will not be increasing the number of bedrooms beyond the consented number of bedrooms. As such the proposal would not result in increased demand for parking. It should also be noted that the surrounding streets (including Cecil Avenue) are subject to Controlled Parking Zones that would prevent on street parking by visitors/staff of the hotel.</p> <p>Noise from the roof top garden has been considered (see amenity section below).</p>
Impacts in relation to light	See amenity section below.
Unsightly addition and this would have a negative impact on the character of the area.	The design considerations of the proposal as discussed in "design section" below.
Increase in pedestrians on already busy high road	As discussed above, the roof top garden will be used by hotel guests only and does not seek to

	<p>increased bedroom numbers.</p> <p>Nevertheless the site is located along the High Road of Wembley Town Centre which does see high pedestrian footfall given its town centre status.</p>
Greater opportunity for crime	There is no evidence to suggest that the roof top garden for use by hotel guests will result in increased crime.

Internal consultation

Environmental Health Comments: No objections to the proposed development. The Officer recommended conditions for a Construction Method Statement and plant noise assessments. Given the nature of the works a Construction Method Statement is not necessary, and proposal would not include any plant equipment.

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 Brent Core Strategy 2010, the Wembley Area Action Plan 2015, Brent Development Management Policies DPD 2016 and the London Plan 2016 (Consolidated with Alterations since 2011).

Key policies include:

The London Plan

Policy 4.1 Developing London's economy
 Policy 4.5 London's visitor infrastructure
 Policy 4.7 Retail and town centre development

Core Strategy 2010

CP7 Wembley Growth Area

Development Management Policies 2016

DMP1 Development Management General Policy

Wembley Area Action Plan

WEM 1 – Urban Form

The following are also relevant material considerations:

The National Planning Policy Framework 2019

Supplementary Planning Document 1 – Brent Design Guide 2018

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. As such considerable weight should be given to these policies.

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 policies include

The Draft London Plan

Policy SD6 Town centres and high streets

Policy D4 Delivering good design

Draft Local Plan

Policy BD1 Leading the Way in Good Urban Design

Policy BD2 Tall Buildings in Brent

DETAILED CONSIDERATIONS

Background

1. The building was previously converted from an office to a hotel and extended. As outlined within the planning history above there have been number of alterations and extension to incrementally expand the hotel over a number of years. Currently the hotel has 189 rooms.

Character and Design

2. The application is seeking planning to provide a garden area on top of the roof of the sixth floor level and on top of part of the roof of the fifth floor level. The garden areas would provide external amenity space for the guests.

3. Both of the proposed amenity spaces would be contained within metal framed balustrade (infilled with clear glazed sections). The amenity space on the lower roof will contain an open sided glazed roof canopy across the width to provide shelter to the hardstanding areas outside the room.

4. The roof terraces are sited on the higher elements of the building closest to the High Road. The main roof garden on top of the existing set floor is not set in from the edges of the existing sixth floor, but the roof garden on top of the fifth floor is set in from the eastern edge by 0.8m, set in 4.6m from the southern edge and set in 1.3m from the western edge.

5. The height of the metal framed balustrade would be proposed at 1.8m high. It has been designed to echo the design principles of the existing sixth floor of the building. The increase in height is considered acceptable along the High Road, given the level of higher density development along the High Road with particular emphasis to the east of the site. Policy BD2 of Draft Local Plan states that tall buildings should be directed towards town centre locations. The application site is situated within a town centre and therefore is appropriate for a tall building. The additional height of 1.8m is considered acceptable and would resemble the height of the developments further east of the site. Overall, minor change in height is considered acceptable within the emerging context of this Growth Area. In addition to this, the metal framed balustrade and open sided canopy will be set in from the edges of the building when viewed from the south and along Cecil Avenue, to assist in reducing its bulk from these elevations.

6. For the reasons as discussed above, the proposal is considered to be of an acceptable design solution the does not detract from the character of the building or the wider locality. It would be considered to comply with DMP1 in this regard.

7. The spaces would comprise of a mixture of soft and hard landscaping with seating areas. The proposed modifications would result in an additional height of approximately 2m to the existing building measured from the front elevation.

Layout and access arrangements

8. The roof gardens would comprise a mixture of soft and hard landscaping with seating area. The lower terrace will be accessed from the guestrooms on that floor, so the number of people on that terrace is very

limited. Access to the main roof garden would be provided from the existing lifts and staircase from the sixth floor. Information on management arrangements of the roof garden have been provided which include the following:

- Access will be to hotel guests only;
- Access will be given by fob;
- There will be no bar facility in the garden;
- Alcohol will not be served or consumed in the garden;
- There will be no music/amplified sound in the garden;
- The garden will be restricted to daylight hours; and

9. CCTV will be introduced and guests will be removed from the garden if using the facility inappropriately. The above arrangements are considered acceptable with further details to be conditioned as part of a management plan to any forthcoming consent.

Impact on Residential Amenities

10. There are a number of residential properties in proximity to the site. These include upper floor flats on the northern side of the High Road (Nos. 412 to 420 High Road opposite the hotel), upper floor flat at 397a High Road to the west, properties on Rosemead Avenue to the south west, and 2 Cecil Avenue to the south. The site to the east (at the former Copland School) has a current planning application in for its redevelopment to include residential uses (LPA Ref: 19/2891). This scheme a resolution to grant planning permission subject to stage 2 referral to the GLA.

Privacy

11. The lower roof terrace maintains a distance of over 10m to the boundary with the rear gardens of the properties on Rosemead Avenue and over 20m to nearest rear habitable room windows (these are the nearest residential properties to the south), The roof gardens do not project rearward No. 397a High Road, and thus do not result in directly overlooking to this upper floor flat. A distance of over 26m is maintained from the higher roof garden to the front windows of the flats at 412 to 420 High Road and a distance of over 13.7m maintained to the proposed development proposed as part of application reference 19/2891. The level of overlooking to the east would be no worse than that experience from the existing windows to the hotel rooms below, with overlooking across a street.

12. On the above basis, the roof gardens would not be considered to result in harmful levels of overlooking to neighbouring occupiers, and this complies with DMP1 and the guidance set out in SPD1.

Overbearing appearance

13. The proposed roof garden additions are not considered to the harm the residents of the properties located south west and south of the application site. Given the siting of the proposed additions to the roof and the overall separation distance achieved with these neighbouring properties, the relationship would be satisfactory. Furthermore the proposed works would not directly adjoin the boundary of the No. 2 Rosemead Avenue and therefore both the 30 degree and 44 degree angles outlined in SPD1 have not been applied on this occasion. Indicative viewpoints were provided during the course of the application which demonstrates the subservient nature of the works and illustrating an appropriate relationship with the neighbouring properties along Rosemead Avenue. As such given the scale, design and significant separation achieved with the neighbouring properties it is considered that the proposed modification to the roof would appear unduly overbearing from the nearby residential properties.

Noise

14. A number of measures have been proposed within the management plan to control noise. These include no amplified noise within the roof gardens, alcohol not to be served or consumed within the roof gardens, and for the roof garden to operate within daylight hours only.

15. Subject to these measures being set out within a management plan, it is not considered that neighbouring occupiers would be subject to detrimental levels of noise from the roof garden.

External lighting

16. As discussed above, the roof gardens would be restrict to daylight hours. This would limit the amount of external lighting required for the roof garden. With limited lighting, the proposal would not lead to overspill lighting and light pollution that could be detrimental to neighbouring amenity. Nevertheless, as part of the landscape condition, details of any external lighting are recommended to be conditioned to any forthcoming consent.

Transport Considerations

17. The proposal would not result in any additional rooms and would therefore not result in any additional parking issues. Overall due to the nature of the works it is not considered that the development would have a detrimental impact on highway matters.

Equalities

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

Summary

19. 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.



Brent

DECISION NOTICE – APPROVAL

Application No: 19/4484

To: Mr Hyman
Avison Young
Avison Young
65 Gresham Street
EC2V 7NQ

I refer to your application dated **20/12/2019** proposing the following:

Construction of a rooftop structure to provide an amenity space to hotel (Use Class C1)

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

at **365 High Road, Wembley, HA9 6AA**

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

Date: 01/06/2020

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 the:-

National Planning Policy Framework 2019
Brent's LDF Core Strategy 2010
Brent's Development Management Policies 2016
Wembley Area Action Plan 2015
Brent's Design Guide SPD1 (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):

Drawing Numbers: _

A-110-604, A-110-603, A-110-602, A-110-601, A-100-808, A-025-028, A025 027, A025 026
PL2, A025 025, A025 024, A 000 001,

Information Submitted

Design and Access Statement prepared by Dexter Moren Associates

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

- 3 Prior to commencement of development (excluding any preparation works), details of materials for all external work, including samples which shall be made available for viewing on site, shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

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

- 4 Prior to the installation of any external lighting within the roof terraces, details of the external lighting should be submitted to and approved in writing by the Local Planning Authority. The lighting shall not be installed other than in accordance with the approved details

Reason: To preserve the amenities of nearby residents.

- 5 Prior to the first use of the roof gardens hereby approved, a management plan of the roof terraces shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall contain details of how the roof terrace would be restricted to hotel guests only, and restricted to daytime hours only. The approved details shall thereafter be adhered to in full.

Reason: To ensure the roof garden is managed appropriately and would not harm the amenities of nearby residents.

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

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