



Planning Committee

Wednesday 22 July 2020 at 6.00 pm

This will be held as an online virtual meeting

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

Membership:

Members

Councillors:

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

Substitute Members

Councillors:

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

Councillors

Colwill and Kansagra

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

Members' virtual briefing will take place at 5.00pm.

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

Notes for Members - Declarations of Interest:

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

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

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

***Disclosable Pecuniary Interests:**

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

****Personal Interests:**

The business relates to or affects:

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

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party of 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.		
a) Minutes of the meeting held on 10th June 2020		1 - 12
b) Minutes of the last meeting held on 24th June 2020		13 - 20
APPLICATIONS FOR DECISION		
3. 20/0762 Ex Marylebone Boy's School, 60 Christchurch Avenue, London, NW6 7BH	Brondesbury Park	25 - 50
4. 19/4444 Unit 2, 2 Lowther Road and Units 3, 4 & 4A Lowther Road, Stanmore, HA7 1EP	Queensbury	51 - 82
5. 20/0568 Aneurin Bevan Court Garages, Coles Green Road, London	Dudden Hill	83 - 102
6. 20/1188 Ark Franklin Primary Academy, Harvist Road, London, NW6 6HJ	Queens Park	103 - 118
7. 19/1388 Claremont High School, Claremont Avenue, Harrow, HA3 0UH	Kenton	119 - 136
8. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or his representative before the meeting in accordance with Standing Order 60.		

Date of the next meeting: Wednesday 12 August 2020

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 10 June 2020 at 6.00 pm

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

ALSO PRESENT: Councillor Daly, Councillor Gbajumo, Councillor Wilhelmina Mitchell Murray and Councillor Stephens.

Apologies for absence were received from Councillors Mahmood.

- 1. Declarations of interests**
- 2. Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 10th June 2020 be approved as an accurate record of the meeting.

- 3. 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: 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 planning obligations set out within the Committee reports.

That the Head of Planning be granted delegated authority to negotiate the legal agreement indicated above and to issue the planning permission and impose conditions 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 application "expiry date" the legal agreement has not been completed, the Head of Planning be granted delegated authority to refuse planning permission.

The decision on this application was deferred from the last meeting when Members were minded to refuse it because of its failure to provide an appropriate level of Affordable Rented housing to meet an identified local need contrary to policies. The Chair reminded Members to focus on the reasons for being minded to refuse the application and any new information that might have arisen since the last meeting.

Neil Quinn (Principal Planning Officer) introduced the report and answered Members' questions, focussing on additional information since the last meeting and referenced the supplementary report. He highlighted the applicant's proposal to resolve the concerns expressed by members regarding the housing mix by increasing the financial contribution for off-site delivery of affordable rented homes to £600,000 to enable the provision of six 3-bedroom family homes. The applicant had also included an additional Blue Badge space on the site, closest to the main entrance and next to Building A without affecting the layout of the proposed buildings. Highways officers had reviewed this and considered it acceptable in terms of its size and position. He added that officers would encourage an early review of the CPZ.

Mr Paul Lorber (in remote attendance) spoke on behalf of Sudbury Town Residents' Association (STRA), answered Members' questions and reiterated objections to the scheme for several reasons including the following;

- Loss of parking facility which would deny disabled persons step free access to Sudbury Town Station.
- Loss of parking which would result in displacement parking in a heavily parked area to the detriment of residents.
- Lack of servicing facilities and deliveries to the site.
- Over-development of the site that would add to pressure on local facilities.
- Excessive height to the detriment of neighbouring properties and contrary to the local plan for the site.

In conclusion, Mr Lorber urged members to refuse the application and ask the applicant to review the scheme for a smaller development that would be more suitable for the area.

Mr Samji Meghani (in remote attendance) spoke in Gujarati through a translator on behalf of STRA, in objection to the application and answered Members' questions. Mr Meghani echoed the loss of car parking and the resulting congestion particularly around Sudbury roundabout and nearby streets. The situation that would worsen because of the recently consented scheme for the former Keelers

Garage site, could not be addressed by the proposed CPZ as the latter would give rise to displacement parking.

Mrs Carol O'Connell (in remote attendance) objected on grounds of height, loss of privacy, minimal access to the development and obstruction to emergency vehicles and lack of family homes at affordable rents.

Councillor Daly (in remote attendance) addressed the Committee and answered Members' questions. She urged the Committee for refusal and raised several objections including the following:

- Failure to address policy CP21.
- Loss of car parking particularly for persons with protected characteristics and blue badge holders.
- Amenity space deficiency.
- Inadequate servicing provision and inappropriate access to the site.

Councillor Stephens (in remote attendance) addressed the Committee, answered Members' questions and raised several concerns on the scheme including the following:

- Loss of parking which could result in parking displacement to residential streets particularly for blue badge holders.
- Lack of disabled parking space for commuters.
- The proposal failed to comply with Development Management Policy DMP12 and other adopted policies including the Local Plan.
- Lack of private external amenity space

Mr Lee Jay (an owner of Pocket Living Property in Haringey) spoke (in remote attendance) in support of the application and answered Members' questions. Mr Lee highlighted the affordability and design quality of the applicant's properties. In his view, the development would assist in the recruitment and retention of key workers. Members heard that the communal roof space compensated for the lack of private outside amenity space in the applicant's properties. He continued that pocket residents were typically more concerned about getting on the property ladder than the ability to own a car.

Mr Marc Vlessing (applicant in remote attendance)) stated that the proposed scheme for 52 properties with priority sales to local keyworkers would be key in the Borough's ability to recruit and retain such workers. He highlighted the substantial increase in financial offer with an offsite payment of £600,000 to deliver six family sized, affordable rent homes in a more appropriate location in the Borough. This would represent a dent in the viability of the scheme but a testament to the partnership commitment with Transport for London (TfL). Mr Vlessing appreciated the concern felt by local residents about TfL's irreversible decision to close the car park but added that it was part of the London Mayor's Housing and Healthy Streets programmes.

In the ensuing discussions, Members made the following points;

- Loss of heavily used car park that could result in parking displacement.
- Lack of family sized dwelling units.
- Lack of amenity space for future occupiers of the scheme.
- The site was inappropriate for the proposed development.
- Lack of facilities for servicing vehicles.
- Departure from Development Management Policies and Local Plan

Officers submitted the following advice in response:

- That the site had been allocated for residential development but that the height and proximity of the proposal to neighbouring properties arose from its specific circumstances.
- The site was suitable to residential development but not for family sized homes, hence the applicant's increased offer of £600,000 for off-site family homes.
- Financial contribution was available for CPZ reviews in Brent and Ealing areas in order to extend its geographical spread.
- The station car park was owned by TfL which had decided to close it.
- In highways terms, the turning courtyard would be adequate for use by servicing and maintenance vehicles to the site without impact on local streets.

With no further issues raised, the Chair, having established that all members had followed the discussions, asked members to vote on the recommendation. Members voted by a majority decision to refuse the application for the reasons stated below.

DECISION: Refused planning permission contrary to officers' recommendation for the following reasons:

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).

Voting on the officers' recommendation for approval was recorded as follows:

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

4. 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 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.

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

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

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

That 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.

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

June Taylor (Principal Planning Officer) introduced the report and answered Members' questions. She informed the Committee that since the deferral, a further letter of objection had been received on behalf of the owners of the adjoining building (Lanmor House) and part owner of No. 26 to 29 Ecclestone Place, setting out in more detail the grounds of the objection. Members heard that officers had addressed the matters raised by the objectors within the main report and further amplified within the supplementary report to which she referenced. She highlighted that officers would assess the scope for overlooking and other issues raised, at the reserved matters stage of the application.

Mr Thomas Darwall-Smith (in remote attendance) read out a statement on behalf of Jaine Lunn, a resident and co-freeholder of 26-29 Ecclestone Place Golftemp Ltd, the owners of Lanmor House. She requested deferral of the application raising the following concerns:

- The original application which residents were asked to consult on was 8 storeys not the 11 currently proposed.

- Daylight/ Sunlight Assessment's accuracy with respect to 26-29 Ecclestone Place
- Noise and Vibration report's accuracy regarding impacts of piling and demolition.
- The need to widen and strengthen the proposed access road prior to commencement of any work.
- The need to widen and strengthen the proposed access road prior to commencement of any work.

Mr Darwall-Smith (representing the owners of Lanmor House) echoed similar sentiments particularly with respect to the Daylight Sunlight Assessment, suggested that these issues went to the heart of the matter and could not be addressed through reserved matters, and raised a legal issue that alleged the Council had failed to meet a legal expectation set up by consultation correspondence dating back to 2018.

Maire Grogan and Sam McDermott (applicant and agent in remote attendance) addressed the committee and answered Members' questions. Ms Grogan informed Members that in designing the scheme the applicant had held four public consultation events and extensive engagement with the local community and their positive feedback incorporated. Residents of Lanmor House were included in leaflet drops informing residents of these events. The outline proposal would activate the High Road with workspace, a café and the residential lobby at ground floor level and apartments with significant private amenity in the form of a balcony and access to the communal roof terrace.

Prior to Members' discussions, the Chair invited Saira Tamboo (Senior Planning Lawyer) to advise the Committee on the legal issues raised by Goldtemps, the solicitors acting for the objectors. Saira advised that in her view the Council as a Local Planning Authority had complied with its statutory requirement for consultation and community engagement. Members then invited officers to clarify other issues raised relating to the need to strengthen the road for construction traffic, affordable housing and tenure mix and employment space. Officers submitted the following responses:

- The Construction Logistics Plan at the reserved matters stage would address the road widening and strengthening including those to the rear of Ecclestone Place, and alternative arrangements should this not be possible.
- The daylight and sunlight report submitted with the application was acceptable taking into account the flexibility afforded by the BRE guidance and the NPPF policy.
- Recommended condition 9 would secure the affordable housing and tenure mix.
- The current office floor space was not commercially let, and on balance, officers consider that the provision of the proposed quantity of flexible B1 floorspace on the 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.

- That the consultation had not been undertaken for an 8-storey building, but that re-consultation had been undertaken early in the application as the description initially referred to a height of 39m AOD rather than 39m.

With no further issues raised, the Chair, having established that all members had followed the discussions, asked members to vote on the recommendation.

DECISION: Granted planning permission as recommended subject the Stage 2 referral to the Mayor of London.

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

5. 19/2804 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).

RECOMMENDATION: 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 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 and Development Services 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.

Mr Damian Manhertz (Development Management Team Leader) introduced the report and answered Members questions. He drew Members' attention to amendments to conditions 2 and 4 as set out within the supplementary report and highlighted that the Council had identified the site as suitable to accommodate a school.

Mr Rory McManus (agent in remote attendance) summarised the engagement with the Council including the pre-application process in identifying a suitable site for a secondary school to meet the growing demand for school places within the Borough. He referenced the good transport facilities for the site.

Ms Gil Bal (CEO/Executive Headteacher of Wembley Multi-Academy in remote attendance) addressed the Committee and answered Members' questions. She informed the Committee that Brent place planning strategy identified that by 2022/23 an additional 18.8 secondary forms of entry would be required in Brent, equivalent to 2 or 3 new secondary schools. This application for a new secondary school - North Brent School is one of those schools required. She highlighted the academic achievements of Wembley MAT highlighting the importance to have a school building that would allow Wembley MAT to fulfil the ambitions for our students. Members heard that the interplay of flexible staggered times, good public transport accessibility, bicycle facilities and engagement with TfL on Coach Management Plan would ensure that the school will not give rise to transport problems in the area.

In the ensuing discussions, members raised issues relating to transport generation, the impact on the housing estate opposite to the site including potential anti-social behaviour and asked officers to clarify the measures in place to address them. Members noted the following measures outlined by Mr John Fletcher (Highways) to minimise transport impact:

- Due to good transport links, the area had a PTAL rating of 3 and coupled with a robust Parent/School contract, would discourage parents to drive to the site.
- Draft Travel Plan submitted with the application would be further developed in addition to the applicant's engagement with TfL on Coach Management Plan. The car park to the rear of the site would also provide servicing facilities and a single coach parking for school trips.
- The vigorous enforcement of existing CPZ would assist in preventing parents from parking near the school and within the housing estate. It was unlikely that the school would give rise to anti-social behaviour in the area.

Members noted the responses but added that as an additional measure to encourage alternative forms of transport, condition 17 be amended to require the provision of 170 instead of 78 cycle spaces on site. This was agreed.

With no further issues raised and the Chair, having established that all members had followed the discussions, asked members to vote on the recommendation.

DECISION: Granted planning permission as recommended with amendments to conditions 2 (plans) and 4 (arboricultural report) as set out within the

supplementary report and an additional amendment to condition 17 to require the provision of 170 secure cycle spaces on site.
(Voting on the recommendation as amended was as follows: For 7, Against 0).

6. 19/4434 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.

RECOMMENDATION: Resolve to grant planning permission subject to conditions as set out within the Committee reports.

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

Damian Manhertz (Development Management Team Leader) introduced the report and answered Members' questions. He referenced the supplementary report highlighting amendments to address the issues regarding the proximity of balconies to the adjoining gardens and amendments to the first floor layout. He added that to address the privacy issues, the plans had relocated and re-sized balconies.

Rebecca Woolf (in remote attendance) objected to the proposed development for several reasons including the following;

- Loss of privacy to Chatsworth Road residents.
- Loss of outlook
- Loss of residential amenities in terms of usable shared outdoor and communal space. This would be necessary with the restrictions arising from Covid-19 pandemic.
- Potential problems with boundaries and lack of Party Wall Act notice.
- Inadequate provision of parking spaces and electric charging points.
- Detrimental impact on residents and access for emergency vehicles during construction.

Councillor Gbajumo (in remote attendance) speaking in a similar vein echoed the above. She added that whilst she was in favour of affordable homes, the application had not addressed residents' concerns.

Kerry Csuka (agent, in remote attendance) addressed the Committee and answered members' questions. She informed Members that the application for 10 genuinely affordable including larger family-sized homes at London Affordable Rent was the result on extensive consultation and feedback from residents. She added the following points;

- The proposed 4-storey building would be lower in height than the adjacent 6-storey Pharamond building and its height and massing further minimised through a flat roof and recessed top floor.
- The design would protect the privacy and amenity of neighbouring properties and would be maintain an 18-metre separation distance.
- The submitted daylight and sunlight report confirmed that neighbouring properties would retain acceptable levels of daylight, sunlight and outlook.
- Re-provision of spaces, 1 on-site garage, 1 wheelchair space and 11 electric vehicle charging points, compliant with Brent's maximum parking standards.
- Eleven low quality trees proposed to be removed would be replaced with a comprehensive landscaping and tree replacement strategy for 25 trees.
- Over 1,000 sqm of communal amenity space would also be retained and enhanced, through the provision of seating, new planting areas and opportunities for children's play.

Members asked the Team Leader to respond to the issues raised during which the following points were noted;

- Issues relating to the Party Wall Act was not a material planning consideration.
- Planning decisions are made in accordance with the Development Plan and other relevant planning policies and guidance and that the current restrictions from the pandemic do not hold significant weight.
- The application would provide adequate separation distances to ensure the privacy and amenities of other neighbours.
- Adequate turning circles have been provided to enable access for emergency and refuse vehicles

With no further issues raised and the Chair, having established that all members had followed the discussions, asked members to vote on the recommendation.

DECISION: Granted planning permission as recommended and subject to the amendments to condition 2 and the removal of condition 25 as set out within the supplementary report.

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

7. 19/4484 365 High Road, Wembley, HA9 6AA

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

RECOMMENDATION: That the Committee resolve to GRANT planning permission and to grant delegated authority to the Head of Planning to issue the planning permission and impose conditions as set out within the Committee report and informatives as considered necessary.

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

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

Victoria McDonagh (Development Management Team Leader) in remote attendance introduced the report setting out the key issues of the application and answered members' questions.

Mr Simon Fowler (agent, in remote attendance) addressed the Committee and answered Members' questions. He added that the application would provide an outdoor amenity space with an enclosure to the existing terraced areas, accessible from within the existing building. Members heard that to ensure there would be no adverse daylight and sunlight impacts as well as issues resulting from noise and disturbance, the applicant had agreed to a management plan via a planning condition.

Councillor Mitchell-Murray (ward member) in remote attendance declared that she had been approached by the applicant. Speaking in support of the application, Councillor Mitchell-Murray added that the applicant had addressed all of the concerns she had about the application.

With no further issues raised and the Chair, having established that all members had followed the discussions, asked members to vote on the recommendation.

DECISION: Granted planning permission as recommended in the main report. (Voting on the recommendation for approval was as follows: For 7; Against 0).

8. 19/1099 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.

RECOMMENDATION: That the Committee resolve to GRANT planning permission and to grant delegated authority to Head of Planning to issue the planning permission and impose conditions and informatives to secure the matters set out within the Committee report.

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

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

Victoria McDonagh (Development Management Team Leader) introduced the report and answered Members' questions. Members mostly welcomed the application except for Councillor Sangani who dissented on the grounds that the proposal could result in anti-social behaviour and fly tipping.

With no further issues raised and the Chair, having established that all members had followed the discussions, asked members to vote on the recommendation.

DECISION: Granted planning permission as recommended in the main report.
(Voting was recorded as follows: For 6, Abstention 1)

9. Any Other Urgent Business

None.

The meeting closed at 10.00 pm

COUNCILLOR J. DENSELOW
Chair



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 24 June 2020 at 6.00 pm

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

ALSO PRESENT: Councillors Councillor Anton Georgiou

Apologies for absence were received from Councillor Mahmood (substituted by Councillor Kabir).

1. **Declarations of interests**

None.

Approaches.

All members declared that they received approaches from the agents for Capitol Way and Salisbury Road planning applications.

Councillor Kabir added that she had a meeting with the applicant for the Capitol Way application last year but remained unbiased.

2. **19/4545 1-8 Capitol Industrial Park, Capitol Way, London, NW9 0EQ**

PROPOSAL: Demolition of the existing buildings and the redevelopment of the site to provide six buildings ranging between four to twelve storeys comprising residential units and commercial floorspace, and the erection of a part two part three storey commercial building with associated basement car parking, cycle storage, plant and shared external amenity space and landscaped courtyards at ground floor level, and other ancillary works.

RECOMMENDATION: To GRANT planning permission subject to:

- A. Any direction by the London Mayor pursuant to the Mayor of London Order
- B. Any direction by the Secretary of State pursuant to the Consultation Direction
- C. The prior completion of a legal agreement to secure the planning obligations set out within the Committee report.

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

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

changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

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

Ms Victoria McDonagh (Development Management Team Leader) introduced the report, outlining the key aspects of the application as set out within the main report and answered Members' questions. She referenced the supplementary report in which members noted the applicant's agreement for a contribution for an amount of £200,000 towards implementing a Controlled Parking Zone (CPZ). She drew members' attention to a number of amended conditions requested by the agent and considered acceptable, as detailed within the supplementary report.

Mr Pravin Patel (in remote attendance) raised objections to the scheme on the following grounds:

- Excessive height of blocks A & G would be overbearing and substantially alter the character of the area.
- Loss of privacy to the occupiers of a property in Stag Lane adjacent to block G
- The entrance to upper levels of block A to/from courtyard would result in loss of residential amenities to Stag Lane residents.
- Lack of adequate infrastructure in terms of school places, doctors' surgery, hospitals and day care facility.
- Inadequate public transport infrastructure to support the scheme.

Mr Jan Donovan (agent, in remote attendance) addressed the Committee and highlighted the following points:

- The site will deliver 501 new homes (an increase of 87 new homes from the previously consented scheme), 35% affordable housing, 60% of the affordable rented homes will be family sized, including eight 4 bedroom houses, and all of which will be at London Affordable Rent levels.
- The scheme would maintain the design principles of the consented scheme including the height of the commercial and residential blocks facing Stag Lane.
- The scheme will include 114 residential car parking spaces within the basement with 23 commercial and visitor spaces at street level, 901 new cycle spaces, two new cycle repair hubs, wide cycle bays, wash down facilities and e-bike chargers.
- The scheme included improvements proposed to the mini roundabout junction on Stag Lane/Capitol Way to enable buses to route along Capitol Way and Stag Lane in order to increase bus frequencies and improve local traffic capacity.

- The applicant had agreed to a contribution of £200,000 towards the implementation of future CPZ in the area and that the residents of the development would not be able to apply for an on-street parking permit.
- To encourage a shift towards more sustainable modes of transport the applicant would contribute funds to Transport for London to provide a new bus stop adjacent to the scheme and towards the ongoing upgrade of Colindale Underground Station.

In the ensuing discussions with officers, members raised issues relating to loss of privacy, height and bulk, employment opportunities, affordable housing and tenure mix and transportation to which the following responses were noted:

- With adequate set back and separation distances and the taller blocks sited away from Stag Lane, no privacy issues would result.
- The Section 106 legal agreement provides for employment and training plans.
- The robust financial viability assessment coupled with review mechanism for uplifts concluded that the improved number of affordable housing provided was the maximum possible. A significant benefit would be that the rent level mostly within blocks A and G would be set at London Affordable Rent, in line with the Mayor of London's Emerging Policy.
- In addition to being a car free development, the applicant had agreed to a Section 278 highway improvements and a contribution of £200,000 towards implementing CPZ in the area which had a PTAL rating of 2-3.
- With active frontages and lighting, the scheme had been designed out of crime.

With no further issues raised and having established that all members had followed the discussions, the Chair asked members to vote on the recommendation. Members voted by a majority decision to approve the application subject to the amendments set out within the supplementary report.

DECISION: Granted planning permission as recommended and amendments to conditions 5, 6, 8 – 23 (inclusive), 25, 26 and 30 as set out within the supplementary report.

(Voting on the recommendation as amended was as follows: For 6, Against 2).

3. 19/4541 2A, Part of Former Westend Saab and Boyriven Textile, Bridgewater Road, Wembley, HA0 1AJ

PROPOSAL: Demolition of the existing buildings and structures, the erection of a 'co-location' scheme ranging in height from 4 to 19 storeys, incorporating industrial floorspace with residential units, together with associated landscaping, vehicular access arrangements, car and cycle parking, servicing and refuse and recycling facilities.

RECOMMENDATION: To GRANT planning permission subject to the application's referral to the Mayor of London (stage 2 referral) and the prior completion of a

legal agreement to secure the planning obligations set out within the Committee report.

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

Ms June Taylor (Principal Planning Officer) introduced the report highlighting the key aspects of the application as set out within the main report and answered Members' questions. She referenced the supplementary report and informed the Committee that officers had provided Transport for London with further details on the proposed cycle parking provision, and confirmed they had no objection to this aspect of the scheme. She added that the applicants had agreed in principle, to a financial contribution towards public transport and bus service improvements that would be secured through the s106 legal agreement.

Mr Jeffrey Ruffles (applicant) in remote attendance addressed the Committee and submitted the following;

- The proposed residential units would all be for affordable housing, including 50% of units at a policy-compliant split (70% at London Affordable Rent and 30% shared ownership) and the remaining 50% for shared ownership. The proposal complied with Brent Policy DMP15.
- The design was considered to be of high quality, and the overall height and massing were considered appropriate in terms of the emerging street scene with acceptable set back.
- The proposal would provide a high standard of residential buildings with the all accommodation meeting or exceeding minimum space standards.
- The level of parking proposed was considered appropriate given the level of public transport accessibility (PTAL 4), subject to a financial contribution of £60,000 towards implementation of a Controlled Parking Zone, car club

membership and operation of a travel plan, all of which would be secured through a S106 legal agreement.

- A comprehensive landscaping scheme was also proposed.

Councillor Anton Georgiou (ward member) in remote attendance raised several objections to the scheme including the following:

- The proposal would be an over-development of the site not in keeping with the area and would thus change the character of the area.
- Inadequate parking spaces which would result in congestion in the area.
- Lack of infrastructure to support the development.
- Inadequate residential amenity which would have implications for future occupiers within the current Covid-19 pandemic.
- The CIL contribution would not necessarily be spent on improvements to the area.

Members discussed the application during which they questioned officers on several issues including the following; height of the building, transport assessment including servicing arrangements, infrastructure and affordable workspaces. Officers' responses as follows were noted:

- The height of the proposed development was considered acceptable.
- Transport assessment of the scheme concluded that the number of public transport trips associated with the scheme did not warrant the applicant to fund improvements to Alperton Underground Station.
- That infrastructure had been thoroughly evaluated across the borough taking into account projected growth, and that infrastructural requirements were set out in the Infrastructure Delivery Plan and emerging Local Plan. Significant elements of infrastructure had already been secured, including a new nursery a primary health facility at the Northfields development, public open spaces and multi- use community centres. A significant amount of funding has also been secured through the Community Infrastructure Levy.
- The scheme had been designed out of crime to provide natural surveillance and address incidence of anti-social behaviour and that the canals would be maintained.
- Affordable workspaces would be available by commercial arrangements.

With no further issues raised and having established that all members had followed the discussions, the Chair asked members to vote on the recommendation. Members voted by a majority decision to approve the application subject to the amendments set out within the supplementary report.

DECISION: Granted planning permission as recommended.

(Voting on the recommendation was as follows: For 6, Against 1, Abstention 1).

4. 19/2408 111-115 Salusbury Road, London, NW6 6RG

PROPOSAL: Erection of a fourth and fifth storey over existing three-storey office building to create 8 self-contained flats (comprising 6 No. 2-bedroom and 2 No. 3-bedroom flats) with associated new street level entrance to the front and

secondary entrance to the side, new lift and stairs along with glazed link bridge, amendments to car parking arrangements and provision for refuse and cycle stores to the rear.

RECOMMENDATION: 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, 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.

Mr Damian Manhertz (Development Management Team Leader) introduced the report summarising the key aspects of the application as set out within the main report and answered Members' questions.

Ms Tania Spooner (in remote attendance) objected to the application, raising several issues including the following:

- The proposal will have an unacceptable impact on residential amenity in terms of loss of privacy, outlook and light, contrary to the Council's Policy DPM1.
- The development will have a noticeable impact on two flats within 105-109 Salusbury Road in terms of loss of daylight and sunlight, essentially rendering them dark and dismal.
- The development does not meet the Council's supplementary planning guidance which requires a minimum separation distance of 18m between habitable rooms and 9m for outdoor space and inappropriate development.
- The Council's decision to grant planning permission for this proposal in 2016 was clearly entirely irrational for the above reasons and should not be repeated simply for the sake of consistency.

Mr Will Kumar (agent, in remote attendance) informed the Committee that the application was for a renewal of planning permission granted in 2016 and addressed the concerns that objectors had raised. Officers considered acceptable the daylight and sunlight report as it would have a minimal impact on neighbouring properties.

In discussing the application, Members clustered the issues raised including the following; changes to policies since the expiry of the extant consent; consultation; daylight and sunlight; impact on residential amenities and the nearby cemetery. Members noted the following responses that the Team Manager submitted:

- The design guidance had been updated but would not affect the recommendation for approval.
- The consultation carried out complied with statutory requirement.

- That while there would be a significant loss of day light to some adjoining flats, much of the impacts is associated with the over-hanging elements of the adjoining building and the impacts would be considerably lower when these elements were excluded from the analysis in line with BRE guidance.

With no further issues raised and having established that all members had followed the discussions, the Chair asked members to vote on the recommendation. Members voted by majority decision to approve the application as recommended.

DECISION: Granted planning permission as recommended.
(Voting was recorded as follows: For 5; Against 1; Abstention 2).

5. 19/4351 62 Dunster Drive, London, NW9 8EL

PROPOSAL: Retrospective planning application for a two storey building and proposed conversion into a residential development comprising 2 self-contained flats, including the creation of a side entrance, rear amenity space, cycle storage, 2 car parking spaces and associated soft landscaping; removal of boundary fence.

RECOMMENDATION: To GRANT planning permission.

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 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.

Ms Victoria McDonagh (Development Management Team Leader) introduced the report summarising the key aspects of the application as set out within the main report and answered Members' questions. Members heard that without planning permission, the applicant carried out alterations and partial demolition of a dwellinghouse and its conversion to 3 flats, resulting in an enforcement notice being served. The Planning Inspector dismissed the applicant's appeal and the enforcement notice was upheld with variation to the steps to comply with the enforcement notice. Ms McDonagh highlighted that during the course of the enforcement appeal, the applicant had carried out amendments to the design and

appearance of the property which was considered to be acceptable by the Inspector, with no resulting undue impact on the amenity of neighbouring occupiers.

Mr Ali Khalifa (applicant, in remote attendance) referenced the background to the enforcement notice and added that he had since taken specific measures to address the issues raised including height and internal layout to comply with relevant policies. He continued that he would use the house for his family occupation rather than a house in multiple occupation (HMO) and that the immediate neighbours had not raised objections to the application.

Mr Gerry Ansell (Head of Planning) informed Members that officers had brought the application before the Committee because of its history rather than objections to it. The Team Leader added that the scheme now accorded with guidance and policies.

With no further issues raised and having established that all members had followed the discussions, the Chair asked members to vote on the recommendation. Members voted unanimously to approve the application subject to the amendments set out within the supplementary report.

DECISION: Granted planning permission as recommended.
(Voting on the recommendation was unanimous; For 8; Against 0)

6. Any Other Urgent Business

None.

The meeting closed at 9.40 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

22 July, 2020
03
20/0762

SITE INFORMATION

RECEIVED	4 March, 2020
WARD	Brondesbury Park
PLANNING AREA	
LOCATION	Ex Marylebone Boy's School, 60 Christchurch Avenue, London, NW6 7BH
PROPOSAL	Erection of a four storey SEN school (Use Class D1); creation of external playspace, provision of waste storage; creation of a new vehicular crossover from Christchurch Avenue; alterations to boundary treatment with associated landscaping
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_149219</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 "20/0762" (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. Energy Assessment and Carbon Offset payment
2. Training and employment
3. 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. Considerate Constructors membership
5. Non road mobile machinery
6. Compliance with submitted travel plan
7. Landscaping scheme
8. BREEAM Interim Stage Certificate
9. Post construction stage review
10. Construction Logistics Plan
11. Evidence of mitigation measures
12. Construction method statement
13. Details of cycle storage
14. Creation of access
15. Arboricultural method statement and tree protection plan
16. Cafe to remain ancillary
17. Community Use Agreement

Informative

1. London Living Wage
2. Party Wall
3. Thames Water Notification
4. 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

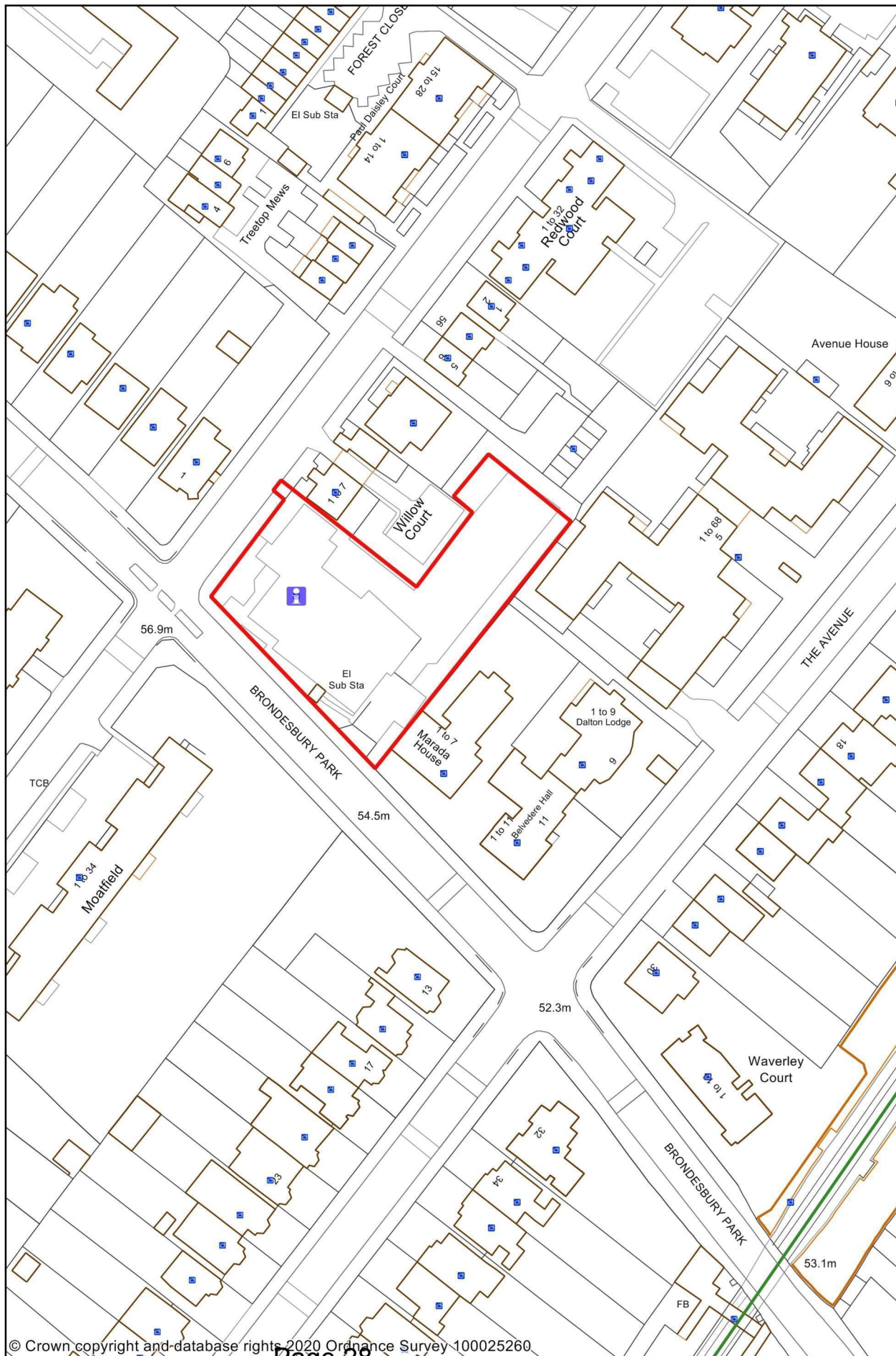


Brent

Planning Committee Map

Site address: Ex Marylebone Boy's School, 60 Christchurch Avenue, London, NW6 7BH

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This map is indicative only.

PROPOSAL IN DETAIL

Erection of a four storey SEN school (Use Class D1); creation of external playspace, provision of waste storage; creation of a new vehicular crossover from Christchurch Avenue; alterations to boundary treatment with associated landscaping

EXISTING

The subject site is an irregular shaped piece of land located between the north-western side of The Avenue, the south-eastern side of Christchurch Avenue (and the north-eastern side of Brondesbury Park . The site, which is currently vacant, has previously been occupied by a single storey building in use as a school, and more recently was occupied by a 4-storey temporary school for 480 pupils, constructed under temporary planning permission 16/0169. This permission required clearance of the site by April 2019 and the site is now cleared.

The character of the surrounding area is predominately residential and consists blocks of flats up to five storeys as well as large detached dwellings. The site is not located in a conservation area and does not contain any listed buildings.

SUMMARY OF KEY ISSUES

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

1. **Representations received:** Three objections have been received. It is considered that the proposal accords with planning policy, having regard to material consideration, and it is recommended that planning permission is granted. .
2. **Provision of a new SEN school:** The site has historically been used as a school site and the continued use of the site for this purpose is strongly supported. The proposal would also provide a new school to meet identified need and would replace a temporary facility at Queens Park School.
3. **Design, layout and height:** The scale of the development would be appropriate in this context and the layout would largely follow previous buildings on site. Whilst the development utilises more contemporary materials, this are considered appropriate to its use and would nevertheless, ensure the building integrates well with its surroundings.
4. **Neighbouring amenity:** The development has been assessed against the guidance in SPD 1 and would largely be compliant. A daylight/sunlight assessment has been submitted and the losses identified are acceptable and can largely be attributed to the unique, vacant nature of the site.
5. **Highways and transportation:** A transport assessment and travel plan have been submitted by the applicant to demonstrate that the school would not have an unduly detrimental impact on the local highway network. Sustainable transport modes have been promoted and a number of conditions have been agreed in order to ensure highway safety.
6. **Trees, landscaping and public realm:** The applicant has submitted a tree survey and arboricultural method statement to ensure the protection of healthy trees. Of the 32 tree identified on site 10 trees are proposed to be removed and additional trees planted to mitigate against the loss. Additional soft landscaping is also proposed where it does not conflict with the usability of the school.
7. **Sustainability:** The development would achieve a 53% reduction on carbon emissions over Part L of building regulations, with the requirement being 35%. The applicant has also submitted evidence to demonstrate that the building has been designed 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

The subject site has a substantial planning history.

15/3616 - Granted at January Planning Committee, pending completion of legal agreement Hybrid planning application for full permission for demolition of all buildings and the development of 74 residential units (Use Class C3) comprising of 33 x 1 beds, 23 x 2 beds and 18 x 3 beds in a part three / part four / part five storey building fronting The Avenue with related basement car park comprising 57 parking spaces; and a 3 storey plus basement building fronting Christchurch Avenue, new vehicular access; footways; landscaping and associated works ("Phase 1"); and Outline permission for a school (Use Class D1), with new vehicular and pedestrian access from Brondesbury Park, with details of "appearance", "scale", "layout" and "landscaping" being reserved ("Phase 2").

"Phase 1" which is the outline part of the permission relates to the same area as the application now being considered.

10/0619 - Granted

Erection of 2 two-storey buildings, erection of rear extension to existing single-storey building, a fenced multi-use games area (MUGA), provision of 8 off-street parking spaces, cycle-storage area and associated landscaping to site, to provide accommodation for the relocated Swiss Cottage Specialist SEN School (SCSSS) for a temporary period of 30 months

Prior to this there were several temporary permissions (04/0785, 00/2444 and 99/1804) obtained on the site for various temporary buildings.

CONSULTATIONS

400 neighbouring properties were notified by letter. A site notice was displayed and a press notice placed in the local newspaper. 3 objections and 2 neutral comments were received. The comments made have been summarised below

Objection	Response
Busy intersection which is already congested due to the number of schools in the area	Please refer to transport section of report.
Noise during construction period	This is controlled by environmental health legislation.
Insufficient parking	Please refer to transport section of report.
Violation of all surrounding houses to set up another school in the area	The site has historically been used as a site for a school and the land use is not being changed.
Loss of natural light to neighbouring residential building	Please refer to neighbouring amenity section.
Noise disturbance caused by having a school in close proximity to neighbouring properties	A noise assessment has been submitted with the application, which is has assessed by environmental health officers and deemed acceptable. When considering the hours of operation and the use of the site, the proposal would not result in a significant level of disturbance to the neighbouring occupiers.

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

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

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 There is a need for new SEN provision in Brent as identified in the Brent School Place Planning Strategy. The proposed school would have capacity to accommodate 104 pupils

1.2 The existing site has historically been occupied by D1 uses and was most recently used to temporarily accommodate 480 pupils from Marylebone Boys School . Prior to this it was occupied by a Specialist SEN school.

1.3 London Plan Policy 3.18 states that development proposals for high quality infrastructure will be supported in light of local and strategic social infrastructure needs assessments. It states that the suitability of redundant social infrastructure sites for other forms of social infrastructure should be assessed first before other development proposals are considered. These principles are reiterated in the Draft London Plan Policy S1, which places a similar emphasis on the need to secure adequate social infrastructure to meet the needs of communities and contribute towards a good quality of life.

1.4 Specifically to education London Plan Policy 3.18 states that development proposals which enhance education and skills provision will be supported. This policy goes on to state that proposals for new schools should be given positive consideration and should only be refused where there are demonstrable negative

local impacts which substantially outweigh the desirability of establishing a new school. Furthermore, Draft London Plan Policy S3 requires borough to ensure a sufficient supply of good quality educational facilities to meet demand and offer educational choice.

1.5 At local level, Core Strategy Policy 23 seeks to protect and provide community and cultural facilities and DMP 1 states that development will be acceptable providing that it results in no loss of community facilities. Furthermore, emerging Draft Local Plan Policy BS11 emphasises the importance of providing adequate social infrastructure to support Brent's diverse community, reduce inequality and help to promote social inclusion and social wellbeing.

1.6 As stated above there is an identified need for additional SEN spaces in the borough which the development would help to meet. Furthermore, as the development would ensure the continued use of the site for community, and more specifically educational purposes, the development would be consistent with current and emerging London and Local Plan Policy.

2. Character and appearance

2.1 The subject site occupies a corner plot at the junction with Christchurch Avenue and Brondesbury Park. Both roads are relatively varied in nature, with Christchurch Avenue comprising predominantly three storey buildings, although four storey blocks of apartments are also present. Brondesbury Park is more varied with greater scale buildings including 5 storey Marada House. The proposed school building would be four storeys fronting both Christchurch Avenue and Brondesbury Park and therefore in terms of its scale, it would have an acceptable impact on both street scenes. The scale of the building would reduce to the rear in the interest of neighbouring amenity.

2.2 In terms of building lines, the building would sit on the same front building line as Willow Court, maintaining the established front building line on Christchurch Avenue. The boundary along Brondesbury Park is at an angle and the proposed building has been positioned to reflect this. Whilst it would sit close to the footpath near the junction with Christchurch Avenue, the set off would increase to ensure the building retains an generous frontage which is a feature of this part of Brondesbury Park.

2.3 In terms of materials, surrounding buildings are predominantly brick built. Where different materials are present, this is to add detailing.. There are only a few examples of buildings that do not follow this pattern including neighbouring Marada House, Belvedere Hall and adjacent Moatfield. However, none of these buildings are recent additions. The proposed school building would utilise brick at ground floor level and copper cladding to the upper floor levels. Therefore whilst the school building would be predominantly clad, consideration should be given to the fact that unlike others in the vicinity, the building is not residential, and therefore the presence of this more contemporary material distinguishes it as a different use. Furthermore, whilst the materials would not be consistent with the predominant material in the area, the proposed cladding is considered to be high quality and the colour of it would help to ensure that the resulting school building satisfactorily integrates with its more traditional surroundings. Whilst there is an element of render to the Brondesbury Park elevation, this provides a visual break to what is quite a long, flat elevation and would match the material of neighbouring Marada House. Whilst render is also proposed to the side and rear of the building, these elevations would not be highly visible and therefore the use of this can be accepted in this instance.

2.4 In terms of detailing, the Christchurch Avenue elevation is treated as the principle elevation with a more active frontage and a consistent pattern of fenestration. During the course of the application, the fenestration to the Brondesbury Park elevation was amended to achieve a greater degree of consistency. Whilst there is some concern that there would be little activity to the ground floor of this elevation, there would be a relatively high boundary treatment, and a number of semi mature trees are proposed to be planted which would provide some interest and when mature would provide screening of the ground floor.

2.5 Plants associated with the school are proposed to be located at roof level, which cover an extensive area. In order to limit the visual impact of the plant louvre screening is proposed. The screening would be 2.3m high above the parapet and although it would be well set back from the Christchurch Avenue elevation, it would be set back 1m. behind the parapet when viewed from Brondesbury Park, it would therefore be visible from this viewpoint and would appear similar to a fifth storey. Nevertheless, its practical purpose is noted and the screening would be preferable to leaving the plant exposed.

2.6 The development would therefore have an acceptable impact on the character and appearance

of the dwelling.

3. Trees and Landscape

3.1 The application has been accompanied by an arboriculture report. The report identifies that there are a mixture of mature trees both within the site and adjacent to the immediate boundaries, with a number of these subject to statutory protection. Of the 32 trees identified on site, 10 of these trees are proposed to be removed with 4 of them falling within Category B (moderate value) and the others being Category C or U and thereby having a low amenity value. The proposed works include the removal of trees to both the Brondesbury Road boundary and the Christchurch Avenue boundary. However, in order to mitigate against any loss, the applicant has submitted a tree planting plan showing the provision of 7 trees, with 3 of these located along the Brondesbury Park boundary.

3.2 In order to ensure the protection of the retained trees, a condition will be attached to this permission in the event of an approval, requiring adherence to the arboricultural report as well as the submission of a site supervision and monitoring schedule.

3.3 In terms of soft landscaping this is very limited, given that a large amount of space around the building is to be used for facilities associated with the school use. Where proposed, soft landscaping is located along the boundary with Marada House with just small areas to the rear. The area 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, having regard to the nature of the use, together with the competing requirements in terms of space, the provision is considered acceptable. It is noted that the landscaping provision is similar to previous educational uses on site. Nevertheless, a full landscaping scheme is requested by condition and in the event of an approval, the applicant is highly encouraged to explore opportunities to maximise soft landscaping to visible frontages.

4. Impact on neighbouring properties

4.1 SPD 1 provides guidance on how new development should be designed in order to limit the impact of neighbouring residential properties. The site lies within a predominantly residential area. Towards the south east of the site is Marada House, a 5 storey residential block. To the north east of the site fronting Christchurch Avenue lies Willow Court a three storey residential block with the area to the rear of this block comprising a grassed amenity area as well as parking for the flats. To the east is a modern 4/5 storey residential block. Opposite the site is 1 Christchurch Avenue a traditional three storey residential building

30 and 45 degree rule

4.2 SPD 1 states that in order to protect neighbouring amenity, the building should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from a height of 2m above floor level. Where proposed development adjoins private/amenity garden areas then the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. Due to their relationship with the subject site, Willow Court and Marada House are the most likely to be affected by the development.

4.3 The school building would not extend further rearwards of the rear elevation of neighbouring Marada House and would not affect any of the rear amenity space and therefore the 45 degree rule is not applicable. However, there are a number of primary side facing habitable room windows to this building that could be affected by proposed development, particularly as there is a fall in ground level between the subject site and this neighbouring residential building. The application has been accompanied by context drawings which show the 30 degree angle taken from the side facing ground floor windows. The drawings demonstrates the developments full compliance with the 30 degree rule when considered in relation to Marada House.

4.4 In relation to Willow Court, there is a large area to the rear that provides both off street parking for the flats and an area of communal amenity space. The distance between the boundary of this property and the rear elevation of the school building is 8.5m. The school building has been designed so that the scale decreases from four storeys along the Brondesbury Park and Christchurch Avenue elevation to two storeys to the rear. Therefore when applying the 45 degree rule from this area, the development would comply with this guidance.

Daylight/Sunlight

4.5 A detailed daylight/sunlight assessment has been submitted to demonstrate that the development would not have a significant adverse impact on neighbouring residential properties.

4.6 The report identifies shortfalls on BRE standards to Moatfield, 1 Brondesbury Park and Marada House. In relation to one Brondesbury Park, one window is identified to be affected, however this room is also served by two other windows that continue to receive good levels of light and therefore the impact on this property is considered to be negligible.

4.7 In relation to Moatfield, two ground floor windows are identified to be affected to a minor extent and would fall just below BRE guidance for VSC, retaining VSC of 0.78 and 0.74 of their former value rather than the required 0.8. Given the minor shortfall and the overall retained living conditions for this property the impact on Moatfield is considered acceptable.

4.8 The most notable losses in terms of daylight/sunlight are identified as being to neighbouring Marada House. Of the 45 windows tested, 33 of these would continue to meet BRE guidelines for VSC. All of the affected windows would be to the flank elevation. Of the 12 windows identified to be affected, 8 of these belong to rooms that are served by multiple other windows that receive good levels of light and therefore whilst individual windows would fall below BRE standards, overall the rooms would continue to be well lit. The other 4 windows identified would be the sole windows serving bedrooms and would retain VSC of 0.60, 0.68, 0.70 and 0.77 of their former values, rather than the 0.8 target value. The report concludes with an assessment against previously consented schemes on this site and demonstrates that daylight/sunlight losses to the flats of Marada House are reduced, when compared to previous approvals on site. The harm associated with the level of reduction experienced for the four windows is considered to be outweighed by the benefits associated with the delivery of the new school.

4.9 Other properties have also be included in the assessment 1 and 2 Willow Court and 1-68 Brondesbury Park, however, the report concludes that the receipt of light to these properties would be unaffected by the proposal.

Overshadowing

4.8 In terms of overshadowing a number of amenity areas have been assessed. BRE guidelines recommend that for an amenity area to appear adequately sunlit throughout the year at least 50% of the area should receive 2 hours of sunlight on 21 March. If as a result of a new development, an existing amenity area that can receive sun at this date is less than 0.8 times its former value then the loss of sunlight is likely to be noticeable.

4.9 In this case, of the four areas assessed (1 Brondesbury Park, Moatfield, and Willow Court) one area falls below BRE standards, being 0.71 its former value. However, the greater impact on this amenity area can be attributed to the fact that the proposed development has been compared to the current vacant development site status, with the affected amenity area benefiting from an uncharacteristically open site to the south, when noting the site falls within an urban area. With this in mind, the report includes a further assessment running the sun on ground test to the approved outline scheme (15/3616), which demonstrates that the amenity area would actually be affected to a lesser extent. Given the unique circumstances of the site, the failure to meet BRE guidelines is considered acceptable.

1:2 Guidance

4.10 The development would not comply with the 1:2 rule set out in SPD1 when considered in relation to Willow Court. This specifies that new buildings and extensions do not extend further beyond the neighbouring building line than half the distance to the centre to the nearest habitable room. The school building would essentially extend 32m beyond the rear elevation of the Willow Court. The site fronts both Christchurch Avenue and Brondesbury Park, and in such situations, it is not uncommon for development to turn the corner and front both streets. When considering the sites historic use and the changes that have previously been agreed in outline, it is reasonable that a new school development would be situated within this location. Furthermore, when considering the positioning of the neighbouring properties this arrangement would not have an unduly adverse impact on the overall living standards of the new properties.

4.11 However, SPD1 specifies *normally* and in this case there is a generous separation distance

between the centre of the nearest habitable room window and the new school building, of approximately 11m. Furthermore, the applicant has submitted sufficient evidence to demonstrate that the development would comply with all other guidance in terms of daylight/sunlight standards and the 30 and 45 degree rules. Therefore whilst noting that the development would not comply with this guidance, with all matters considered, the development would have an acceptable impact on the occupants of Willow Court.

Privacy/Overlooking

4.12 In terms of the privacy of neighbouring residents, the development would fall marginally short of the 9m separation distance between the rear elevation and rear boundary at 8.5m. Given the use of the building and the fact that the windows would look out towards a car parking area, this minor shortfall can be accepted and it is considered that the privacy of this neighbouring building would not be jeopardised as a result of the school building. Unlike a residential building the outlook would be limited to certain times of the day and from the distance proposed this would not be significantly harmful to the neighbouring occupiers.

4.13 There are two small window to the flank elevation facing Marada House at ground and first floor level, however both of these windows would be positioned more than 9m from the boundary with this neighbouring residential block and therefore would not harm the privacy of the occupants.

Noise and disturbance

4.14 As a school (albeit a small one) the development has the potential to generate levels of noise which could disturb neighbouring occupants. The applicant has submitted a noise assessment which has been reviewed by Environmental Health Officers and considered satisfactory. However, Page 9 of the report states "*the report considers only the suitability of the site for the use of a school, to achieve required indoor ambient noise levels.*" Whilst the report does not consider internal sound break-out from within the classroom spaces, noise from external play areas and other outdoor activity. As this site has historically been used as an educational facility, it is not considered that the proposed school building would generate any greater noise than previous school buildings. The school has a very similar layout to those which previously occupied the site and is proposed to accommodate a much smaller number of pupils. The local authority are therefore satisfied that the development would not result in any undue noise and disturbance to the occupants of neighbouring residential properties.

5. Transport

5.1 The principle of an SEN school on this site has previously been accepted through outline planning consent 15/3616, although the time limit for the submission of reserved matters has now expired.

5.2 In terms of site layout, car parking allowances for schools are set out at Appendix 1 of the adopted DMP 2016. This allows up to one off-street car parking space per five staff and with 92 staff proposed to be employed, up to 18 car parking spaces would be allowed. Just one disabled parking space is proposed within the site, so maximum standards would be complied with. The presence of the site within a CPZ will prevent long-term parking by staff on surrounding streets and whilst the PTAL rating is only moderate, there is a nearby station on the London Overground line that serves the site well. The absence of staff parking within the site is therefore fine.

5.3 For schools, consideration also generally needs to be given to the impact of parking by parents at the start and finish of the school day. In this case though, the application is for a Special Educational Needs school and the intention is that all pupils will be transported to and from the school by minibus, setting down and collecting pupils from within the school grounds. Residual demand for parking by parents is therefore likely to be very minimal and any visitors to the site would be able to make use of on-street pay and display bays along Brondesbury Park.

5.4 The minibuses are to use a 3.75m wide one-way route around the site. This is welcomed in safety terms, as it means minibuses do not have to carry out any reversing within the site to turn around. The only minor concern is that the width of the route does not allow minibuses to pass one another on-site if one breaks down or is delayed, but this can be managed by the school. Otherwise, tracking has been provided to show that the route works effectively for minibuses.

5.5 The proposed access arrangements involve the formation of a new crossover from Christchurch Avenue in the northeastern corner to allow them to enter the site. This will be very close to an existing street tree and Brent's highways arboricultural officer has confirmed that the crossover can be accommodated without

requiring the tree's removal.

5.6 In addition, an existing on-street permit holder/pay & display parking bay will need to be removed (which has effectively already been replaced by a new bay on Brondesbury Park), whilst the Car Club bays will need to be repositioned further away from the access. The changes to the parking bays are fine and as such, the proposed amendments to the access arrangements are acceptable and will need to be funded by the applicant.

5.7 Egress from the site will be via the existing crossover onto Brondesbury Park. The gates at the egress are shown relocated closer to the highway boundary, but will not open outwards over the highway, so this is fine.

5.8 Servicing arrangements have been set out in a Delivery & Servicing plan appended to the Transport Statement.

5.9 General delivery vehicles (kitchen supplies etc.) are expected to use the one-way route around the site using 7.5T vans and tracking for these vehicles has been provided to confirm that the design is suitable.

5.10 Refuse bin storage is proposed in the southwestern corner of the site and as the one-way route through the site would not be able to accommodate 10m refuse vehicles, it is proposed that they instead reverse a short distance into the site from Brondesbury Park. This is not ideal, but the manoeuvre would be undertaken just once a week outside of school opening/closing times and on this basis, is considered to be acceptable.

5.11 The London Plan requires at least one bicycle parking space per eight staff (the requirement for pupil cycle parking can be waived in this particular case), giving a total requirement for 12 spaces. This has been acknowledged in the Transport Statement, but the plans only appear to show six spaces. Further details of the bicycle parking, including details of shelter and security, are therefore sought as a condition of any approval.

5.12 Whilst pupil access into the building will be from the securely gated dropping-off area at the rear, general pedestrian access for staff and visitors will be directly from Christchurch Avenue and separate from the vehicular access, which is welcomed.

Transport Impact

5.13 As stated above, the intention is that all pupils will be transported to the site by 16-seat minibuses. Once the school is fully occupied, a total of seven such minibuses will therefore be required for the 104 pupils. The dropping-off zone in the school can accommodate three minibuses at a time, with space available for a further two minibuses to wait. With a managed system of staggered arrival and departure times proposed, the design will be able to accommodate the maximum demand for minibus parking at any one time without minibuses having to wait in the public highway.

5.14 With no staff parking being provided, the school is therefore expected to generate just seven minibus movements to and from the site between 8-9am and 3-4pm each day. Compared to existing daily flows on Brondesbury Park and Christchurch Avenue, the increase in traffic would be negligible and does not warrant further analysis of traffic impact on nearby road junctions in the area.

5.15 A total of 71 staff trips by public transport in each peak hour are anticipated. This equates to less than two additional passengers per bus/rail service in the area, so is also not considered likely to have any material impact on capacity.

5.16 Staff are also anticipated to make nine trips by foot and nine trips by bicycle in each peak hour, which can also be accommodated without difficulty.

5.17 The road accident history for the area within about 300m of the site for the five year period January 2014-December 2018 was examined within the Transport Statement. This revealed 27 accidents (four of which resulted in serious injury) in the wider area, but none in the immediate vicinity of this site. As such, there are no identified road safety issues close to the site that would be likely to be exacerbated by this proposed school.

Travel Plan

5.18 To help to minimise future congestion and traffic emissions in the area, improve road safety awareness

and promote active and healthy travel, a School Travel Plan has been submitted for the development.

5.18 This sets out a range of measures such as promoting sustainable transport through newsletters, notice boards, website etc., personalised travel planning, provision of maps, participation in the Cycle to Work scheme etc. to be implemented and managed by a named Travel Plan Co-ordinator (liaising with a Working Party representing staff and parents).

5.19 The Travel Plan aims to keep the proportion of journeys to and from the site by car to 0%, with targets for other modes of travel set after conducting the initial travel survey. Surveys will then be conducted annually in line with the STARS requirements, with drop-off activity outside the school also monitored.

5.20 The School Travel Plan is considered to be acceptable in its current form and its implementation can be secured by condition, with the requirement being to participate on an on-going basis in TfL's STARS scheme (or any replacement thereof).

Construction Management

5.21 Finally, a Construction Management Plan for the development has been submitted with the application, setting out arrangements for the management of the construction works during the programmed construction period from June 2020 until August 2021, with working hours proposed as 8am-6pm on weekdays.

5.22 The site is already enclosed with walls and fences, but Heras fencing will be provided on the surrounding footways when undertaking repairs to the boundary wall and when constructing the new access. Any footway closures will require a temporary footway closure order from Brent's Highways & Infrastructure Service though, whilst works by the contractor to create the site access will need to be undertaken using a S278 Agreement under the Highways Act 1980 (although the works could be undertaken by Brent's contractors at the developer's expense).

5.23 All welfare and staff accommodation will be located within the site and all materials will be unloaded and stored within the site.

5.24 Otherwise, the document is light on detail regarding logistics and on-site arrangements, but does refer to a Traffic Management Plan. It is recommended that this sister document (or a Construction Logistics Plan) is submitted for approval prior to works commencing on site.

5.25 There are no objections on transportation grounds to this proposal, subject to conditions to secure: (i) the undertaking of highway works at the developer's expense to create the new access from Christchurch Avenue and amend the on-street parking bays accordingly, either by paying Brent's costs or by entering into a S278 Agreement; (ii) submission and approval of further details of bicycle parking for the school; (iii) implementation of the submitted School Travel Plan and participation in TfL's STARS accreditation scheme (or any replacement thereof) for the lifetime of the school; and (iv) submission and approval of a Construction Logistics Plan prior to works commencing on site.

6. Sustainability

6.1 The London Plan requires that development proposals should make the fullest contribution towards minimising carbon dioxide emissions in accordance with the 'be lean, be clean, be green' hierarchy. Furthermore, all major development are required to be net zero carbon, with a minimum 35 per cent reduction on carbon emissions over Part L of Building Regulations to be achieved on site. Where it is demonstrated that the zero carbon target can not be fully achieved on site, any shortfall should be provided either off site, or through a cash in lieu contribution to the borough's carbon offset fund.

6.2 The submitted energy assessment surpasses the 35 per cent on site reduction, providing a betterment of 54 per cent, which constitutes to a saving of 18 tonnes of CO₂ per annum for the building. However, the development is not compliant with the London Plan 'be lean, be clean, be green' hierarchy given that the 49 per cent of the savings come from renewable energy sources and just 5 per cent comes from energy demand reduction. However, given that the on site target savings have been achieved and having regard to the wider benefits of the development being considered, the energy proposals are acceptable. However, in order to ensure net zero carbon development, a legal agreement will require a payment to the carbon offset fund which is calculated to be £16,005.

6.3 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.

7. Flood Risk

7.1 The site is within Flood Zone 1 for fluvial flooding and additionally falls in close proximity to a flood zone 3 for surface water flooding. A flood risk assessment has been submitted with the application which demonstrates that the proposed discharge rate is significantly reduced from the current brownfield discharge rates within a 1 in 100 year storm event. This would therefore have a positive effect on the overall flood risk of the area.

7.2 The proposed drainage implementation for the site is acceptable and the development would not give rise to increased flood risk.

8. Air Quality

8.1 The applicant has submitted an air quality assessment and air quality neutral assessment to consider the potential emissions to the area associated with the development as well as the potential impact on receptors to the development.

8.2 Potential operational phase impacts on the proposed users of the building have been identified, and largely relate to road traffic exhaust emissions which particularly affect the Brondesbury Park elevation. The report identifies that the proposed school building would need to be mechanically ventilated to ensure users are not exposed to harmful levels of pollution. Evidence to demonstrate that the proposed mitigation measures outlined in the report have been implemented is requested by condition.

9. Equalities

9.1 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)

10.0 Other matters

10.1 The school proposes a mixed curriculum and includes a cafe at ground floor level fronting Christchurch Avenue. Clarification was required on the nature of this, as a retail use would not be appropriate in this location. Nevertheless, the purpose of the cafe is to give pupils real life experience of the work environment and dealing with customers. The cafe forms part of the vocational aspects of the school curriculum and is considered to be ancillary to the main teaching accommodation. The planning statement confirms that it would be open occasionally to parents and members of the community to facilitate this learning. A condition has been attached to this permission to ensure the cafe remains ancillary to the D1 use and is not open beyond school hours.

10.2 In accordance with London Plan policy 3.16, draft London Plan policy S1 and emerging Brent Draft Local Plan Policy BSI1, the multiple use of premises is encouraged. Ensuring the shared use of community facilities for leisure 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 outside games areas for non-members of the school.

10.3 Although acknowledging that fire safety compliance is a matter for the Building Regulations, Policy D12 of the draft London Plan requires all major proposals to submit a Fire Statement. This Statement should demonstrate that the development will achieve the highest standards of fire safety by reducing risk to life, minimising the risk of fire spread and providing a suitable and convenient means of escape.

10.4 In accordance with draft Policy, a Fire Strategy Report has been produced together with a plan which indicates features such as emergency egress windows/doors, the location of a dry riser, fire services access points, and the location and fire rating of walls and doors. The report notes that it is envisaged that the measures provided will comply with the relevant Building Regulations and this is considered to be acceptable to meet the draft London Plan D12.

11. Conclusion

11.1 The proposed development is acceptable in principle and would utilise a site that has long been associated with educational use. The development would have an acceptable impact on the character and appearance of the locality and would have an acceptable impact on the occupants of the neighbouring residential properties. Furthermore the application is acceptable in a transport capacity.



Application No: 20/0762

To: Mr Maltby
EdgePlan
3rd Floor
16 Upper Woburn Place
London
WC1H 0BS

I refer to your application dated **04/03/2020** proposing the following:

Erection of a four storey SEN school (Use Class D1); creation of external playspace, provision of waste storage; creation of a new vehicular crossover from Christchurch Avenue; alterations to boundary treatment with associated landscaping

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

at **Ex Marylebone Boy's School, 60 Christchurch Avenue, London, NW6 7BH**

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: 13/07/2020

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:

FS0574TAS-PAL-XX-00-DR-A-1120
FS0574TAS-POZ-01-GF-DR-A-1100
FS0574TAS-POZ-01-GF-DR-A-1110-E
FS0574TAS-POZ-01-XX-DR-A-3000 REV P01
FS0574TAS-PAL-XX-00-DR-A-1200
FS0574TAS-PAL-XX-01-DR-A-1201
FS0574TAS-PAL-XX-02-DR-A-1202
FS0574TAS-PAL-XX-03-DR-A-1203
FS0574TAS-PAL-XX-XX-DR-A-1351
FS0574TAS-POZ-01-ZZ-VS-A-1700
FS0574TAS-POZ-XX-XX-DR-A-1210
TAS-POZ-02-GF-DR-L-0106
TAS-POZ-02-GF-DR-L-0105
TAS-POZ-02-GF-DR-L-0102
TAS-POZ-02-03-DR-L-0101
TAS-PAL-XX-XX-DR-A-1400
TAS-PAL-XX-00-DR-A-1204

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

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

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

- 4 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

- 5 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

- 6 Within 6 months of 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. .

- 7 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

- 8 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.

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

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

- 10 Prior to the occupation of the development, the applicant shall submit a report which provides evidence that the mitigation measures described in the approved Air Quality Impact Assessment (Redmore Environmental Air Quality Assessment and Air Quality Neutral Assessment (ref 3155v1 dated 18/10/19) have been implemented. The report is subject to the approval of the Local Planning Authority.

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

- 11 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

Reason: To protect local amenity and air quality.

- 12 Notwithstanding the approved plans and prior to the occupation of the development hereby approved, details of 12 cycle storage spaces, including information on shelter and security, shall

be submitted to and approved in writing by the local planning authority. The cycle storage shall then be laid out in accordance with the approved details and retained in perpetuity for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To ensure sustainable modes of transport are used for the site.

- 13 Prior to the occupation of the development hereby approved, the creation of the new access from Christchurch Avenue shall be completed and the on-street permit holders'/pay and display bay, shall be amended accordingly with the works required to facilitate this to be entirely funded by the applicant.

Reasons: In the interests of highway safety. To ensure safe access and egress from the site.

- 14 The development hereby approved shall be implemented in full accordance with the submitted School Travel Plan (Milestone Travel Plan dated December 2019). Furthermore, the developer shall maintain a commitment to participating in the TfL's STARS accreditation scheme (or replacement thereof) for the lifetime of the development.

Reason: In the interest of highway and school safety and to demonstrate a commitment to sustainable transport modes.

- 15 Prior to the commencement of development an arboricultural method statement and tree protection plan shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: To protect all trees shown for retention throughout the duration of works

- 16 The proposed cafe shall be ancillary to the D1 use and shall operate only during school hours.

Reason: To ensure that the use remains appropriate for the site location.

- 17 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. The agreement shall apply to the sports hall and MUGA, and shall include details of pricing policy, hours of use, access by non 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 wider community.

INFORMATIVES

- 1 (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.
- 2 The proposed development is located within 15 metres of Thames Waters underground assets and 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-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwIFaQ&c=OMjwGp47Ad5otWI0__IpOg&r=G_hzVySAkixNxE_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=_dMI8TKUejLQaGBRXYFcYfmfGfOeMzqXzt8kKMdIDro&s=ZHrLw0eNkKxKsZHc78erU7o4tES8-9YAimV3jExLoo&e=

[://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_hzVySAkixNxE_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=_dMI8TKUejLQaGBRXYFcYfmfGfOeMzqXzt8kKMdIDro&s=ZHrLw0eNkKxKsZHc78erU7o4tES8-9YAimV3jExLoo&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Planning-2Dyour-2Ddevelopment_Working-2Dnear-2Dor-2Ddiverting-2Dour-2Dpipes&d=DwIFaQ&c=OMjwGp47Ad5otWI0__IpOg&r=G_hzVySAkixNxE_J_EjNJR_FDWFjexJLES8DRQ06qKk&m=_dMI8TKUejLQaGBRXYFcYfmfGfOeMzqXzt8kKMdIDro&s=ZHrLw0eNkKxKsZHc78erU7o4tES8-9YAimV3jExLoo&e=)

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

- 3 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.
- 4 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 5 Under the Control of Pollution Act 1974, noisy construction works are regulated as follows:

Monday to Fridays - permitted between 08:00 to 18:00

Saturday - permitted between 08:00 to 13:00

At no time on Sundays or Bank Holidays

For out of hours work/ S61 application, the Control of Pollution Act 1974 allows the council to set times during which works can be carried out and the methods of work to be used. Contractors may apply for prior approval for works undertaken outside of normal working hours. They should email the noise team at ens.noiseteam@brent.gov.uk to obtain a section 61 application form. Please note that the council has 28 days to process such applications.

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

22 July, 2020
04
19/4444

SITE INFORMATION

RECEIVED	18 December, 2019
WARD	Queensbury
PLANNING AREA	
LOCATION	Unit 2, 2 Lowther Road and Units 3, 4 & 4A Lowther Road, Stanmore, HA7 1EP
PROPOSAL	Demolition of existing buildings and redevelopment of the site to provide a part -2, part-4 and part-6 storey plus basement development comprising self-contained residential units (use class C3) and commercial floor space (Use class B1c) together with associated private and communal space, car parking and cycle storage and public realm improvements (amended description) subject to Deed of Agreement dated xx xx 2020 under Section 106 of the Town and Country Planning Act 1990.
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_148253</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 "19/4444" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

A. That the Committee resolve to GRANT planning permission subject to

1. Any direction by the Secretary of State pursuant to the Consultation Direction
2. The prior completion of a legal agreement to secure the following planning obligations:
 - (i) payment of the Council's legal and other professional fees;
 - (ii) notification of material start
 - (iii) *Affordable housing*: provision of seven units within the development for shared ownership. Late stage viability review mechanism to reasonably capture any improvement in viability for deferred affordable housing planning obligations.
 - (iv) *Carbon Off-setting scheme* – Revised Energy Assessment at detailed design stage and post-completion. Two-stage contribution towards Brent's carbon offsetting scheme to achieve the London Plan targets for carbon reduction, should those targets not be met through on site measures. BREEAM Completion Certificate evidencing BREEAM Excellent status for commercial floorspace.
 - (v) *Undertaking of highway works* through an agreement under S38 and S278 of the Highways Act 1980, including: Construction of footway to adoptable standards, financial contribution of £8,000 towards planting of street trees.
 - (vi) *Contribution to implementation of future Controlled Parking Zone* of £10,000. Parking permit restrictions.
 - (vii) *Training and employment of Brent residents* - Prior to a material start to inform in writing Brent Works of the projected amount of construction jobs, training opportunities and provide a copy of the Schedule of Works. And, prior to a Material Start to prepare and submit for the Council's approval an Employment Training Plan for the provision of training, skills and employment initiatives for residents of the Borough relating to the construction phase of the Development.

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

Compliance

- 1 Three year rule
- 2 Approved plans / documents
- 3 No C3 to C4 conversions without planning permission
- 4 No B1 to C3 conversions without planning permission
- 5 Non-road mobile machinery
- 6 Provision of parking, loading, cycle storage and bin storage
- 7 Limit water consumption to 105llpd
- 8 Obscure glazed window
9. Number of residential units

Pre-commencement

10. Construction Method Statement
- 11 Construction Logistics Plan

During construction

12. Fire Strategy
- 13 Site investigation for contaminated land
- 14 Piling method statement prior to any piling
- 15 Details of materials, external plant and balcony screening
- 16 Details of wheelchair accessible and adaptable units
- 17 Details of hard and soft landscaping
- 18 Details of PV panels

Pre-occupation

- 19 Contaminated land remediation measures
- 20 Assessment of plant noise and mitigation
- 21 Sound insulation for residential units

Informatives


- 1 CIL liability
- 2 Party Wall Act
- 3 Building near boundary
- 4 Liaison with London Underground
- 5 Working near Thames Water assets
- 6 Asbestos control
- 7 Quality of imported soil
- 8 Operational safety of railway
- 9 London Living Wage
- 10 Fire safety standards
- 11 Notify Highways of commencement
12. Construction hours

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

D. That, if by the "expiry date" of this application (subject to any amendments/extensions to the expiry date agreed by both parties) the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

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 1990.12

SITE MAP

 Brent	Planning Committee Map
	Site address: Unit 2, 2 Lowther Road and Units 3, 4 & 4A Lowther Road, Stanmore, HA7 1EP
© Crown copyright and database rights 2011 Ordnance Survey 100025260	

This map is indicative only.



PROPOSAL IN DETAIL

The proposal is to demolish the existing buildings on site and construct a building ranging in height from two to six stories, with an additional basement storey and a lift overrun / stairwell at seventh storey level to provide access to the roof.

The proposal would provide 1,637sqm of industrial floorspace (use class B1c) and 40 residential units (comprising 14 x 1bed, 18 x 2bed and 8 x 3bed units), with associated parking, servicing, cycle storage and bin storage, hard and soft landscaping.

EXISTING

The site consists of the industrial units Nos 2, 3, 4 and 4A at 62 Lowther Road. Nos 4 and 4A comprise a two-storey flat-roofed brick built building with a single-storey front and side extension and Nos 2 and 3 form a similar two-storey flat-roofed building. Both buildings have single-storey gable-roofed extensions to the rear. Nos 4 and 4A are in use as a safety belt manufacturer and fitter, whilst No 3 is in use as a car repair workshop and No 2 as a salmon smokery. The frontage of the units is in the ownership of the highway authority but is used for parking cars and there is vehicular access between the two units.

The site is on the northern side of Lowther Road, with uses to the east including an office building partly converted to residential use under permitted development rights at Freetrade House and a community centre, the Northwest Jamathkhana, on the corner of Lowther Road and Cumberland Road. On the southern side of Lowther Road are industrial uses and further to the southeast is a Morrisons superstore. The northwest site boundary adjoins the borough of Harrow, where Lowther Road changes to a suburban residential character comprising two-storey semi-detached maisonettes and a supported living home at the turning circle of the cul-de-sac. The Jubilee Line runs parallel to Lowther Road along the northeast of the site.

The site is part of a designated Locally Significant Industrial Site (LSIS). It is not in a conservation area and does not contain any listed buildings.

AMENDMENTS SINCE SUBMISSION

Amended plans were received on 11 February 2020, amending the basement and ground floor layouts in order to address concerns raised by the Secure by Design officer, and increasing the degree of set back from the southeast elevation on the ground and first floors, in order to address officer concerns regarding the separation distance to the adjoining site at Freetrade House. The Daylight and Sunlight Report was subsequently amended to incorporate these changes, a revised version being submitted on 9 April 2020.

As a result of the ground floor set back, the commercial floorspace was reduced from 1,745sqm to 1,637sqm. This does not materially alter the nature of the scheme as the amount of floorspace provided would still comply with the relevant policies, and would not prejudice the interests of neighbouring properties in any way such that reconsultation would be required. The revised Daylight and Sunlight Report demonstrates that the impact on neighbouring properties would be reduced as a result of the increased set back and identifies the location of windows affected, and this also did not require reconsultation.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. 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: Two neighbour objections have been received, raising concerns about the loss of existing employment uses on a Locally Significant Industrial Site, amount of affordable housing and housing mix, height of building in relation to surrounding area, overshadowing and loss of light and privacy to neighbouring properties, amount of residential amenity space and number of single aspect units, and low levels of parking and servicing.

Principle of development: The site is proposed to be allocated in Brent's draft Local Plan for mixed use development involving co-location of industrial and residential uses. Whilst adopted policies seek to retain

LSIS sites in solely industrial use, the emerging policy context encourages the redevelopment of suitable sites to include residential use and intensify industrial use. The proposal would increase the amount of industrial floorspace on site and would also provide 40 new housing units to contribute to the Borough's housing targets. As such it responds well to the intention of the emerging policy context and proposed site allocation, and is considered to be acceptable in principle.

Housing mix and affordable housing: The proposal would provide seven units for shared ownership (19% by habitable room) and has been supported by a Financial Viability Appraisal which has been robustly reviewed on behalf of the Council. Your officers acknowledge that the amount of affordable housing would be limited and that it would not include any affordable rent units, but consider it to be significantly beyond the maximum reasonable amount of affordable housing that the scheme could provide. Further sensitivity testing has established that the scheme could theoretically provide 3 affordable rent homes instead of the 7 intermediate homes. However, the need to provide a significant amount of industrial space results in an inability to feasibly provide access to those homes through a separate core (a requirement of Registered Providers of Affordable Housing). Analysis also showed that the scheme could not deliver a significant financial contribution to off-site affordable housing as an alternative to shared ownership units, and that the additional basement floorspace does not significantly affect viability in this instance. A late stage review mechanism would secure further contributions should the viability of the scheme improve. The proportion of family-sized units (20%) would be below the policy target for new family sized homes within the borough set out in Policy CP2 and emerging policy BH6 but is considered reasonable having regard to scheme viability.

Design, scale and appearance: The maximum building height of six stories stepping down to two stories on the boundary with low-rise residential properties reflects the design principles set out in the proposed site allocation and is considered to be appropriate given the proposal to allocate surrounding sites for redevelopment on a similar scale and the visual buffer provided by the railway embankment. The square plan form would be well modulated by progressive set-ins from the side boundaries and by high quality architectural detailing. The proposal would provide an active commercial frontage at ground floor level, adequate space to the sides to provide an appropriate setting, and would include highway works to provide landscaping, street trees and an enhanced footway on the site frontage. Overall the design is considered to be of a high standard.

Residential living standards: All units would comply with minimum space standards and the number of single aspect units would be minimised, with none being north-facing. External amenity space would be provided to comply with the targets set out in Policy DMP19.

Relationship with neighbouring properties: Separation distances would be sufficient to provide adequate levels of privacy for neighbouring residents and to allow the adjoining site to come forward for redevelopment. There would be no materially adverse impacts on the traditional two-storey properties to the northwest, and the impacts on the residential units to the southeast would be commensurate with high density urban lifestyles.

Environmental health considerations: Conditions would secure appropriate safeguards in terms of noise and vibration, air quality, contaminated land and the construction process.

Energy and sustainability: Carbon emissions would be reduced by 46.1% over the Building Regulations 2013 baseline for the residential element and by 13.4% for the commercial element, with the resultant financial contribution estimated to be £61,190. A BREEAM Excellent rating is predicted. A revised Energy Assessment, financial contribution and BREEAM Completion certificate would be secured through the section 106 agreement.

Flood risk and drainage: The site is in Flood Zone 1 for fluvial flooding but land that is liable to surface water flooding. The Flood Risk Assessment and Drainage Strategy would reduce discharge rates, and the use of an attenuation tank is considered acceptable.

Trees and biodiversity: The Ecological Appraisal concludes there is no significant ecological interest on site, and the development is not considered likely to impact on any trees growing nearby. There are no protected trees or notable trees in the vicinity. Additional landscaping and tree planting is proposed, including street trees.

Transport considerations: The proposal would provide one disabled parking space for residents on site, which your transport officers consider could be supported subject to a financial contribution to the introduction of a Controlled Parking Zone in Lowther Road and removal of parking permits for residents. Residential and commercial cycle storage would be provided to London Plan standards, and bin storage would comply with

the Council's requirements. An on-site loading bay would be provided to service the commercial units, and tracking diagrams have been provided to demonstrate that service vehicles could turn and egress Lowther Road in forward gear without encroaching on the private road to the northwest. A construction logistics plan would be required by condition.

RELEVANT SITE HISTORY

No relevant planning history.

CONSULTATIONS

93 neighbouring properties were consulted by letter on 20 December 2019, including the Friends of Eton Grove Park Residents Association and 30 properties in the adjoining borough of Harrow. A press notice was published on 2 January 2020 and a site notice was posted on 7 January 2020. Two objections and one neutral comment were received, and are summarised in the following table:

Comment	Officer response
Consultation process will not affect outcome	All responses are considered in the assessment of the application.
Impact of construction phase in terms of noise, pollution and road obstruction.	A Construction Method Statement would be required by condition, and would ensure that appropriate measures are in place to minimise these impacts of the construction process.
Article 4 Direction is in place to restrict permitted development rights in order to prevent displacement of existing businesses.	The Article 4 Direction prevents the change of use of industrial units under permitted development (without planning permission) but does not preclude the redevelopment of sites in a policy-compliant manner.
Application is contrary to Policy DMP14 regarding loss of employment space without provision of 50% affordable housing to compensate.	This issue is discussed under 'Principle of development'.
Affordable housing provision not sufficient to comply with Policy DMP15.	This issue is discussed under 'Affordable housing and housing mix'
Design, dimensions and proximity of building to neighbouring properties would lead to loss of privacy, loss of light and overshadowing.	This issue is discussed under 'Relationship with neighbouring properties'
Housing mix does not comply with Policy CP2	This issue is discussed under 'Affordable housing and housing mix'
Height would add to intrusiveness of the development, would tower above all other buildings in the area and would set a precedent for the area, breaking the established skyline.	This issue is discussed under 'Design, scale and appearance'.
Parking provision not sufficient to comply with Policy DMP12.	This issue is discussed under 'Transport considerations'.

Amenity space provision would not comply with Policy DMP19.	This issue is discussed under 'Residential living standards'.
High number of single aspect dwellings would provide poor quality accommodation.	This issue is discussed under 'Residential living standards'.
Loss of existing servicing with no replacement servicing on site.	This issue is discussed under 'Transport considerations'.
Residential use in protected employment area will give rise to amenity concerns and conflicts, and lack of adequate parking and servicing will prejudice operation of neighbouring businesses.	The emerging policy context supports redevelopment to co-locate residential and industrial uses, subject to other material planning considerations. Residential uses are already present on Lowther Road including in the adjoining Freetrade House. Parking and servicing is considered under 'Transport considerations'.

External and statutory consultees:

London Borough of Harrow: No objection, however informative added regarding transport issues.

London Underground: No objection subject to condition in relation to detailed design and method statements. However, this is controlled through other legislation and cannot be secured within a planning consent. An informative has been recommended.

Secure by Design officer: Recommended changes to site, ground floor and basement layout. These have been addressed through the submission of amended plans.

Thames Water: No objection subject to conditions and informatives.

Internal consultees:

Environmental health: No objection subject to conditions.

Issues raised by neighbours and consultees are discussed in the relevant sections of the report.

Community involvement

Pre-application engagement activities undertaken by the applicants are described in the Statement of Community Involvement submitted. These included meetings with local councillors, community groups and businesses, and a public exhibition advertised by letters and leaflets to local residents and other stakeholders. This is considered to represent an appropriate level of community engagement for a scheme of this size.

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 and Brent Development Management Policies 2016.

Key policies include:

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
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 4.4 Managing industrial land and premises
- 5.2 Minimising carbon dioxide emissions
- 5.10 Urban greening
- 5.13 Sustainable drainage
- 5.15 Water use and supplies
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.14 Improving air quality
- 7.19 Biodiversity and access to nature

Brent Core Strategy 2010

- CP1 Spatial Development Strategy
- CP2 Population and Housing Growth
- CP6 Design & Density in Place Shaping
- CP19 Brent Strategic Climate Change Mitigation and Adaptation Measures
- CP20 Strategic Industrial Locations and Locally Significant Industrial Sites
- CP21 A Balanced Housing Stock

Brent Development Management Policies 2016

- DMP1 Development Management General Policy
- DMP8 Open Space
- DMP9b On Site Water Management and Surface Water Attenuation
- DMP12 Parking
- DMP13 Movement of Goods and Materials
- DMP14 Employment Sites
- DMP15 Affordable Housing
- DMP18 Dwelling Size and Residential Outbuildings
- DMP19 Residential Amenity Space

In addition, the Examination in Public for the Draft New London Plan has been completed and the Panel Report has been received by the GLA. The GLA have now released a "Intend to publish" version dated December 2019. This carries substantial weight as an emerging document that will supersede the London Plan 2016 once adopted.

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

Key relevant policies include:

Draft New London Plan

- D3 Optimising housing density
- D4 Delivering good design
- D5 Inclusive design

D6	Housing quality and standards
D7	Accessible housing
D10	Basement development
D12	Fire safety
D13	Agent of Change
E4	Land for industry, logistics and services to support London's economic function
E6	Locally Significant Industrial Sites
E7	Industrial intensification, co-location and substitution
H1	Increasing housing supply
H2	Small sites and small housing developments
H4	Delivering affordable housing
H5	Threshold approach to applications
H6	Affordable housing tenure
H7	Monitoring of affordable housing
G1	Green infrastructure
G5	Urban greening
S4	Play and informal recreation
SI1	Improving air quality
SI2	Minimising greenhouse gas emissions
SI5	Water infrastructure
SI13	Sustainable drainage
T5	Cycling
T6	Car parking
T6.1	Residential parking

Draft Local Plan

DMP1	Development management general policy
BNSA3	Queensbury LSIS and Morrisons
BD1	Leading the way in good urban design
BD2	Tall buildings in Brent
BD3	Basement development
BH1	Increasing housing supply in Brent
BH5	Affordable housing
BH6	Housing size mix
BH13	Residential amenity space
BE1	Economic growth and employment opportunities for all
BGI2	Trees and woodlands
BSUI1	Creating a resilient and efficient Brent
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, provision and protection of freight facilities

The following are also relevant material considerations:

The National Planning Policy Framework 2019
 Planning Practice Guidance including the National Design Guide
 SPD1 Brent Design Guide 2018
 Brent Waste Planning Guide 2013
 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

DETAILED CONSIDERATIONS

Principle of development

Policy background

1. The site is in existing employment use and covered by a Locally Significant Industrial Site (LSIS) designation. Core Strategy 2010 Policy CP20 outlines that the council will protect LSIS for the same range of uses as Strategic Industrial Locations. The regeneration of these sites is supported where the proposals would not undermine the employment land hierarchy, although the supporting text makes clear that this policy aims to secure the status of the location as an industrial employment area through redevelopment for industrial use. Policy DMP14 provides further protection for LSIS sites, setting out specific criteria for their release, and seeks to limit the loss of industrial land to approximately 11.5ha within the plan period.
2. However, this excess capacity was subsequently met and if all consents / proposals were implemented, the resultant loss of industrial land would exceed the policy target before the end of the plan period and any further loss of industrial floorspace would reduce Brent's industrial land supply and would be inconsistent with Policy DMP14. The draft new London Plan also identifies that across London loss of employment sites has been far greater than expected, and proposes that across London as a whole there should be no further losses.
3. Draft Policy E7 sets out an approach to combining increased industrial capacity with the delivery of other planning objectives, by encouraging industrial intensification and co-location with other uses including residential, on suitable sites in locations well-connected by public transport. The policy seeks a plan-led approach to identifying areas within LSIS designations that are suitable for intensification and co-location. This is reinforced within draft Policy BE2 of Brent's draft Local Plan which looks to establish the framework to meet both housing need and industrial capacity, and land is identified where both can be provided (known as co-location). The draft Local Plan has designated this LSIS site (Lowther Road LSIS) for intensification and co-location and while the GLA have objected to the proposed policy designation of some Strategic Industrial Locations for co-location, they have not objected to the LSIS designation and the principle of co-location is in line with the emerging London Plan. It is considered that policy BE2 can be given weight in relation to this site.
4. Brent's draft Local Plan identifies this site as part of a site allocation (BNSA3: Queensbury LSIS and Morrisons), within which the Lowther Road LSIS is allocated for co-location to include residential floorspace. This allocation is supported by draft Policy BE2, which supports intensification and co-location subject to detailed criteria including a net increase in employment floorspace.
5. The NPPF 2019 also emphasises the provision of new homes as one of the key roles of the planning system, and this is reflected in the housing targets set out in Core Strategy Policy CP2, which aims to deliver 22,000 new homes over the 2007-2026 period. The draft new London Plan proposes a substantial increase in housing targets across London, including a target for Brent of up to 2,325 new homes per year. 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. Emerging policy BH1 reflects the draft London Plan target.

Employment floorspace

6. The proposal would provide 1,637sqm of employment floorspace. The amount of floorspace proposed exceeds both the existing floorspace on site of 1,541sqm and the industrial capacity of the 0.21ha site, which would be 1,345sqm (based on a 0.65 plot ratio, which assumes floorspace could cover 65% of the site area). Supporting information on the commercial attractiveness and specification of the industrial units has been provided in the form of a letter from the letting agents Colliers International.
7. As noted above, the adopted policy context seeks to retain designated industrial sites in sole industrial use. Full compliance with these policies would require robust evidence to demonstrate that the existing businesses on site are no longer viable in order to allow the release of the site for redevelopment. However, the emerging policy context, specifically draft new Local Plan Policies E4 and E7 and Brent's proposed site allocation BNSA3, seeks the reprovision of an equivalent or greater amount of industrial floorspace and allows for mixed use development incorporating other uses.
8. The proposal would increase the amount of employment floorspace provided by 6% compared to the existing floorspace and by 22% in comparison to the industrial capacity. The provision of new floorspace designed to meet the requirements of a range of industrial users would provide new opportunities for economic growth and job creation in the local area, and would comply with emerging policies.
9. Draft Policy BE2 seeks 10% of employment floorspace to be affordable workspace in redevelopment of LSIS sites. However, provision of affordable workspace needs to be balanced against other planning

benefits of the scheme, and inclusion of affordable workspace would further impact on viability. Complying with this emerging policy requirement would reduce the amount of affordable housing that could be delivered (this issue is discussed in more detail below).

10. Conditions are recommended, to secure the employment floorspace for B1(c) uses, and to secure a meanwhile use strategy if an extended period of vacancy occurs immediately after completion.

Residential use

11. The proposal would provide 40 new residential units, to contribute towards the Borough's housing targets. The introduction of residential use on the site is supported by the emerging policy context and is considered acceptable in principle, subject to other detailed planning considerations and conditions as required.

Conclusion

12. The proposal has been assessed against both adopted and emerging policies. As emerging policy documents, the draft London Plan and draft Local Plan are material considerations that carry weight in the determination of this application as they progress due to their advanced stage of preparation. In particular the draft London Plan is expected to be adopted in the near future, and carries substantial weight.
13. The proposal responds well to the emerging policy context and is considered to be acceptable in principle.

Affordable housing and housing mix

Policy background

14. Brent's adopted local Policies CP2 and DMP15 set out the requirements for major applications in respect of affordable housing provision, and stipulate 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 in 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.
15. 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.
16. The emerging London Plan (Intend to Publish Version) affordable housing policy (Policies 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.
17. 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 (emerging 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 draft 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 Policy H6 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.
18. Brent's draft Local Plan has yet to be examined by the Planning Inspectorate and as such the adopted Policy DMP15 would carry considerably more weight than the emerging policy at present.

19. 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	

Viability and affordable housing provision

20. The application proposes seven shared ownership units (one 1bed, four 2bed and two 3bed), representing 17.5% affordable housing by unit or 19% by habitable room. This does not comply with Brent's 50% target or preferred tenure mix, and a Financial Viability Appraisal (FVA) has been submitted in support of the proposal. This demonstrates that the scheme could not viably support the provision of the proposed seven shared ownership units, as the Benchmark Land Value of £3.415m significantly exceeds the residual land value and would result in a deficit of £2,084,961. It notes that the applicant is willing to accept a sub-market return in this case, in recognition of the importance of providing affordable housing.
21. The FVA has been robustly reviewed by independent consultants on behalf of the Council, and this review concludes that the scheme would deliver a smaller deficit of £579,195. The review adopts a lower figure for landowner's premium, a lower Benchmark Land Value of £2.411m, lower values for the private residential element and lower profit levels for commercial and private residential elements of the scheme.
22. The review of the FVA has also included sensitivity analysis to assess three alternative scenarios. Firstly, the impact of removing the basement floor was assessed. This did not significantly alter the viability of the scheme, as the use of the basement as lettable commercial floorspace would generate income that would largely outweigh the construction costs involved. Secondly, the scope for providing affordable housing with a policy compliant tenure split was assessed, however due to the lower values associated with low-cost rent products, this was considered to increase the scheme deficit and would provide only three affordable rented units in place of the seven shared ownership units. Finally, the scope for providing a financial contribution to off-site affordable housing instead of on-site shared ownership units was assessed, and this demonstrated that a wholly private residential element would still leave the scheme in deficit such that no financial contribution would be available.
23. Your officers acknowledge that there is a strong policy preference for providing affordable rented units within the scheme in order to best meet local needs. The inclusion of such units has been discussed with the applicant, however they would need independent access through their own front door or through a separate core in order to be attractive to a Registered Provider (RP). For units accessed through a shared core, the inclusion of private sector service charges would make it difficult to offer the units at genuinely affordable rent levels and would render them unaffordable for the RP to run. Given the need to reprovide employment floorspace, it would not be possible to provide units at ground floor level with their own front door. As the residential accommodation would be organised around one central core it would not be possible to provide access via a separate core. Alternatively, a whole floor of units could be provided as affordable rented units, with a secure lift system to separate them from the private units, however this would not be feasible in this case as there would be a minimum of six units per floor which

would not be viable to provide as wholly affordable rented.

24. It is noted that the plans were amended following the submission and review of the Financial Viability Appraisal, but that the number and mix of residential units and affordable housing offer remains unchanged. Whilst the amendments would reduce both construction costs and income slightly, your officers are of the opinion that overall the reduction in residential floorspace would further reduce the viability of the scheme. As such, given that both parties agree that the scheme would be in deficit with the proposed affordable housing offer, a more detailed analysis of the impact of amending the plans is not considered necessary in this instance.
25. The proposal to provide seven shared ownership units as part of the scheme has been demonstrated to exceed the maximum reasonable amount of affordable housing that could be delivered as part of the scheme, and the application is compliant with Policy DMP15 in this respect. Although the proposed tenure split does not comply with Policy DMP15, in this case it is considered that a policy-compliant tenure mix could not be delivered due to viability considerations and the design of the building. The application is recommended for approval on this basis, subject to securing a viability review mechanism through the s106 agreement to capture an additional contribution to affordable housing should the viability of the scheme improve.

Housing mix

26. The housing mix proposed is 14 x 1bed, 18 x 2bed and 8 x 3bed (20%). Whilst this does not comply with the 25% target for family-sized dwellings within the borough set out in Policy CP2, draft Local Plan Policy BH6 also carries some weight and allows for exceptions to the 25% target.
27. In this context it is considered that providing a greater number of family sized units would further compromise the viability of the scheme and hence the delivery of affordable housing.
28. The provision of 20% family sized units is considered to provide an appropriate balance between these policy objectives. Your officers consider that the proposed housing mix should be accepted on this basis.

Design, scale and appearance

Policy background

29. 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. Draft London Plan Policy D6 proposes a design-led approach to density and optimising the development potential of sites, and Brent's proposed site allocation BNSA3 seeks building heights of six stories stepping down towards adjacent residential properties, with designs that facilitate successful co-location and provide active ground floor frontages.

Height, scale and mass

30. The surrounding area is of mixed character, featuring two storey semi-detached residential properties to the west and buildings in various commercial, residential and community uses to the east and south which, although large in scale are generally of modest heights of up to three stories. To the north, ground levels rise across the railway embankment and railway line and, together with the associated overhead railway infrastructure, this creates a visual buffer between Lowther Road and the more suburban residential areas further north.
31. The proposed building would be largely six stories in height, approx. 19.5m above ground level, but would step down to four and then two stories towards the boundary with the residential properties to the west. Whilst this would be taller than the surrounding buildings, the reduction in height towards the west would create an appropriate transition into the existing two-storey residential area. Both the overall height and the stepping down would reflect the design principles set out in the proposed site allocation. The lift overrun and stairwell at seventh floor level would be of a minimal footprint and not easily visible within the streetscene, and the addition of these facilities on top of the main building is common practice.
32. The raised railway embankment to the rear would provide a suitable backdrop for a building of this height, and would sufficiently mitigate any visual impact on neighbouring residential areas. Given that the remainder of the surrounding area is allocated for redevelopment in a similar manner, it is expected that

buildings of similar heights could come forward on other sites in due course and the proposed building would therefore be in keeping with the emerging street scene. Buildings of similar heights have been granted permission in the surrounding area recently, including a partly seven-storey building on the car park northeast of Morrisons (ref 18/2183) and a five-storey self-storage warehouse at 20 Cumberland Road (ref 19/2837).

33. The overall plan form would be essentially square, reflecting the shape of the site, but would be progressively set in from the western side on the front element of the building and to a greater degree on the rear element, creating a staggered L-shape profile that assists in reducing the impression of bulk.

Layout and relationship with street

34. The layout would include basement and ground floors in commercial use, which would provide an active frontage to Lowther Road, with large window openings and entrances to both commercial units addressing the street. The entrance to the residential units would also be accessed from the street, and positioned centrally in the building to provide legibility and a sense of arrival for the residential use, with the two commercial frontages providing balance and symmetry to create a harmonious composition.
35. The building would be set in from the eastern side boundary by approx. 8.5m and from the splayed western side boundary by 6m to 18m approx. It would be set in from the front site boundary with the street by 6m approx. but built up to the rear site boundary.
36. The basement level commercial space would be lit by a series of lightwells within the units, and by a row of external rooflights set into the ground towards the rear of the site on the eastern side of the building, which would also define the extent of a gated external courtyard for the use of workspace users and providing access to cycle and bin storage for the units. The remaining space on the eastern side of the building would provide a soft landscaping buffer to the adjoining site, together with parking and servicing provision towards the front of the site.
37. The western side of the building would have a more extensive area of open space, reflecting the splayed boundary and the generous set back of the adjoining residential properties. This area would provide ground level amenity space for residents and a secondary entrance route to the residential units, allowing direct access to residential cycle storage and bin storage.
38. The site includes a 7m approx. deep frontage to the existing buildings including 2m approx of adopted footway, and the proposed building would be set back by 6m from the front site boundary and road edge. This area currently accommodates areas of footway interspersed with vehicle crossovers, and substantial amounts of hard surfacing used for parking cars associated with the businesses on site. The existing footway is in poor repair following the longstanding use of the site for car repair businesses. Whilst the proposed building would project 1m forward of the existing building line, it would allow a generous amount of space, to a 6m depth across most of the frontage, to provide an improved footway together with a loading bay, soft landscaping and street trees. This would significantly enhance the street scene in comparison to the poor quality of the existing site conditions, and would be an additional planning benefit of the scheme. This issue is discussed further under 'Transport considerations' below.

Architectural approach and detailing

39. The proposed building would be brick framed to reflect the prevailing character of the area, with balconies and terraces recessed within the frame of the building to create an elegant and uncluttered building line. The vertical brick piers would be the predominant architectural feature, giving a strong sense of verticality to reduce the visual impact of bulk and mass. Horizontal features such as sills and lintels would be smaller in scale and slightly recessed to create a human scale, whilst secondary vertical impacts within the recessed balconies would further articulate the facades and create additional visual interest.
40. The architectural palette of complementary natural materials, textures and colours within a red brick frame would create a high quality appearance to enhance the visual amenity of the street scene. Further details of materials and landscaping would be required by condition.

Residential living standards

41. All development is required to comply with standards set out in Policy D6 of the draft London Plan. Balconies should have a minimum width and depth of 1.5m to be considered usable, and single aspect

units should be avoided, particularly if north-facing. Policy D7 of the draft London Plan also requires 90% of units to meet Building Regulations M4(2) 'accessible and adaptable homes' standards and 10% to meet M4(3) 'wheelchair accessible homes' standards.

42. Compliance with Brent Policy DMP19 and emerging Policy BH7, which requires private amenity space of a sufficient size and type to satisfy residents' needs is also required. It is specified that this is normally expected to be 20sqm per flat and 50sqm for family housing including ground floor flats. This can include a mixture of private balconies and communal amenity space. Shortfalls against these standards are assessed by individual unit, with the cumulative shortfall assessed against the provision of communal amenity space. Draft London Plan Policy S4 also requires play and recreation facilities to be provided based on the expected child yield.

Internal layout

43. All of the units would meet or exceed the minimum internal space standards, with efficient and convenient internal layouts.
44. The number of single aspect units has been minimised, and these would comprise 19 of the 40 units, or slightly less than half the total. These would all be 1bed or 2bed units, and none would be north-facing. Given the constraints of the site, your officers consider that the number of single aspect units is acceptable in this instance.
45. Four of the units are very generously sized and indicated as being wheelchair accessible to M4(3) standards. Further details of compliance with M4(2) and M4(3) would be required by condition.

External amenity space

46. The proposal has been assessed against the standards set out in Policy DMP19 and emerging Policy BH13 as follows. No family-sized homes are proposed at ground floor level and therefore the policy standard of 20sqm per unit would apply to all units.
47. All units would have at least 5sqm of private balcony space, with the larger units having balcony space ranging from 7sqm to 13sqm. In terms of compliance with adopted and emerging policy, the individual shortfalls against the 20sqm standard have been calculated and added together to result in a cumulative shortfall of 480sqm.
48. The proposal also includes a roof terrace of 300sqm, located towards the eastern side of the building so as to avoid disturbance to residents of the residential properties to the west, and a ground floor garden area providing doorstep play, of 284sqm. These spaces would be equally accessible to all units and would provide communal amenity space of 584sqm in total. The ground floor garden would face onto the pavement, however the front boundary treatment consisting of a low brick wall with railings above would clearly define it as private space for the use of residents.
49. The communal amenity space provided exceeds the shortfall in private amenity space. Consequently the proposal is considered to comply with the amenity space standards set out in Policy DMP19 and emerging Policy BH13.
50. The proposal includes doorstep play space of 284sqm at ground floor level on the western side of the building. The London Plan requirement for doorstep play, based on the estimated child yield for the housing mix and tenure mix proposed, would be 92sqm. The doorstep play would therefore exceed the policy requirements.

Conclusion

51. Overall, the residential accommodation proposed is considered to be of high quality and to comply with the relevant policies. Furthermore, the provision of amenity space is considered to be very good in terms of the amount and type of space proposed, and fully compliant with the relevant policies. Further details of hard and soft landscaping proposals for the ground floor amenity space and roof terrace would be required by condition.

Impact on neighbouring properties

Policy background

52. Any development will need to maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in SPD1. The building should sit within a 30 degree line of existing habitable room windows and a 45 degree line of existing rear garden boundaries. Separation distances of 18m to windows and 9m to rear boundaries should be maintained. The 1:2 rule should be applied in respect of extending to the rear of adjacent dwellings (the rear building line should not project further to the rear than half the distance between the proposed flank wall and the centre point of the nearest existing rear habitable room window).
53. 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 or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. The BRE guidance sets a target of 0.8 times its former value.
54. 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 21 March or less than 0.8 times their former value.
55. However, the BRE also recognise that different criteria for daylight and sunlight 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 2019 also supports a flexible approach to applying standards in order to make efficient use of sites. Furthermore, recent appeal decisions suggest that 15% VSC can be acceptable within dense urban contexts.

Separation distances and privacy

56. The site boundary with Nos 60 & 61 Lowther Road is splayed, with the site becoming progressively narrower to the rear. The main part of the building would retain at least 9m separation distance to this boundary, although a small part of the building at the rear of the site would be at a reduced distance. However, the rear garden to this property is unusually large, the additional area provided by the splayed boundary creating a triangle towards the rear. The far rear corner would be the least private area of the garden, and the boundary would retain dense tree coverage to further protect the privacy of existing residents.
57. The ground floor of the building would be in commercial use that would not generate extensive overlooking, due to the existing boundary wall and tree line on the neighbour's boundary. On the first floor there would only be one secondary bedroom window and balcony facing onto the boundary with Nos 60 & 61 Lowther Road at approx 7.5m from the boundary. However both the bedroom and the balcony would have outlook onto the rear of the site. This window and balcony would be obscured by condition in order to prevent any overlooking concerns. The upper floors would be set in further from this boundary to provide more extensive separation distances, meeting 9m separation distance to the boundary with Nos 60 & 61 Lowther Road.
58. The site boundary with Freetrade House includes a shared right of way to allow servicing for both sites. The proposed building would be set in by 9m from this side boundary at ground and first floors and by 11m on the upper floors. This would allow for the adjoining site to come forward for redevelopment in a similar manner, with side-facing windows at 9m distance to the boundary to allow for adequate privacy for residents of both sites.
59. Your officers acknowledge that the nearest side-facing windows on Freetrade House are approx. 5.6m from the boundary, which does not comply with privacy standards as it only allows a 14.6m window-to-window distance. The planning history for Freetrade House includes a prior approval being granted in 2014 to convert part of the building into 14 flats (LPA Ref: 14/0471). However, a subsequent enforcement notice was served in relation to the unauthorised material change of use from offices to 24 flats (E/18/0642). The enforcement notice is currently being appealed.
60. In the event that the enforcement appeal is allowed and planning permission is granted for the 24 flats, the positioning of the windows in Freetrade House would be slightly offset from the bedroom windows in the three facing flats in the proposed building. This oblique relationship would limit the scope for overlooking between the two sites, and on balance, given the high density urban context of both sites, it is

considered that the level of privacy afforded would be acceptable in this instance (in the event that the outcome of the appeal allows the flats to be retained).

Light and outlook

61. The building line would not breach a 45 degree line from the private external amenity space at Nos 60 & 61 Lowther Road.
62. The Daylight and Sunlight Report submitted covers adjoining residential properties at No 1 Lowther Road and Nos 58 & 59, 60 & 61 Lowther Road (two pairs of two-storey maisonettes).
63. The results of the Daylight and Sunlight Report are assessed in relation to each of the neighbouring properties as follows:
64. - *1 Lowther Road (Freetrade House)*: As discussed above, an enforcement notice has been served in relation to 24 flats within Freetrade House, and is currently at appeal. The following assessment has taken the most sensitive scenario, i.e. in the event that the appeal is allowed and the flats retained.
65. The Report tests a total of 66 windows which are assumed to serve 15 rooms. Of these, 24 windows would fall below the recommended values for VSC, being less than 27% and less than 0.8 times their former value. The largest shortfall from the BRE guidance is a loss of 46.23% reduction from its former value with the value being reduced from 36.9% to 19.84%, which is considered acceptable for an urban context. Daylight distribution reduction also exceeds 0.8 times its former value for 3 rooms with the highest reduction of 38.05% its former value. NSL is also below BRE guidelines for two rooms with a reduction of up to 29.8%.
66. In terms of sunlight, all of the windows tested would comply with the BRE targets for APSH.
67. - *60 & 61 Lowther Road*: This two-storey property consists of a pair of single-storey maisonettes, located to the northwest of the application site. Of the twelve windows assessed, eleven would comply with BRE target values for VSC and all four rooms would comply with the NSL target values. The one window failing on VSC is a small tertiary window to a kitchen also served by two other windows. The mean VSC across the three windows would comply with the guidelines, being 0.88 times its former value. On the officer's site visit, it was confirmed that the side-facing windows at Nos 60 & 61 serve bathrooms and a hallway, which are not considered as habitable rooms to which the loss of light would be a material consideration.
68. Three of the four windows tested for APSH would comply with the guidelines, whilst the fourth would comply in terms of annual APSH although failing in terms of winter APSH.
69. - *58 & 59 Lowther Road*: This two-storey property consists of a pair of single-storey maisonettes, attached to the pair at 60 & 61 to the northwest and not directly adjacent to the application site. All windows and rooms assessed would fully comply with BRE guidelines for VSC, NSL and APSH, and would be only minimally affected by the proposed building.

Conclusion

70. Overall, given that the site is located within an urban area and located within a site allocation, it is considered that the reduction levels set out above are acceptable for the site context. The NPPF sets out an expectation that a flexible approach should be taken with regards to daylight and sunlight to ensure that developments make efficient use of land in sustainable locations. The benefits of the scheme, including new homes and commercial floorspace, outweigh the limited harm to neighbouring occupiers.

Environmental health considerations

Noise and vibration

71. Draft new London Plan Policy D13 places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. This 'agent of change' principle is an important material consideration in ensuring the success of developments where industrial and residential uses are co-located.
72. An Acoustic Report has been submitted, which assesses the impact of nearby noise sources, including

adjacent office and residential premises, road traffic, a builders yard and DIY centre opposite and the tube station and overground lines to the rear. The Report concludes that the site is relatively quiet for an urban area and that sound reduction measures should be easily achievable, and suggests rating level criteria for plant noise.

73. Environmental Health officers have reviewed the report and accept its findings, subject to two conditions to secure an assessment of plant noise and any mitigation measures required, and to ensure adequate standards of sound insulation for residential premises.

Air quality

74. The Air Quality Assessment submitted considers construction phase and operational impacts (the latter from road traffic) and reviews potential emissions against the air quality neutral requirements of the London Plan. It concludes that pollution levels would be below the relevant air quality standards.
75. Environmental health officers have reviewed the assessment and accept its findings. No conditions relating to air quality are required.

Contaminated land

76. A Stage 1 desk investigation was submitted, as the existing and previous uses on site may have resulted in ground contamination. This did not find evidence of sufficient levels of contamination to present risks to future users, but recommended further soil sampling following demolition to confirm.
77. Environmental health officers have requested further testing following demolition of the existing building, and any necessary remediation measures. These would be secured by condition.

Construction management

78. Environmental Health officers have requested a Construction Method Statement as a pre-commencement condition to ensure dust and other nuisance impacts of the construction process are suitably controlled, and this would be secured by condition.

Energy and sustainability

Policy background

79. London Plan Policy 5.2 sets out carbon reduction targets of 100% for residential developments (including at least 35% achieved on site and supplemented by a financial contribution to off-site carbon offsetting measures) and 35% reduction for commercial developments. An Energy Assessment is required, demonstrating how the development would meet these standards in accordance with the energy hierarchy (Be lean: use less energy; Be clean: supply energy efficiently; Be green: use renewable energy). Brent's Policy CP19 also requires a sustainability statement and, for major commercial floorspace, a BREEAM Excellent rating.

Assessment

80. The applicant's Sustainability and Energy Statement proposes measures such as passive solar gain, natural daylighting, efficient building fabric and thermal bridging to reduce energy demand. Furthermore, a communal heating network based on air source heat pumps is proposed for the residential units. Carbon dioxide emissions would be reduced by 38.4% over the Building Regulations 2013 baseline (split between a 46.1% reduction for the residential elements and a 13.4% reduction for the commercial elements), with the resultant financial contribution calculated as £61,198. A BREEAM pre-assessment has been included, showing an Excellent rating to comply with Policy CP19.
81. An overheating assessment is included, with the most vulnerable units being at medium risk of overheating. Whilst these would be single aspect units, they would all have inset balconies that would provide additional shading.
82. Measures to limit water usage to 105 litres per person per day are also included, including the use of water-efficient devices and water meters. The BRE Green Guide to Specification has been reviewed and materials with lower environmental impacts would be specified, using local materials and suppliers where possible.

Conclusion

83. The Sustainability and Energy Statement demonstrates that London Plan and CP19 policy requirements would be met in terms of carbon emissions reductions and BREEAM Excellent rating. Compliance with these requirements at detailed design and construction stages would be secured through the s106 agreement.
84. Other measures are also proposed to enhance the sustainability of the development, and these are welcomed.

Flood risk and drainage

85. London Plan Policy 5.13 and Brent Policy DMP9B require sustainable drainage measures to be implemented as part of major developments.
86. A Flood Risk Assessment has been submitted. The site is at low risk of flooding (Flood Zone 1) according to the Environment Agency's mapping for fluvial flooding, but is within Flood Zone 3a for surface water flood risk. The drainage strategy assesses different options in accordance with the drainage hierarchy set out in Policy 5.13, however due to the clay soil infiltration is considered unlikely to be feasible, and there is very limited space within the site for soakaways and infiltration blankets. Routing to a watercourse has been discounted as there are no watercourses nearby, and surface water would be routed to the nearby public storm water sewer.
87. The Local Lead Flood Authority have been consulted and have welcomed the significant reduction in discharge rates proposed, which would have a positive impact on the overall capacity of the sewer system. The implementation of an attenuation tank to reduce the discharge is considered to be acceptable. The use of blue or green roofs is also recommended to enhance the green infrastructure on site, which would provide additional attenuation, amenity, biodiversity, and overall reduction in carbon outputs. The applicant has agreed to the provision of green roofs, and further details would be required as part of the landscaping condition.

Trees and biodiversity

88. The adjacent railway line embankments are part of a Site of Importance for Nature Conservation (SINC, Borough Importance Grade 1) and of a designated wildlife corridor protected by Brent's Policy DMP8, and contain a number of trees. There are no trees on site, or any areas of soft landscaping.
89. The Ecological Appraisal concludes there is no significant ecological interest on site, but makes recommendations for the construction phase to avoid disturbing important habitats, in addition to use of native species with wildlife value for new landscape planting, limiting light spillage onto the northern boundary, and providing bird, bat and insect boxes.
90. The Tree Officer has reviewed the Ecological Appraisal, together with photographs and aerial photographs of the site, and considers that the development would be unlikely to impact on any trees growing in the railway embankment as they are generally rooted at higher ground levels and too far away to be affected by the development. There are no protected trees or trees of note within the vicinity and no existing trees within the site boundary. All trees that could be affected are within the ownership of London Underground and would generally be replaced if they were lost as a result of the development. Any concerns regarding these trees could be resolved with London Underground prior to construction works commencing.
91. Any loss of trees would be mitigated by the tree planting and soft landscaping proposed. A contribution of £8,000 towards street tree planting would be secured through the s106 agreement, and the proposal documents indicate that some small trees would be provided as part of the on-site landscaping scheme to be secured by condition. Although an exact number of new trees has not been agreed with the applicant, the proposal would represent a significant improvement on the existing site conditions, and this is considered to be an additional planning benefit of the scheme.
92. There are no objections in relation to trees and biodiversity, subject to compliance with the recommendations of the Ecological Appraisal, which would be secured through the plans condition. An informative is recommended, to notify London Underground of any tree roots found beneath the existing hardstanding, as the removal of these roots could affect the stability of trees on the railway embankment.

Transport considerations

93. Lowther Road is an adopted highway up to the borough boundary, which is effectively the northwestern edge of the proposed site. Vehicles would therefore need to be able to turn around without accessing the private road beyond the boundary. A Controlled Parking Zone (CPZ) scheme was recently implemented on the eastern side of Cumberland Road, leaving Lowther Road as the only road in Brent within the vicinity not to be included within a CPZ. The PTAL rating is 3 (moderate).
94. The maximum parking allowance for the existing site based upon a floor area of 1,000sqm would be five spaces. The proposed development would have a maximum allowance of 44 car parking spaces for the residential use and a further eight spaces for the commercial use. The proposal would provide only one disabled parking space on site, which meets the minimum disabled parking requirements from the outset. This level of overall car parking can be supported on the basis that a CPZ is likely to be implemented in Lowther Road in the near future. A financial contribution towards implementation of the CPZ would be sought through the s106 agreement, and residents would be subject to permit parking restrictions, also secured through the s106, to prevent them from obtaining on-street parking permits.
95. The minimum long term residential cycle parking requirements would be 66 spaces based on the current London Plan and 73 spaces based on the draft London Plan standards. A total of 74 spaces are proposed to be located in a cycle store, by way of two tier stands. This complies with draft London Plan standards and the cycle store meets the minimum requirements of 450mm spacings between the stands and a minimum of a 2m wide aisle. Cycle parking is also provided for the commercial element with seven two tier stands providing capacity for 14 cycles. This would be an acceptable arrangement.
96. In terms of bin storage, the minimum residential capacity requirement of the development is 8,800L. The plans indicate that nine x 1,100L EuroBins would be provided. This would meet the minimum requirements and would also provide capacity for a food waste bin. The proposed bin store would be approx. 25m from the highway, which exceeds the Council's carrying distances. To resolve this issue, a temporary bin storage area would be provided within 10m of the highway.
97. With regards to servicing for the commercial units, a loading bay would be provided on the southeastern side of the application site within an access shared by the owners of FreeTrade House. The Transport Statement includes tracking diagrams which demonstrate that commercial vehicles associated with the application site could access and egress the loading area without prejudicing the ability of the neighbouring site to access their loading area. Servicing for the commercial units would be provided via a servicing bay within the site on the southeast boundary. Tracking diagrams have been provided to demonstrate that service vehicles could turn around and egress Lowther Road in a forward gear without accessing the private road. This would comply with the requirements of Policy DMP13 and has been accepted by transport officers.
98. The proposal is likely to result in a significant amount of construction traffic, and transport officers have requested that a Construction Logistics Plan be submitted, detailing the highway impacts of demolition and construction. This should include construction vehicle numbers, areas where construction vehicles would park, details of how construction vehicles would access the loading area and any changes to the adopted highway layout and operation required.

Conclusion

99. Subject to the conditions and obligations above, the proposal is considered to be acceptable in transport terms.

Equalities

100. 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

101. 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.

102. Whilst the level of affordable housing provision is low and the tenure mix does not reflect Brent's priority need for affordable rented units, it is significantly beyond the maximum reasonable amount that the scheme could viably provide and a viability review mechanism would secure further contributions to affordable housing if viability improves. As such, the conflict with Policy DMP15 is limited and would be outweighed by the wider benefits of redeveloping the site including re-provision of industrial floorspace in accordance with the proposed site allocation.

CIL DETAILS

This application is liable to pay **£1,148,423.00** * under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible* floorspace which on completion is to be demolished (E): 1581 sq. m.

Total amount of floorspace on completion (G): 5770 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) Businesses and light industry	1637	0	1188.46	£0.00	£0.00	£0.00	£0.00
(Brent) Dwelling houses	4133	0	3000.54	£200.00	£0.00	£894,804.99	£0.00
(Mayoral) Businesses and light industry	1637	0	1188.46	£0.00	£60.00	£0.00	£71,953.67
(Mayoral) Dwelling houses	4133		3000.54	£0.00	£60.00	£0.00	£181,664.34

BCIS figure for year in which the charging schedule took effect (Ic)	224	331
BCIS figure for year in which the planning permission was granted (Ip)	334	
TOTAL CHARGEABLE AMOUNT	£894,804.99	£253,618.01

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

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

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



Application No: 19/4444

To: Mr Cifaldi
Savills
33 Margaret Street
London
W1G 0JD

I refer to your application dated **18/12/2019** proposing the following:

Demolition of existing buildings and redevelopment of the site to provide a part -2, part-4 and part-6 storey plus basement development comprising self-contained residential units (use class C3) and commercial floor space (Use class B1c) together with associated private and communal space, car parking and cycle storage and public realm improvements (amended description) subject to Deed of Agreement dated xx xx 2020 under Section 106 of the Town and Country Planning Act 1990.

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

at **Unit 2, 2 Lowther Road and Units 3, 4 & 4A Lowther Road, Stanmore, HA7 1EP**

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: 13/07/2020

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

- 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):

A_PL_010_REV.00
A_PL_011_REV.00
A_PL_020_REV.01
A_PL_050_REV.00
A_PL_090_REV.00
A_PL_099_REV.01
A_PL_100_REV.01
A_PL_101_REV.01
A_PL_102_REV.01
A_PL_103_REV.01
A_PL_104_REV.01
A_PL_105_REV.01
A_PL_106_REV.01
A_PL_107_REV.01
A_PL_150_REV.00
A_PL_151_REV.00
A_PL_152_REV.00
A_PL_200_REV.01
A_PL_201_REV.01
A_PL_202_REV.01
A_PL_300_REV.01
A_PL_301_REV.01
A_PL_302_REV.01
A_PL_303_REV.01
A_PL_310_REV.01
A_PL_311_REV.01
A_PL_350_REV.01

Acoustic Report, Sharps Redmore, 11 December 2019, ref 19191666

Air Quality Assessment, Redmore Environmental, 4 December 2019, ref 3137r1

Basement Impact Assessment, MJM Consulting Engineers, December 2019, ref 7532/BIA Issue 2

Daylight and Sunlight Report, Point 2 Surveyors Ltd, April 2020, Ref P1994 REL6 D1

Design & Access Statement, Apt, 13 December 2019, ref 18036

Ecological Appraisal, Ecology Solutions, December 2019, ref 8621.EcoApp.vf3

Financial Viability Assessment, Montagu Evans, 16 December 2019

Flood Risk Assessment, GTA Civils & Transport, December 2019, ref 10284
Letter, Colliers International, 10 December 2019, ref Lowther Road Stanmore
Phase I & II Geo-Environmental Assessment, EPS, 3 December 2019, ref UK19.4720 Issue 2
Planning Statement, Savills, December 2019
Statement of Community Involvement, Your Shout, December 2019
Sustainability and Energy Statement, Blue Sky Limited, 2 December 2019
Transport Statement, GTA Civils, December 2019, ref 10284

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

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

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

- 4 The non-residential floorspace hereby approved shall only be used for Class B1(c) uses and shall at no time be converted to C3 residential use, notwithstanding the provisions of Schedule 2 Part 3 Class PA, 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 the retention of industrial floorspace on the site.

- 5 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 Control of Dust and Emissions During Construction and Demolition SPG 2014, 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.

- 6 The residential car parking space, commercial loading bay, residential and commercial cycle storage and residential and commercial refuse stores shall be provided in full prior to first occupation of the development, shall be used for the parking of vehicles, servicing, and storage of cycles/bins associated with the 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.

- 7 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.

- 8 The window and balcony opening serving unit L1-07 located on the first floor within the northwest façade of the building as altered or extended building must be—

- (i) obscure-glazed, and
- (ii) non-opening unless the parts of the window and balcony screening which can be opened are more than 1.7 metres above the floor of the room and balcony in which the window and balcony screening are installed;

and shall be permanently maintained in that condition thereafter unless further planning consent is obtained from the Local Planning Authority.

Reason: To ensure the development does not unduly impact the privacy of the adjoining occupier(s).

- 9 The scheme hereby approved shall contain 40 residential units as detailed in the drawings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of proper planning.

- 10 Prior to the commencement of the development a Construction Method Statement (CMS) 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 during demolition and construction works. The CMS shall also include a dust monitoring plan. The approved CMS shall thereafter be adhered to through the demolition and construction works.

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

Reason for pre-commencement condition: Adverse impacts from the construction process can arise at any time after works commence, 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 Prior to commencement of construction works, 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.

- 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 shall be approved in writing by the Local Planning Authority.

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

- 14 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 significantly impact / cause failure of local underground sewerage utility infrastructure.

- 15 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), the following shall be submitted to and approved in writing by the Local Planning Authority:

- (a) details of materials for all external surfaces of the building 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 screening to be installed between adjoining balconies and terraces;

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 Prior to commencement of development (excluding any demolition, site clearance and the laying of foundations), further details of how the development will be constructed so that 90% of the residential units will comply with Building Regulations M4(2) 'accessible and adaptable homes' standards and 10% will comply with M4(3) 'wheelchair accessible homes' standards, shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the provision of accessible homes, in accordance with the Mayor's Housing SPG 2015.

- 17 Within six months of development commencing, further details of soft and hard landscaping shall be submitted to and approved in writing by the local planning authority:

- (a) hard surfacing, any external furniture and any play equipment, entrance gates, boundary treatments throughout the site but excluding land within the ownership of the highway authority, including samples which shall be made available for viewing on site or in another location as agreed,
- (b) details of soft landscaping (including species, location and densities) together with design of tree pits for any trees to be provided;
- (c) details of bird boxes to be installed throughout the development;
- (d) details of green roofs to be installed throughout the development;
- (e) details of any external CCTV;
- (g) details of proposed external lighting design to ensure that all external areas are adequately lit in hours of darkness, including a light spillage plan;
- (h) arrangements for maintenance of trees and other planted species.

The hard and soft landscape works shall be carried out in full accordance with the as approved details prior to the first occupation or use of the building 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 tree or shrub 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 with others of a similar size and species in the same positions, 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, 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, to aid the sustainable drainage of the site and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- 18 Within six months of commencement of development, detailed drawings showing the photovoltaic panel arrays on the roof of the proposed building shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic panel arrays shall be installed in accordance with the approved drawings and made operational prior to occupation of the development hereby approved.

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

- 19 Prior to first occupation or use of the development:

- Any soil contamination remediation measures required by the Local Planning Authority under Condition 12 above 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).
- 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.

- 20 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 first occupation or use of the development, 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 shall be submitted to and approved in writing by the Local Planning Authority, together with any mitigation measures necessary to achieve the above required noise levels.

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.

- 21 All residential premises shall be designed in accordance with BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following noise levels:

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

Prior to first occupation or use of the development, a test shall be carried out to demonstrate that the required noise levels have been met, and the results for a sample of units on all floors across both front and rear elevations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To obtain required sound insulation and prevent noise nuisance.

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods; tall plant: scaffolding: security; boundary treatment; safety barriers; landscaping and lighting. London Underground requires consultation and agreement to detailed design and method statements for each stage of the development including demolition, all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent). The design and method statements should:
 - provide details on all structures
 - provide details on the use of tall plant/scaffolding
 - demonstrate that the development will accommodate the location of the existing London Underground structures
 - demonstrate that access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering London Underground land
 - demonstrate that there will at no time be any potential security risk to London Underground's railway, property or structures
 - accommodate ground movement arising from the construction thereof
 - mitigate the effects of noise and vibration arising from the adjoining operations within the structures.

The development should be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this informative should be completed, in their entirety, before any part of the building hereby permitted is occupied.

London Underground should also be notified of any tree roots found during demolition and construction work, as their removal may cause the instability of trees on the railway embankment.
- 5 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
- 6 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.

- 7 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.
- 8 London Underground have advised against locating openable windows and balconies in close proximity to the boundary with the railway embankment, as this could compromise the operational safety of the railway. London Underground require the developer to demonstrate that the development will pose no risk to the railway, and advises that the developer would be liable should such an incident occur.
- 9 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 10 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 11 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. Such notification shall include photographs showing the condition of highway along the site boundaries.
- 12 The applicant is advised that London Underground should be notified of any tree roots found during removal of the existing hardstanding and further excavation on site, as their removal could affect the stability of trees within London Underground land.
- 13 Under the Control of Pollution Act 1974, noisy construction works are regulated as follows:

Monday to Fridays - permitted between 08:00 to 18:00
Saturday - permitted between 08:00 to 13:00
At no time on Sundays or Bank Holidays

For work outside these hours, the Control of Pollution Act 1974 allows the council to set times during which works can be carried out and the methods of work to be used. Contractors may apply for prior approval for works undertaken outside of normal working hours. They should email the noise team at ens.noiseteam@brent.gov.uk to obtain a section 61 application form. Please note that the council has 28 days to process such applications.

Any person wishing to inspect the above papers should contact June Taylor, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2233

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

22 July, 2020
05
20/0568

SITE INFORMATION

RECEIVED	19 February, 2020
WARD	Dollis Hill
PLANNING AREA	
LOCATION	Aneurin Bevan Court Garages, Coles Green Road, London
PROPOSAL	Demolition of garages and erection of a three storey building comprising 9 self-contained flats; provision of waste storage, car and cycle parking with amenity space and associated landscaping
PLAN NO'S	See condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_149004</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 "20/0568" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

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

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

Conditions


1. Time Limit
2. Approved Plan
3. Samples of materials
4. Implementation of bin and cycle storage
5. Landscaping scheme
6. Construction management statement
7. Tree method statement
8. Non road mobile machinery
9. Demolition management statement
10. Soil investigation
11. Remediation
12. Obscure glazed side facing windows
13. Privacy screen to balconies
14. Surface water upgrades
15. Waste Water upgrades

Informatives

1. CIL Liable
2. Party Wall
3. Building Near Boundary
4. London Living Wage
5. Fire Safety
6. Mains water use
7. Water pressure
8. British standard code of Practice

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

SITE MAP

	Planning Committee Map
	Site address: Aneurin Bevan Court Garages, Coles Green Road, London
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This map is indicative only.



PROPOSAL IN DETAIL

Demolition of garages and erection of a three storey building comprising 9 self contained flats; provision of waste storage, car and cycle parking with amenity space and associated landscaping

EXISTING

The subject site comprises Aneurin Bevan Court which currently comprises 30 flats within 3 separate buildings. The site is bounded by existing housing to the north, south and west. The area to the east of the site is dominated by industrial and office buildings and is designated as Strategic Industrial Land (SIL).

The site does not contain any listed buildings and does not fall within a conservation area.

SUMMARY OF KEY ISSUES

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

1. **Representations received:** Objections and a petition have been received and considered. It is considered that the proposal accords with planning policy, having regard to material considerations, and it is recommended that planning permission is granted.
2. **Provision of new homes:** Great weight is given to the delivery of 9 residential units, all of which would be affordable, which would make a contribution towards the borough increasingly challenging housing targets and would help to meet the specific needs of the borough
3. **Design, layout and height:** The proposal makes effective use of the existing brownfield site. The building is of a simple design and is of a scale that respects the surrounding context.
4. **Quality of the resulting residential accommodation:** The residential accommodation proposed is of a good quality. The residential units would have good outlook and light. The amount of external private/communal space is acceptable.
5. **Neighbouring amenity:** The development would have an acceptable impact on neighbouring properties and would comply with the guidance in SPD 1. A daylight/sunlight report has been submitted to demonstrate that the development would not have an adverse impact in terms of the receipt of daylight/sunlight.
6. **Highways and transportation:** The development provides adequate on site car parking. The scheme is also to provide suitable provision for cycle parking and will encourage sustainable travel.
7. **Trees, landscaping and public realm:** Nine trees are proposed to be removed to facilitate the development. However the loss of the trees would be mitigated through the proposed landscaping scheme which includes improvements to the size, species and locations of those trees proposed.

RELEVANT SITE HISTORY

No relevant planning history

CONSULTATIONS

70 neighbouring properties were notified of the application. At the time of writing the report 6 comments were received from the occupants of nearby residential properties and a petition signed by 56 residents. The reasons for objecting are summarised below

Objection	Response
The removal of trees T1, T2 and T4 (silver maple and cherry trees)	The applicant has submitted a comprehensive tree report, which identifies the removed trees to be category B and C. The applicant proposes the replanting of a number of trees within the site grounds to counteract this loss.
Increasing parking pressure due to lack of on site car parking spaces	Addressed in transport section of report.
Noise and disturbance during construction	This is dealt with under Environmental Health legislation.
Potential impacts on access to Diesel House	Rights of way do not fall under the planning remit and these are civil matters The proposal would provide appropriate access for the new development and there is no reason for this to significantly harm the existing arrangement.
Transport statement uses out of date information	The transport report has been assessed by transport officers who also hold their own information on the surrounding area. The quality of information available is considered sufficient to properly consider the proposal.
Disabled parking has not been allocated	As the development is not a major development and as it's essentially a reconfiguration of an existing car park, there is no requirement to provide further disabled parking or allocate it for the existing properties.
No EV charging points	There is no uplift in car parking spaces and the development essentially involves a reconfiguration of the existing car parking area.
Reducing the green area by the development	The majority of the area to be developed forms garages and car parking spaces and therefore there would be a very limited loss of green space.
Leaving cars and motorcycles outside lessens security and will be an invitation to criminals	A motorcycle store has been provided and uncovered/on street car parking is already common in this area There is no evidence that this arrangement would have any significant impact on security.
Noise dust and noxious gases produced by surrounding uses which would cause noise and disturbance to residents	Environmental Health officers have been consulted on the application and raise no objection to the proposal subject to conditions to control noise and dust.
Proposed flats have no storage space built into the development	The units all meet technical space standards which includes storage space in the minimum internal areas.
No crime report has been given on Aneurin Bevan Court to assess impact on existing policing	This is not a planning requirement and there is no evidence to indicate that the proposal would have an impact on crime within the locality
Extra pressure on local services	The development is not a large scale development, providing housing for an estimated 30 people. Whilst the development would unlikely pay CIL given that it is entirely affordable, other developments in the vicinity

	would be CIL liable with the money collected going towards local infrastructure development.
Building design out of keeping with neighbouring properties	Discussed in character and appearance section.
No renewable energy sources are being used	As the development is not a major development limited details are required in relation to the actual construction. However, the building would need to be built to current Building Regulations which would ensure its energy efficiency.
Poorly maintained roads and creating cracks to walls and are resulting in local properties having to underpin their homes	It is not considered that the development would worsen what is an existing situation on Coles Green Road.
Poor water and sewer flooding which will be worsened by the development	Issues with local sewers are a matter for Thames Water who have been consulted. The LLFA have been notified of on the application and raise no objection on flood risk grounds. Thames water requested two conditions in relation to waste water and surface water.
Unreasonable service charges while service is not provided	This is not a material planning consideration
A complete survey should be produced to show that Brent Council have no other suitable locations in the borough.	The site is a brownfield site within an existing residential area and its suitability for development has been assessed against relevant policies. Whilst other land in the borough is suitable for housing development, the Local Authority are facing increasing challenging targets for housing and therefore the redevelopment of land for residential purposes where appropriate needs to be maximised.
Reconfiguration of footpath means longer route for residents of flats 19-30 Humber Road	The path has been reconfigured but two pedestrian footpaths accessed from Humber Road have been retained to allow for convenient access to flats 19-30.
What is the purpose of the drying areas, it is likely this is a redundant features	As existing the site benefits from drying areas which will be lost with the re-development of the site. The drying areas have therefore been re-provided.
There should be an effort to improve and use rundown properties in Brent to solve the housing problem i.e. Oxgate Farm	Whilst this point is noted, it is not relevant to the application being considered.

It should be noted that the petition requested answers in full to the issues raised in the petition and a further 14 days to respond. However, this is not the process for consultation on planning applications and the issues raised have been addressed in full, in this report, where they relate to material planning considerations.

A number of additional documents were also requested by the petition, however none of these are required for the purpose of the planning assessment and it would be unreasonable to request the applicant to produce such documents.

A number of the issues raised are also independent of the development being considered and are wider issues within the surrounding area and therefore would need to be discussed with other council departments/infrastructure providers.

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 consolidated with alterations since 2011 (March 2016)

- 3.1 Life Chances for All
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 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
- CP17: Protecting and enhancing the suburban character of Brent
- CP21: A Balanced Housing Stock

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

DMP 15: Affordable Housing

DMP 18: Dwelling Size and Residential Outbuildings

DMP 19: Residential Amenity Space

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 an "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

GG4 Delivering New Homes Londoners need

GG5 Growing a Good Economy

GG6 Increasing Efficiency and Resilience

D1 London's Form and Characteristics

D2 Delivering Good Design

D3 Inclusive Design

D4 Housing Quality and Standards

D5 Accessible Housing

D6 Optimising Housing Density

D11 Fire Safety

D13 Noise

G1 Green Infrastructure

G7 Trees and Woodlands

H1 Increasing Housing Supply

H12 Housing size mix

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

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. As 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:

Brent Draft Local Plan

BD1: Leading the Way in Good Urban Design

BH1: Increasing Housing Supply in Brent

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

Other material planning considerations include:

Supplementary Planning Documents/Guidance (SPD/SPG)

Brent SPD1: Design Guide for New Development (2018)

Mayor's Housing SPG

Mayor's Sustainable Design and Construction SPG

National Planning Policy Guidance

National Design Guide

Brent Waste Planning Guide

DETAILED CONSIDERATIONS

1. Principal

1.1 Brent's Core Strategy CP 1 seeks to concentrate housing growth in five growth areas, however it does not preclude the development of new housing outside of these designated growth areas where appropriate. The subject site is currently occupied by some underused garages associated with the existing Anuerin Bevan Court development. The development would result in the creation of 9 residential units on a previously developed site. The proposed development would therefore help to meet borough housing targets

which currently stand at 1525 per year, with the draft London Plan proposing a significant increase in this number to 2325 homes per year

1.2 Policy CP 2 states that the council will seek to ensure 50 per cent of new homes are affordable and 25 per cent are family sized. This is re-enforced by DMP 15 which seeks to ensure this provision is secured on all major residential schemes (10+ dwellings). In this case the development would provide 9 units and therefore there is no requirement to provide affordable housing. Nevertheless the scheme would be entirely affordable comprising 6 x 2 bedroom units and 3 x 1 bedroom units and therefore would help towards meeting the specific needs of the borough.

1.3 The principle of re-developing the site for residential purposes is therefore acceptable, subject to detailed criteria considered below.

2. Quality of accommodation

Internal

2.1 The development would result in the creation of 9 residential dwellings. DMP 18 requires that all new dwellings meet Technical Space Standards. All of the units would meet or exceed the internal space requirements. A comparison table is given below

Unit	Type	Minimum internal floor space	Proposed internal floor space
Flat 1	2b4p	70	73
Flat 2	1b2p	50	51
Flat 3	2b4p	70	73
Flat 4	2b4p	70	51
Flat 5	1b2p	50	51
Flat 6	2b4p	70	73
Flat 7	2b4p	70	73
Flat 8	1b2p	50	51
Flat 9	2b4p	70	73

2.3 However, internal space is not the only determining factor in assessing the quality of accommodation. In this case, all habitable rooms would be served by unobstructed, clear glazed openings, which would allow for good levels of light, outlook and ventilation. Whilst not all of the units would be dual aspect, none of the single aspect units would be north facing and where single aspect units are proposed, the shallow nature of the units ensures that good levels of daylight is able to penetrate habitable rooms, thus ensuring a pleasant environment for future occupants. The daylight/sunlight report confirms that all new units would achieve good daylight levels in excess of BRE standards.

2.4 All units would be afforded good levels of privacy due to the separation distances retained between the new building and existing residential blocks. Privacy to the ground floor units has been ensured through the provision of areas of defensible space in compliance with the guidance in SPD 1. There is one shortfall in this requirement with the area provided adjacent bedroom 2 of flat 1 being less than the 1.5m required. Nevertheless, good levels of privacy have been ensured in all other rooms and this transgression is considered acceptable when considering the overall standard of accommodation. This unit also has a side facing window serving the main living area close to the proposed cycle store. However, as this room is also served by front and rear facing windows, it is considered reasonable and necessary to condition this window to be obscure glazed.

External

2.5 DMP 19 requires all new homes to have access to an adequate size and type of private external amenity space to meet its residents needs. It is specified that this is normally expected to be 20sqm per flat and 50sqm for family dwellings (including ground floor flats). In this case, all of the units would have access to private amenity space, however, in all cases this would fall short of the targets specified within DMP 19. The following space comprises the useable private space allocated to each dwelling

Unit	Type	DMP 19 target	Mayors Standards	Proposed private space
Flat 1	2b4p	20	7	8
Flat 2	1b2p	20	5	23.44
Flat 3	2b4p	20	7	27.89
Flat 4	2b4p	20	7	7
Flat 5	1b2p	20	5	5.91
Flat 6	2b4p	20	7	7.47
Flat 7	2b4p	20	5	7
Flat 8	1b2p	20	5	7.47
Flat 9	2b4p	20	7	5.91

2.6 All homes would meet Mayoral standards. However, when considered against DMP 19 targets, the new development would have a cumulative shortfall of approximately 91sqm of private amenity space. However, the SPD 1 supporting text states that where sufficient amenity space can not be provided the rest should be provided in the form of communal space. The existing 30 units within Aneurin Bevan Court benefit from a large courtyard with an area of approximately 2300sqm. The remaining area could therefore comfortably accommodate the shortfall from the new development, without taking into account the targets if they were applied to the existing flats.

2.7 The development would therefore ensure an acceptable standard of external amenity for future residents.

3. Impact on neighbouring properties

3.1 SPD 1 provides guidance on how new development should be designed in order to minimise the impact on neighbouring properties. In order to avoid overlooking, a distance of 18m should be achieved between overlooking windows. It also states that the building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from height of 2m above floor level. Where proposed development adjoins private amenity/garden space then the height of new development should normally be set below a line of 45 degrees at garden edge.

3.2 Aneurin Bevan Court consists of 4 separate residential blocks. The proposed development would be situated opposite 1-6 Aneurin Bevan Court. At its closest point the new residential building would be positioned just 10m from the front elevation of this adjacent building. However, there would be no primary habitable room windows to this elevation. Whilst balconies are proposed, suitable screening has been indicated to the edges of these to ensure no loss of privacy. Whilst there are also some windows to this elevation these all serve bathrooms and are indicated to be obscure glazed in order to avoid any harmful overlooking. The building would be set 15m from the boundary with 57 Coles Green Road and therefore would comply with SPD 1 guidance. This arrangement would ensure that the proposed building is not overbearing and although visible would not have a significant harmful impact on the outlook of the existing properties.

3.3 When considered against the 30 degree rule the development would be fully compliant, when considering its relationship between the existing flats within Aneurin Bevan Court. As the flats of Aneurin Bevan Court do not benefit from any private amenity space, the 45 degree rule is not applicable. The communal gardens space surrounding the flats would retain a good layout with sufficient openness to ensure that it would be useable and remain high quality.

3.4 The nearest private residential garden belongs to 57 Coles Green Road and the development would sit below the 45 degree line when taken from the boundary with this property.

3.5 A daylight/sunlight report has also been submitted to identify the impact on the receipt of daylight/sunlight to neighbouring properties. The nearest habitable rooms windows are located within 1-6 Aneurin Bevan Court and 57 Coles Green Road. The report identifies that there would be limited impact on the occupants of these residential units in terms of daylight/sunlight losses as BRE targets would be met. The losses identified would therefore likely be unnoticeable to residents.

3.6 Just one habitable room window is identified as being affected at the ground floor of Aneurin Bevan Court. This window would serve a bedroom would have VSC of less than 27% and 0.8 times its former value. However, it would only fall slightly short of the VSC target at 25.38% and the daylight distribution target

for this room would be met. Furthermore, BRE guidance itself states that bedrooms are less important than living areas. When considering the remaining areas of the property the minor loss of light to the bedroom would not have an adverse impact on the overall living conditions of the property as a whole. The impact on this room is therefore considered to be acceptable.

3.7 The development also assessed the impact of the development on the communal amenity space. In accordance with BRE standards the communal courtyard and neighbouring amenity areas would continue to receive at least two hours of sunlight across 50% of the area. This would be the same for the rear garden to 57 Aneurin Bevan Court.

3.8 To the rear of the site, there is an industrial unit. SPD 1 states that new development should be designed to not jeopardise the future redevelopment potential of the neighbouring site. The site to the rear is SIL land and whilst the development is in close proximity to the boundary with this property, there are no overlooking windows and therefore the development would not prejudice the expansion/re-development of this neighbouring site. In addition the proposal would not have any significant impact on the use and operation of the site as it exists.

3.9 The development would have an acceptable impact on the occupants of neighbouring residential properties.

4. Character and appearance

4.1 Aneurin Bevan court, consists of 4, 3 storey flat roof buildings which are predominantly of brick construction. Whilst more contemporary in appearance, the proposed development would respect the existing context in both scale and design, being both three storeys in height with a flat roof design. The building would have an L shape and the elevations would be wholly brick, with simple fenestration with projecting balconies which again are features of the existing blocks within Aneurin Bevan Court. Whilst there would be no fenestration to animate the rear elevation, this would not be visible and this is necessary in order to not jeopardise the neighbouring SIL.

4.2 The development would be located towards the rear of the site and therefore would not be clearly visible from the Coles Green Road or Humber Road.

4.3 The proposal would largely replace the garage/parking area and therefore would not result in the loss of any significant amount of soft landscaping. Soft landscaping is proposed to the perimeter of the building and the large courtyard area would be retained.

4.4 The development would therefore have an acceptable impact on the character and appearance of the locality.

5. Transport

5.1 Parking standards are stipulated in the adopted DMP 2016. As the site does not have good access to public transport, the higher residential standard in Table 6 applies, although as this is Council housing, it is likely that less parking demand will arise in practice. On this point, Census data indicates car parking demand for flats in this area is approximately 0.54 cars/flat, so the occupants of the 30 existing flats would be likely to own 17 cars. The existing site can currently provide approx. 16 parking spaces and 8 garages, which is sufficient off street parking for this site.

5.2 The proposal results in the demolition of the eight existing garages and removal of 9 parking spaces, in order to provide 6 x 2-bed flats and 3 x 1-bed flats. With Census data indicating an ownership of approx. 0.54 per unit, this would suggest an additional 5 parking spaces for the proposed 9 new flats, taking likely parking demand to 21 cars.

5.3 The new site layout will only provide 13 parking spaces, which is not sufficient to satisfy the likely demand. Therefore a transport statement has been submitted to justify the loss of parking.

Transport Statement:

5.4 The Transport consultants undertook overnight car parking surveys in the area over two nights in October 2018 in accordance with the Lambeth Methodology. This indicated that 13-15 cars park off-street within the site, meaning the external off-street parking is more or less at capacity at present. If car ownership does average 0.54 cars/flat, this would suggest that the site is currently able to accommodate all parking

demand within the site.

5.5 The survey also indicated than Coles Green Road is generally a heavily parked street at night, contrary to the Councils 2013 overnight parking surveys. However, the length fronting Aneurin Bevan Court was between 60-80% parked, so fell below the threshold of being considered heavily parked. It is noted that the street is generally more heavily parked during the day than at night, due to the amount of employment floorspace in the wider area.

5.6 The length of Humber Road fronting the site was about 62-66% parked at night, so also offers some spare parking capacity.

5.7 A survey of the garages were carried out over 7 days (28th October – 3rd November). The survey found that no one was using the garages for vehicle parking, although two of the garages were used for motorcycle parking.

5.8 The proposed 13 parking spaces would still be within the maximum parking allowance, but would be likely to result in estimated overspill parking of approx. eight vehicles. The adjoining streets (Coles Green Road and Humber Road) have on-street parking capacity for about 20 cars along the Aneurin Bevan Court frontage.

5.9 The consultant's parking surveys identified spare on-street parking capacity in the area, particularly along Humber Road and it is therefore considered that the additional demand for on-street parking could be absorbed without pushing the adjoining streets above the 80% threshold above which they would be considered heavily parked. Therefore it is estimated that the demand for car parking could be catered for on street, principally along Humber Road.

5.10 In terms of the parking layout, 6 parking spaces adjacent to the access road and a further 7 spaces perpendicular to the access road are proposed. The access road will be 5.5m wide, which is sufficient for vehicles to pass one another and no cause to obstruct the public highway whilst accessing the site. The drawing also provides 2 motorcycle spaces, which would satisfy the existing demand for those spaces.

5.11 Covered and lockable cycle store will be provided for 15 cycle spaces and this satisfies the London Plan for the proposed development. Additional spaces have been provided for the existing flats within Aneurin Bevan Court during the course of the application

5.12 Safe pedestrian access routes, into the site, from Humber Road and Coles Green Road.

5.13 The widening of the access road and the provision of a turning head is welcomed as it does improve existing access to the site, which is unsuitable for refuse collection. Tracking diagrams have been submitted to show safe refuse collection and turning of the large vehicle.

5.14 In conclusion, the proposal will lead to an increase in parking demand, but this can be safely accommodated within the site and on the public highway and therefore the development is acceptable on transport grounds. .

6. *Trees and landscape*

6.1 There are a number of mature trees within the grounds of Aneurin Bevan Court. In order to facilitate the development, nine trees are scheduled to be removed from the communal courtyard area. However, of these, 7 would be of low value (Category B and C) and two would be of moderate value. Whilst the loss of the trees would be unfortunate, the applicant has proposed a landscaping scheme to mitigate against the loss. This landscaping scheme includes the provision of 28 new trees, both within the courtyard area and along the frontage as well as hedging and shrub planting.

6.2 A number of existing mature trees are proposed to be retained and as such an arboricultural method statement and tree protection plan is requested by condition to ensure all trees shown for retention are suitably protected throughout the duration of works.

7. *Flood risk*

7.1 The site is within flood zone 1 for fluvial flooding. The site has no historical data of flooding issues and isn't within the groundwater flooding parameters and as such there is no concern that the site presents any additional flood risk.

8. Equalities

8.1 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).

9. Conclusion

9.1 The principle of the proposed development is acceptable. Furthermore, the development would provide nine affordable good quality units that would contribute towards borough housing targets and would ensure a good standard of accommodation for future residents. The development would have an acceptable impact on the occupants of neighbouring residential properties and would have an acceptable impact on the character and appearance of the locality. It would also be acceptable in a transport capacity. The application therefore complies with the development plan and the benefits of the scheme would clearly outweigh any harm.

CIL DETAILS

This application is liable to pay **£237,856.61** * 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): sq. m.

Total amount of floorspace on completion (G): 663 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	663		663	£200.00	£0.00	£197,716.07	£0.00
(Mayoral) Dwelling houses	663		663	£0.00	£60.00	£0.00	£40,140.54

BCIS figure for year in which the charging schedule took effect (Ic)	224	331
BCIS figure for year in which the planning permission was granted (Ip)	334	
TOTAL CHARGEABLE AMOUNT	£197,716.07	£40,140.54

*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: 20/0568

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

I refer to your application dated **19/02/2020** proposing the following:

Demolition of garages and erection of a three storey building comprising 9 self-contained flats; provision of waste storage, car and cycle parking with amenity space and associated landscaping

and accompanied by plans or documents listed here:

See condition 2

at **Aneurin Bevan Court Garages, Coles Green Road, 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: 13/07/2020

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)
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:

1844 P01 Rev B
1844 P02 Rev B
1844 P03 Rev F
1844 P04 Rev G
1844 P05 Rev F
1844 P06 Rev D
1844 P07 Rev A
1844 (P-)08
240825 Rev G

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

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

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

- 4 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.

- 5 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.

- 6 The proposed ground floor side facing window serving Flat 1, and side facing bathroom windows serving Flat 2, 5, 8 shall be glazed in obscure glass and shall be permanently maintained in that condition thereafter unless planning consent is obtained from the Local Planning Authority.

Reason: To safeguard the privacy of future occupants.

- 7 Prior to the occupation of the dwellings hereby approved, a privacy screen no less than 1.7m in height shall be installed to the edge of the balconies serving Flats 5 and 8 and shall be retained in perpetuity for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reasons: To ensure no loss of privacy to the existing residents of Aneurin Bevan Court.

- 8 Prior to commencement of works above ground level (excluding site clearance, demolition, hoarding and the layout of foundations) details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority.

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

- 9 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 of the front and rear garden areas;
- (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.

- 10 Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons. 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

- 11 Any 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

- 12 Prior to the commencement of the demolition, a Demolition Method Statement (DMS) 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 DMS shall include details of a dust-monitoring plan, to be implemented during demolition works. All agreed actions shall be carried out in full.

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

- 13 Prior to the commencement of the construction, a Construction Method Statement (CMS) 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 CMS shall include details of a dust-monitoring plan, to be implemented during construction works. All agreed actions shall be carried out in full.

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

- 14 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.

Reason: To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of nuisance and pollution

- 15 Prior to the commencement of development an arboricultural method statement and tree protection plan shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: To protect all trees shown for retention throughout the duration of works

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found

on the Brent website at www.brent.gov.uk/CIL.

- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 5 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 6 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.
- 7 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 8 The best practical means available in accordance with British Standard Code of Practice BS 5228-1:2009+A1:2014 shall be employed at all times to minimise the emission of noise from the site;
 - The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 08:00 – 18:00 Mondays-Fridays, 08:00 -13:00 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;
 - Vehicular access to adjoining and opposite premises shall not be impeded;
 - All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only;
 - A barrier shall be constructed around the site, to be erected prior to demolition;
 - A suitable and sufficient means of suppressing dust must be provided and maintained.
 - A wheel washing facility shall be installed and operated to ensure that dust/debris is not carried onto the road by vehicles exiting the site.

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

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

22 July, 2020
06
20/1188

SITE INFORMATION

RECEIVED	17 April, 2020
WARD	Queens Park
PLANNING AREA	
LOCATION	Ark Franklin Primary Academy, Harvist Road, London, NW6 6HJ
PROPOSAL	Erection of single storey art studio building
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_149681</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 "20/1188" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

That the committee resolve to GRANT planning permission subject to 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. Arboricultural Method Statement, Impact Assessment and Tree Protection
5. Public Access Plan to be Submitted and Agreed

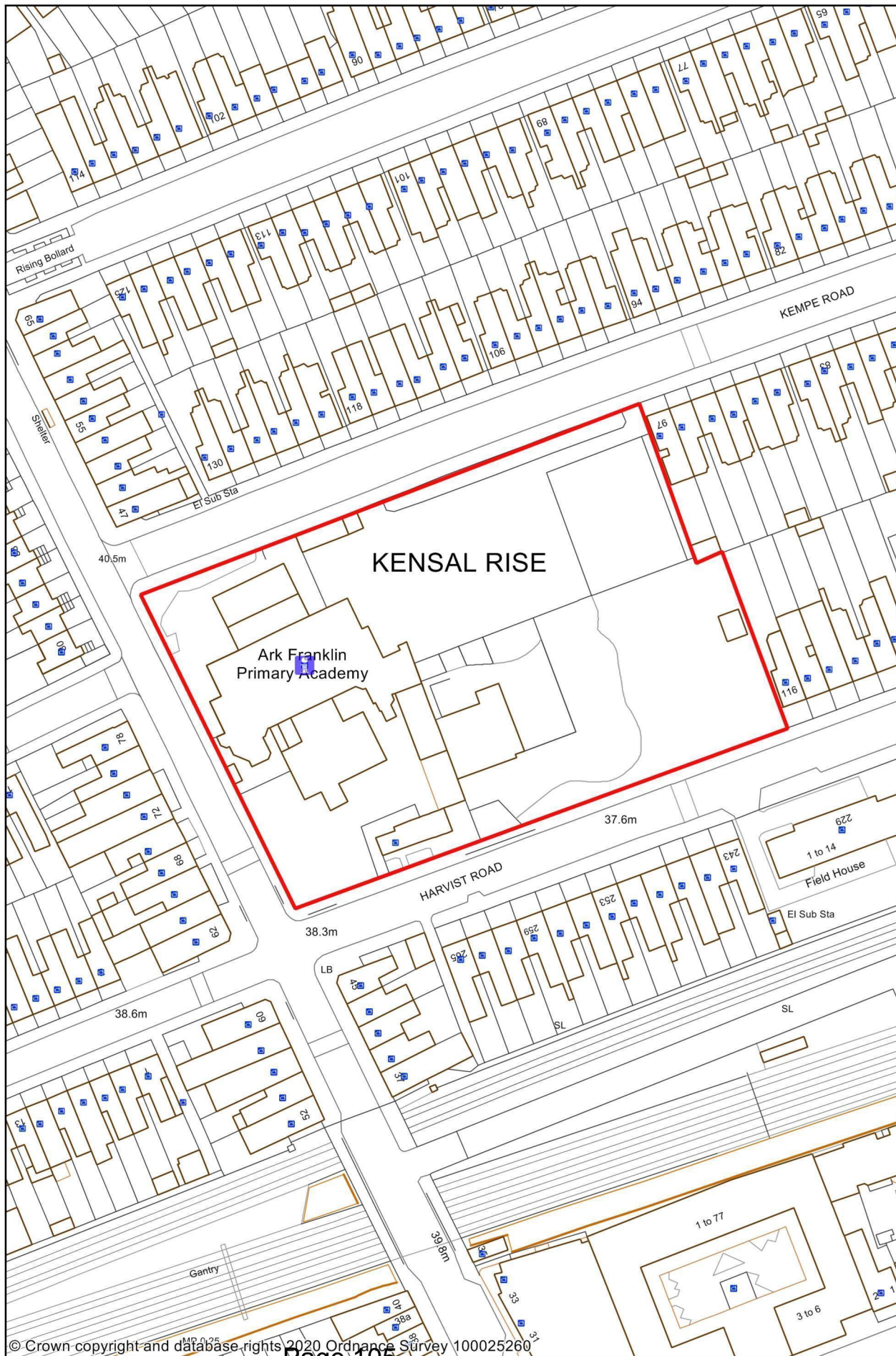
Informative

1. Building near a boundary
2. London Living Wage
3. Fire Safety
4. Pavement Condition to be Recorded

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: Ark Franklin Primary Academy, Harvist Road, London, NW6 6HJ © Crown copyright and database rights 2011 Ordnance Survey 100025260
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This map is indicative only.

PROPOSAL IN DETAIL

The proposal seeks the erection of single storey art studio building.

EXISTING

The application site concerns Ark Franklin Primary Academy which is located on the northwestern side of Harvist road flanked by Chamberlayne Road and Kempe Road.

The character of the surrounding area is mixed, while Harvist Road is predominately residential and consists of Victorian terraced dwellings; Chamberlayne Road forms part of the Kensal Rise Town Centre with considerable secondary shopping frontages. The application site does not contain any listed buildings but it is located in the Queens Park Conservation Area.

SUMMARY OF KEY ISSUES

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

1. **Representations received:** 8 objections have been received. Officers have considered the comments and the planning merits of the proposal and consider that the proposal is acceptable.
2. **Design and impact on the Conservation Area:** The scale of the development would be appropriate in this context and the layout would largely follow previous buildings on site. Whilst the development utilises more contemporary materials and the subject site is within a Conservation Area, they are considered appropriate to its use and would nevertheless, ensure the building provides visual interesting contrast with its traditional surroundings.
3. **Neighbouring amenity:** The development has been assessed against the guidance in SPD 1 and would be compliant. daylight/sunlight assessment has been submitted and the losses identified are acceptable and can largely be attributed to the unique, vacant nature of the site.
4. **Trees and landscaping:** The applicant has submitted an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, 2 trees are proposed to be removed and with 2 trees planted to mitigate against the loss and further the pruning and protection of a tree. Hedgerow infill is also proposed on the Harvist Road boundary.

RELEVANT SITE HISTORY

There is no planning history that is relevant to this planning application.

CONSULTATIONS

Seventy-five neighbouring and nearby properties together with Queens Park Residents Association were consulted for a 21-day period commencing 17/04/2020.

A site notice was erected on 05/05/2020 and a press notice was .

8 objections, 3 supporting and 5 neutral responses were received.

Objection	Response
Concerns over design, style and materials	The design of the building is contemporary which creates contrast with the surrounding Victorian buildings. The materials and design are discussed in the character and appearance

	section of the report.
Concerns about the removal of trees and hedgerow	The Council's tree Officer was consulted. There are two new trees proposed, maintenance and planting of hedgerow and a protection order for the Sycamore outlined in the trees and landscape section of the report..
Application should be heard at planning committee	The application will be determined at a committee meeting.
Concerns over size and scale	The proposed building is a single storey with a maximum of 6.94m in height. As such, is it in the same or a reduced scale of surrounding buildings. The scale is discussed in the character and appearance section of the report.
Concerns over sitting and combination with other buildings on site	The Council can only assess the application as it has been submitted. The sitting has been found to be acceptable in terms of character and amenity impact. Alternate sites may have other issues.
Concerns over loss of play space	Sport England have been consulted and comments are discussed in the other matters section of the report.
Concerns over views for residents opposite	Views are not a planning consideration. In this case as the building is of the same scale and with sufficient separation, it is considered that although the proposal would be visible from surrounding properties, there would not be an adverse impact on the outlook from these properties. Please refer to the impact on neighbouring properties section of the report.

The letters of support outline support with regards to the design of the building and the principle of improving the facilities available for the school.

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, 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
- 5.3 Sustainable design and construction
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 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
- 7.8 Heritage Assets and Archaeology
- 7.21 Trees and Woodlands

Brent Core Strategy (2010)

- CP1: Spatial Development Strategy
- CP5: Placemaking
- CP6: Design & Density in Place Shaping

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
- DMP7 Brent's Heritage Assets
- DMP 12: Parking

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
- GG6 Increasing Efficiency and Resilience
- D1 London's Form and Characteristics
- D2 Delivering Good Design
- D3 Inclusive Design
- D7 Public Realm
- D11 Fire Safety
- HC1 Heritage Conservation and Growth
- G1 Green Infrastructure
- G7 Trees and Woodlands
- S1 Developing London's social infrastructure
- S3 Education and Childcare Facilities

S5 Sports and recreation facilities
SI5 Water Infrastructure
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
BHC1: Brent's Heritage Assets
BG12: Trees and Woodlands
BSUI2: Air Quality
BSUI4: On Site Water Management and Surface Water Attenuation
BT1: Sustainable Travel Choice
BT2: Parking and Car Free Development
BSU13 Managing Flood Risk
BSU14: On site water management and surface water attenuation

Other material planning considerations include:

National Planning Policy Framework (2019)

Supplementary Planning Documents/Guidance (SPD/SPG)

Brent SPD1: Design Guide for New Development (2018)
Queen's Park Conservation Area Design Guide (2013)
Mayor's Sustainable Design and Construction SPG
National Planning Policy Guidance
National Design Guide

DETAILED CONSIDERATIONS

1. Principle

1.1 The development proposes a new educational building for the Ark Franklin Academy. The school has indicated that this dedicated space for Arts education would expand the opportunities for children's education. The proposed development ensures the continued use of this part of the site for community and more specifically educational purposes.

1.2 The principle of the development is supported, and the development complies with Brent policy DMP1 and emerging policies BD1 and BS1 in this regard together with London Plan policy 3.18 and emerging policy S3.

2. Character and appearance

2.1 The subject site occupies a corner plot at the junction with Harvist Road, Chamberlayne Road and Kempe Road and is situated within the Queens Park Conservation Area. Harvist Road and Chamberlayne are varied in nature and uses, with Harvist comprising predominantly of two and three storey Edwardian and Victorian terraced dwellings. The properties on this section of Chamberlayne Road contain three storey terraced buildings with commercial units at ground floor forming part of the Kensal Rise Town Centre and residential uses above. Therefore in terms of its scale in the wider area, it would have a satisfactory impact on both street scenes.

2.2 In terms of within the site, Ark Franklin Primary Academy consists of various school buildings: Victorian main building 15m, another 8m Victorian building and three contemporary additions 4 to 6m. The proposed siting of the new building is towards the south eastern of the school grounds facing Harvist Road, adjacent to the KS1 entrance. The building would be a contemporary, trapezoidal, multi-faceted shape with a parallelogram footprint. The proposed building would have a footprint of approximately 100 sq.m. The building would be set angled from the boundary fence on Harvist Road with a minimum distance of 1.18m and a maximum distance of 2.54m. The building would have a maximum length of 15.29m, a maximum width of 8.52m and a maximum height of 6.94m. The closest contemporary nursery building and Victorian building have respective heights of 6m and 8m. Whilst it would sit close to the boundary on Harvist Road, it would be set away from the main and significantly taller Victorian school building.

2.3 In terms of materials, surrounding buildings in the area predominantly brick built with a wooden contemporary recent addition on site. The proposed structure would be lightweight in nature constructed of cross laminated timber boards, finished with a synthetic waterproofing membrane, Sarnafil based on PVC with inlay of glass. To the southern street elevation, this membrane would be coloured a red terracotta matching the redbrick of the existing school buildings and the opposite residential terrace on Harvist Road. To the north elevation, facing inward towards the courtyard the cladding would be green. Both ends of the building would incorporate white rendered walls. Therefore whilst the building would be in a predominant position and clearly visible from the street, temporary style structures of this nature work well in educational settings and the simple, lightweight and colourful panels will provide variety and interest the streetscene in contrast to the traditional Victorian buildings. Nevertheless, the red copper coloured membrane complements the redbrick surrounding buildings as well. Therefore, whilst the materials would not be consistent with the predominant materials in the area, the proposed approach to the exterior is accepted in this instance. Samples of the external materials are recommended to be secured through condition.

2.4 In terms of fenestration, to the north elevation facing the playground and existing school buildings not visible from the street frontage the building would contain a significant floor to ceiling window. This would provide the main source of light to the space. The building would also contain three rooflights to the south elevation, visible from the street frontage. The position of the windows would maintain the privacy of users within and opposite neighbouring residents while capturing adequate light for the intended art activities.

2.5 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("Listed Buildings Act") confirm that special attention shall be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (s.66) and preserving or enhancing the character or appearance of that area (s.72). As confirmed by the Court of Appeal (Civil Division), the decision in *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137 confirmed that where an authority finds that a development proposal would harm the setting

of a listed building or the character and appearance of a conservation area, it must give that harm "*considerable importance and weight*". Further case law has reconfirmed the Barnwell decision and the considerations to be undertaken by a planning authority: The Forge Field Society & Ors, R v Sevenoaks District Council [2014] EWHC 1895 (Admin), Pugh v Secretary of State for Communities and Local Government [2015] EWHC 3 (Admin).

2.6 Section 16 of the NPPF ("Conserving and enhancing the historic environment") (paras. 184 to 202) advises Local Planning Authorities to recognise heritage assets as an "irreplaceable resource" and to "conserve them in a manner appropriate to their significance" (para.184). In determining applications, LPA's are advised at para.192 take into account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness

2.7 When considering the impact of a proposed development on the significance of a designated heritage asset, it is advised at para.193 that "*great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*". Consent should be refused where there is substantial harm or total loss of significance, unless there are substantial public benefits that outweigh that harm or loss (NPPF, para.195). Where there is less than substantial harm, the harm is to be weighed against the public benefits of the proposal (NPPF, para.196) and with regard to non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (NPPF, para.197). It is also advised at para.201 that not all elements of a Conservation Area will necessarily contribute to significance.

2.8 Policy 7.8 of the London Plan ("Heritage Assets and Archaeology") and draft Policy HC1 ("Heritage, conservation and growth") advises what boroughs should do at a strategic level to identify, preserve, and enhance London's heritage assets. Policies DMP1 ("Development Management General Policy") and DMP7 ("Brent's Heritage Assets") confirms the statutory duty of the Council and provides some guidance on how to present and assess applications affecting heritage assets.

2.9 The application site is within the Queens Park Conservation area. In terms of this heritage assets significance, the Former Kensal Green School, 1896-8, by G E S Laurence in the Queen Anne manner. It is a substantial three-decker red brick building with romantically battlemented stair turrets projecting from the ends of the wings as its special feature. Also featuring cupola, finials, boundary railings and gates. It is a local landmark within the street because of its pleasing design and location at the junction. It contributes positively to the Queen's Park Conservation Area- a heritage asset. The proposal is to the side of the school adjacent Harvist Road.

2.10 The proposal is of a scale that is in-keeping with the area and is set well away from the main school building. The school plot is relatively long and this structure only takes up a small section with a backdrop of other single storey outbuildings. It therefore fits well into its context. When considering surrounding vantage points the proposal would not detract from the appearance of the historic buildings and would appear subtle from most of the surrounding areas. The proposed design is considered to be appropriate and would sit comfortably next to the historic buildings without mimicking their appearance or competing with grand scale and characteristics. The proposal would not affect the surrounding context or features which add to the significance of the conservation area.

2.11 The openness which surrounds the proposal would help offset its scale and ensure that it would not appear cramped or too prominent when viewed from the surroundings. As a result the proposal would have an attractive appearance within the site and would not result in any negative visual impact.

2.12 The proposal would preserve the character of the building and the appearance of Queens Park Conservation Area, meeting the statutory test for development within a conservation area. In addition, the proposal a school building, with some external access for the community. Although there would not be any harm to the conservation area, the application provides public benefits.

3. Trees and Landscaping

3.1 The application has been accompanied by an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan. The assessment proposes the removal of two trees, labelled T1, a semi-mature cherry tree and T2 a crab apple tree on the submitted drawings and plans to accommodate the construction of the building. Further, pruning of one branch would also be required of T3, a sycamore tree. However, in order to mitigate the loss, the applicant has submitted in the method statement, the proposed planting of two new in the positions indicated on the Tree Protection Plan in the play area: a 12-14cm Wild Cherry and a 12-14cm Norway maple

3.2 The report further proposes infill planting of the existing hedgerow along the site boundary of Harvist road with thorn and field maple hedgerow to fill the gaps in planting in order to contribute to urban greening and biodiversity.

3.3 In order to ensure the protection of the retained tree and the provision of two replacement trees, a condition will be attached to this permission in the event of an approval, requiring adherence to the Arboricultural Method Statement specifically with regards to the protection of the Sycamore.

4. Impact on neighbouring properties

4.1 SPD 1 provides guidance on how new development should be designed in order to limit the impact of neighbouring residential properties. Externally, the building lies closest to residential properties opposite the site on Harvist Road.

30 and 45 degree rule

4.2 SPD 1 states that in order to protect neighbouring amenity, the building should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from a height of 2m above floor level. Where proposed development adjoins private/amenity garden areas then the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. Due to the length of the school plot, there is a large separation between the adjacent terrace and the proposed building, around 50m away with the play area filling this space. As such, this separation is considered to protect neighbouring amenity for adjoining occupiers on the northern side of Harvist Road.

4.3 In relation the residential buildings opposite the proposed school building on the southern side of Harvist Road, the existing separating distance is substantially maintained, as the building is behind the school boundary fencer, over 20m away from habitable front facing windows. It is considered that the staggered and irregular height of the building would further protect the outlook from the residential properties opposite. The proposed development would comply with guidance.

Privacy/Overlooking

4.4 In terms of the privacy of neighbouring residents, as discussed above, the proposed fenestration of the building would predominantly face inwards, towards the playground and the existing school buildings. The three proposed rooflights on the south elevation would project upwards and as such there are not privacy concerns for either the neighbouring occupants or users of the building.

Noise and disturbance

4.5 As the building would accommodate existing pupils and teaching staff, it is considered that the activities in the building are unlikely to create more noise than is currently generated in the grounds of the school currently. With reasonable use the development would not result in any undue noise and disturbance to the occupants of neighbouring residential properties over the existing situation.

5. Community Access Statement

5.1 The proposed art studio will provide a community space and cultural facility for the neighbourhood. The studio will be located in the current KS1 playground along the boundary with Harvist Road, affording ease of access in the evenings and at weekends to community groups via the gate located adjacent to the proposed structure. The location also provides access to facilities without compromising the rest of the School site. The applicant has stated that the intention is to attract a timetable of visiting artists and community groups, culminating each year in an art show, open to the community, to celebrate the year's

endeavours.

6. Transport

6.1 The proposed building would be sited clear of any access route for either vehicles or pedestrians and would be set 1m behind the boundary fence, clear of any highway visibility splays. Existing entrances and boundaries would remain. Whilst the studio would accommodate up to 35 pupils and two teaching staff, the building would be ancillary to the main school and it is assumed that these facilities are for the benefit of existing children at the school, as there is no suggestion that any additional pupils will be enrolled at the school as a result of the proposal.

6.2 As such, the proposal would be unlikely to have any impact on transport or highway matter.

7. Flood Risk

7.1 Part of the wider school site falls with Floodzone 3a (Surface Water). The proposed building, however within a 50% hard surface and 50% landscaped garden area is not within this part of the site as such a Flood Risk Assessment is not required.

8. Equalities

8.1 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)

9.0 Other matters

9.1 Although the development involves construction on an open yard / hard play space it does not fall with the statutory remit or non-statutory remit and therefore Sport England has not provided detailed comments. In this regard, no object is raised to the development on loss of play space.

10. Conclusion

The proposed development is acceptable in principle. The proposed erection of single storey art studio building is considered to be acceptable in terms of impact to character and appearance of the subject property and the wider streetscene and is not considered to have an adverse impact on the amenities of neighbouring properties. In this location, the proposal would preserve the character of the building and the appearance of the conservation area. The proposal is considered to accord with the development plan having regard to material considerations.

Approval is accordingly recommended.



Brent

DECISION NOTICE – APPROVAL

Application No: 20/1188

To: Mr Martin
AMA - Andy Martin Architecture
51 Calthorpe Street
Holborn
WC1X 0HH

I refer to your application dated **17/04/2020** proposing the following:

Erection of single storey art studio building

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

at **Ark Franklin Primary Academy, Harvist Road, London, NW6 6HJ**

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: 13/07/2020

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
Brent 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 drawings and documents:

Aboricultural Impact Assessment
Site Location Plan ARK_100 Rev A
Site Context (Surrounding) ARK_101.01_P Rev A
Existing Site Plan ARK_102_P Rev B
Existing Part (South) Elevation ARK_103_P Rev
Proposed Site Plan ARK_200_P Rev B
Proposed Part Site Roof Plan ARK_201_P Rev A
Proposed Part (South) Elevation ARK_300_P Rev B
Proposed Elevations ARK_301_P Rev A
Proposed AA Section ARK_800_SK Rev A
Site Context (Internal) ARK_101.02_P Rev A
Site Analysis Plan ARK_101_P Rev A
Design and Access Statement

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 (including samples which shall be made available for viewing on site or in a location as agreed) before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- 4 The development hereby approved shall be carried out in accordance with the Tree Protection Plan and Aboricultural Method Statement as submitted in the Aboricultural Impact Assessment prepared by Simon Stephens on behalf of Ark Franklin Primary Academy c/o AMA (dated 6

March 2020). It shall be adhered to in full throughout the full period of construction of the development hereby approved specifically with regards to the protection of the Sycamore Tree identified in the report as T3.

Reason: To ensure a satisfactory standard of appearance and setting for the development, to ensure that the existing trees are not damaged during the period of construction, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained as an integral feature of the development and locality and kept in good condition and to provide tree and hedgerow planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- 5 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. The agreement shall apply to the art building and shall include details of pricing policy, hours of use, access by non 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 facility to ensure sufficient benefit to the wider community.

INFORMATIVES

- 1 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.
- 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 Council recommends that the maximum standards for fire safety are achieved within the development.
- 4 The applicant is advised to notify the Council's Highways Service of the intention to commence works prior to commencement. They shall contact Mark O'Brien (Public Realm Monitoring Manager) at Mark.O'Brien@brent.gov.uk, and include photographs showing the condition of highway along the site boundaries.

Any person wishing to inspect the above papers should contact Lena Summers, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5233

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

22 July, 2020
07
19/1388

SITE INFORMATION

RECEIVED	12 April, 2019
WARD	Kenton
PLANNING AREA	
LOCATION	Claremont High School, Claremont Avenue, Harrow, HA3 0UH
PROPOSAL	Construction of an additional floodlit artificial grass sports pitch and cricket practice facility with incorporated batting cages, installation of 12 floodlights, erection of high boundary fences with associated gates, formation of pedestrian access stairs and ramp.
PLAN NO'S	See condition No. 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_144853</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 "19/1388" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

That the committee resolve to grant planning permission subject to the conditions set out below.

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 limit
2. Approved plans
3. Restriction on illumination levels of the floodlights
4. Hours of restriction for use of the Artificial Grass Pitch and Cricket Facility and associated floodlighting
5. Mitigation measures as agreed by the Environment Agency to be complied with
6. No music, public address system or any other amplified sound
7. Submission of Arboricultural Method Statement and Tree Protection Plan
8. Submission of landscape details
9. Submission of Community Access Plan


Informative

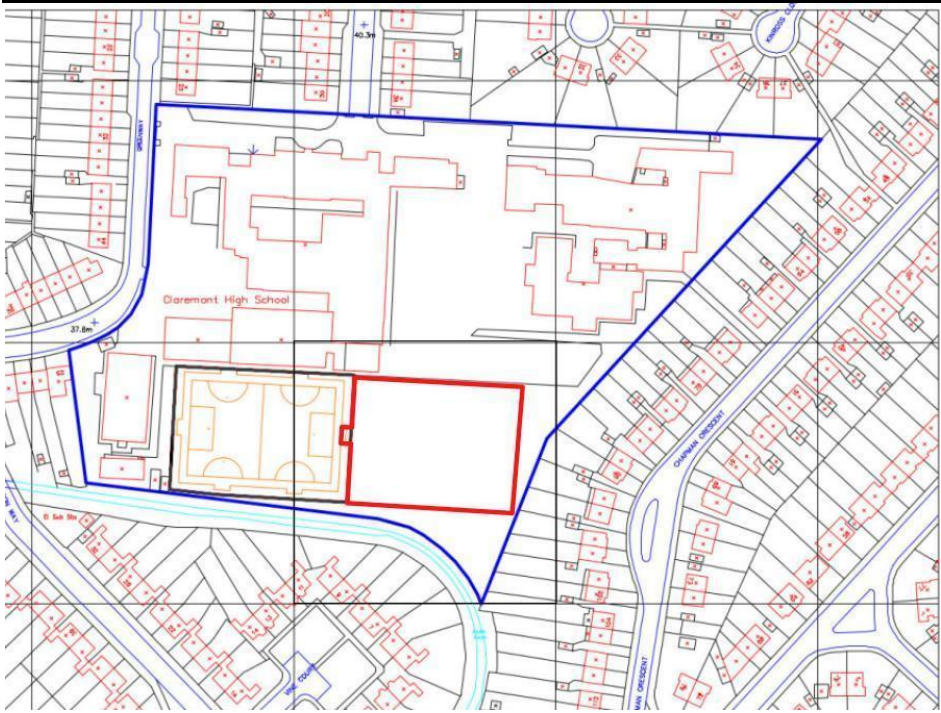
1. Environment Agency Permit

That the Head of Planning is delegated authority to make changes to the wording of the committees 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. That the Committee resolve to GRANT planning permission subject to any direction by the Secretary of State pursuant to the Consultation Direction

SITE MAP

	Planning Committee Map Site address: Claremont High School, Claremont Avenue, Harrow, HA3 0UH © Crown copyright and database rights 2011 Ordnance Survey 100025260
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This map is indicative only.

PROPOSAL IN DETAIL

The development seeks the addition of an artificial sports pitch, cricket practice facility, ancillary fencing and floodlights within the school site, on part of the site previously used as a playing field. The pitch and cricket facility combined will occupy a 58m x 39.7m section of the schools playing field on the southern side of the school site. Ancillary fencing and floodlights are proposed.

EXISTING

The application site contains a secondary high school with pedestrian access from The Greenway and vehicular access from Claremont Avenue. The majority of the school buildings on the site were constructed in the 1940's/50's. Subsequent extensions and additional buildings have been built on the campus in the 1990's. The buildings on the site vary from one to two storeys and have been constructed largely of brick, glass and render.

To the south of the site there is a playing field and existing artificial sports pitch with ancillary floodlighting and fencing.

There are residential properties located to the east on Chapman Crescent, and on the opposite side of the Wealdstone Brook to the south are residential properties on Falcon Way and Vince Court.

The Wealdstone Brook abuts the southern end of the site. The Wealdstone Brook is defined within Brent's Development Management Policies DMP8 as a Wildlife Corridor and Grade II SNIC. Parts of the site (including where the proposed MUGA is proposed) is located within Flood zone 3a, and closer to the Wealdstone Brook parts of the site lie within Floodzone 3b.

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:** 28 objections from individual properties and a petition with 29 signatures has been received from nearby residential occupiers, objecting to the application for a variety of reasons. A letter of support was received from the Chair of the Local Governing Body and one petition supporting the proposal was received with over 300 signatories on separate letters from students of Claremont School was also received. Further details of the comments received are discussed within the "consultation section" below.
2. **Provision of additional sports facilities for the benefit of on-site school children and members of the wider community:** The proposal would provide enhanced local sports facilities, which would serve the school, and would also be available for bookings for the use of the local community.
3. **"Development" on a protected playing field:** The proposal is considered to represent appropriate development, which would enhance the space for sporting uses and would retain the open character of the space. Sport England have confirmed that the proposal meets its exceptions test.
4. **The impact of the sports pitch and associated fencing on local residential amenities:** The sports pitch and ancillary fencing proposed is set within the site and due to its lightweight material, would allow for substantial light flow. The local vegetation is substantial and would act as a suitable screen in restricting visibility of the structure from local gardens.
5. **Flooding and Local Drainage:** The sports pitch has been designed with comprehensive infrastructure which has been shown to effectively prevent the pitch from providing any increase in the severity of contributing to local flood events.
6. **Highways and Transportation:** The school already has community access arrangement approved (relating to internal sports facilities and an outdoor Artificial Sports Pitch) and this proposal would

result in the addition of one additional facility for this purpose, in line with previously consented hours of use. It is not considered that the proposal would materially affect local highways and parking capacities given that the community uses would take place during off-peak periods and with staggered arrival times associated with booked time slots. A travel plan is in place to work towards the reduction in car use for attending the school.

7. **Trees and Ecology:** The current playing field has been shown to already be of negligible ecological value. The replacement of this low value ecological space with an artificial pitch will present a negligible worsening of the environment in ecological terms. Ecological improvements are to be secured by condition.
8. **Environmental Health:** Environmental Health have reviewed the proposal and advised that there are no concerns in relation to noise or light pollution. A condition is recommended on restriction on the hours of use.

RELEVANT SITE HISTORY

08/1968. Full Planning Permission. Granted. 10/09/2008

Formation of a fenced and floodlit, synthetic-turf-surfaced soccer pitch on the existing school playing-fields (as accompanied by Technical Report 109-0205/D&A and Flood Risk Assessment prepared by Material Science Consultants Ltd)

09/0894. Condition Discharge Application relating to Sports Pitch Consent (08/1968). 18/05/2009.

Details pursuant to conditions 5 (tree-root protection), 7 (floodlighting) and 14 (design & layout of the synthetic turf pitch) of full planning permission reference 08/1968, dated 11 September 2008, for formation of a fenced and floodlit, synthetic-turf-surfaced soccer pitch on the existing school playing-fields (as accompanied by Technical Report 108-0205/D& A and Flood Risk Assessment prepared by Material Science Consultants Ltd) (supported by letters from Materials Science Consultants Ltd, dated 8th April 2009 and 1st May 2009; and Philips floodlighting extract MVP507)

CONSULTATIONS

Neighbour Consultations

241 nearby properties were notified by letter of this proposal for a minimum of 21 days on 26/04/2020.

28 Comments of objection were received from residents' of the surrounding area and one objection petition with 29 signatures.

The comments of objection received are set out in the table below:

Comments of Objection	Response
Increased Traffic and traffic noise	It is not considered that parking and other associated highways issues will be put under additional pressure by this proposal.
The impacts of ongoing construction and the proposed development are a health and safety risk to residents.	Given that the application is a 'minor' application, the construction vehicles and works associated with the proposal will be limited. Concerns regarding health and safety are covered through separate legislation.
Increased light pollution to properties on Chapman Crescent	Please refer to paragraph 13.
Use of entrance located on Chapman Crescent	No access to vehicles or pedestrians is proposed from this access point.

<p>The development would result in a commercially used sports facility that would be regularly rented out</p>	<p>This is proposed by the applicant and is required by Sport England as it will represent a benefit to users of the pitch at the school and within the local community.</p> <p>It is not considered that the pitch will unreasonably disrupt residents' amenities and this is clarified within the report below.</p> <p>It should be noted that the area in which the sports pitch is proposed can be used outside of school hours already.</p>
<p>Chapman Crescent in a narrow road and is heavily parked as existing.</p>	<p>Brent's survey does not identify the road as heavily parked. Nevertheless, it is not considered that this proposal would materially worsen the impact on the local highway network.</p>
<p>Loss of playground is unacceptable</p>	<p>The replacement sports pitch will enhance the ability of this land to enable sporting and recreational uses which is currently waterlogged for a substantial period of the year. This includes the levelling of the land for greater sports benefit and the creation of a ground surface which would support all-weather play.</p> <p>There will be no practical loss of play space within the school site since there will be no fixed buildings/structures built as part of the proposal.</p>
<p>Loss of parking</p>	<p>Please refer to paragraph 36.</p>
<p>Reduced property value as a result of the development</p>	<p>Whether a proposal will affect surrounding property values (either positively or negatively) is not a material planning consideration.</p>
<p>Disabled access for the students and users would be reduced.</p>	<p>The proposal does not change any access arrangements for the existing school and it improves access to the sports pitch through the inclusion of a DDA compliant ramp.</p>
<p>Increased risk of Wealdstone Brook flooding.</p>	<p>Please refer to paragraph 41.</p>
<p>Increased pedestrian footfall around the site</p>	<p>The proposal is for use predominantly by the existing school, during school hours. As such, it is not considered there would be a substantial rise in footfall during school hours. The sports pitches for private use would be out of school hours (after school and weekends), with users accessing the school through the main entrance and would not generate any significant rise than is present on a given school day.</p>
<p>Increased air pollution</p>	<p>The proposal is not likely to result in a significant rise in traffic to the site. Please refer to</p>

A letter of support was received from the Chair of the Local Governing Body and one petition supporting the proposal was received with over 300 signatories on separate letters from students of Claremont School.

Comments of Support received from the students of the School
Increased capacity for sports pitches and available play
Increase land usability as the existing pitch is waterlogged
Increased outdoor learning (Physical Education classes)
Increased opportunities to use the sports pitches
Improved fitness
Improved health and wellbeing of students and users
Improved opportunities for use by the local community

Internal Consultations

Brent's Local Lead Flood Officer – No objection raised subject to condition.
 Brent's Environmental Health Officer – No objection raised.
 Brent's Environmental Health and Noise Officer - No objection raised.
 Brent's Ecology and Bat Officer – No objection raised subject to conditions.

External Consultation

Environment Agency – No objection raised subject to an informative.
 Sport England – No objection raised subject to condition.

POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies DPD, and the 2016 London Plan (Consolidated with Alterations since 2011). Key relevant policies and material considerations include:

National Planning Policy Framework (2018)

- 1. Introduction
- 11. Making effective use of land

The London Plan (2016)

- Policy 3.16 Protection and Enhancement of Social Infrastructure
- Policy 3.18 Education Facilities
- Policy 3.19 Sports facilities
- Policy 4.6 Support for and Enhancement of Arts, Culture, Sports and Entertainment
- Policy 6.3 Assessing Effects of Development on Transport Capacity
- Policy 6.13 Parking
- Policy 7.4 Local character
- Policy 7.15 Reducing and managing noise
- Policy 7.19 Biodiversity and Access to Nature

Brent Local Development Framework - Core Strategy (2010)

- CP18 – Protection and Enhancement of Open Space, Sports and Biodiversity
- CP23 – Protection of existing and provision of new community and cultural facilities

Development Management Policy (2016)

1: General Policy
8: Open Space
9: Waterside Development
9a: Managing Flood Risk
9b: On-site Water Management and Surface Water Attenuation
12: Parking

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

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

The draft London Plan has recently been subject to an Examination in Public, and is at the intend to publish stage.

These documents collectively carry increasing weight in the assessment of planning applications as they progress through the statutory plan-making processes.

Key Emerging Policies include:

The draft London Plan Intend to Publish Version (December 2019)

GG3 Creating a healthy city
Policy S1 Developing London's Social Infrastructure
Policy S3 Education and childcare facilities
Policy S5 Sports and recreation facilities
Policy G1 Green Infrastructure
Policy G4 Open Space
Policy G6 Biodiversity and access to nature
Policy G7 Trees and woodlands
Policy SI 12 Flood Risk management
Policy SI 13 Sustainable drainage

Brent's emerging Local Plan

DMP1: Development Management General Policy
BP4 North West
BS1 Social infrastructure and community facilities
BGI1: Green and Blue Infrastructure in Brent
BGI2: Trees and Woodland
BSUI: Managing Flood risk
BSUI4: On-site Water Management and Surface Water Attenuation

DETAILED CONSIDERATIONS

Principle of Development

1. The development seeks the addition of an artificial sports pitch within the school site, located to the east of the existing synthetic-turf-surfaced soccer pitch. The playing fields are protected as open space under Brent's Core Strategy CP18. CP18 requires that "open spaces of local value are protected from inappropriate development and are preserved for the benefit, enjoyment, health and well-being of Brent's residents, visitors and wildlife." It also states that "support will be given to the enhancement and management of open space for recreational, sporting and amenity use". It is considered that the proposal will meet the requirement of Policy CP18 as it would see the continued use of the space for sporting/recreational use in an open environment, as consistent with the policy. The natural environment of a small element of the school playing field would be lost, but the value of the space for recreational sporting and amenity uses would be enhanced as it would enable year round use of the space for sporting activities and the quality of the space for enabling sports activities would be improved through

levelling of the land, providing a flat ground surface.

2. All playing fields in England are protected by Sport England, and Sport England's support of this proposal would be key to ensuring that the development is acceptable in principle. Sport England have reviewed the application and consider that the continued reduction in natural outdoor play space is concerning. However, Sport England do note that the artificial pitch would be fit for purpose and would have at least the same capacity for play as the approved playing field would have had. Subject to the pitch being made available for the benefit of the community, Sport England have advised that they would not object to this proposal as they consider that it would meet Sport England's Exception E5 which states that the provision of the sports facility would outweigh the detriment caused by the loss of the playing field.
3. The development will result in the loss of a naturally grassed playing field, however, the value of the field for sporting use is reduced as a result of the land becoming waterlogged in the winter months. In terms of the proposed cricket facility, the England and Wales Cricket Club (ECB) have confirmed that there is significant demand for training facilities within the borough.
4. The replacement artificial pitch will be largely open in its character and will enhance the ability of this land to enable sporting and recreational uses.
5. As required by Sport England, the pitch will be used for both school activities and external community uses. The existing artificial sports pitch was approved with community uses, and as such, there is an additional benefit to the local community in the increased expansion of sporting facilities within this application. A condition will be attached to the consent limiting the use of the floodlighting and artificial pitch hours to ensure that activities are reasonably limited given the outdoor location in a residential area, whilst providing sufficient opportunities for community use.
6. The principle of development therefore complies with policy CP18 of Brent's Core Strategy 2010.

Siting and Appearance

7. The artificial sports pitch will occupy 58m x 39.7m section of the school's playing fields to the east of the existing artificial sports pitch. Within the perimeter of the proposed sports pitch, located at the eastern end is a cricket practice facility. Comprising a 7.32m x 39.7m fenced area, with 2 tubular steel batting cages and additional netting secured to the cages. The surfacing would be on an artificial grass type onto a porous base.
8. The pitch will be lined by a green weldmesh fence which is broadly consistent with the design of other enclosed sports pitches in similar environments. The enclosure has a maximum height of 5m on the eastern and southern boundaries and on the northern and western boundaries the height is reduced to have a maximum height of 4m.
9. The increased height fence of 5m is proposed to southern boundary to reduce the likelihood of footballs being accidentally kicked into the Wealdstone Brook and to the eastern perimeter, the increased height fence is proposed to prevent footballs from being kicked into the rear gardens of the house on Chapman Crescent. On the western perimeter, the fence mesh panels will be attached to the side of the fence of the existing artificial grass pitches, so the common fence line is shared. The fences will allow for substantial flow of light and visibility from and to the inside of the pitch, retaining a suitably open character within and around the pitch.
10. Moreover, the fences are proposed to be powder coated green to match the existing fences in situ which are considered to blend into the surrounding school environment and green landscaped area (trees and shrubs situated on the Wealdstone Brook boundary).
11. The artificial pitch is proposed to be accessed via a powder coated green double gate, which would be situated between the existing and proposed artificial grass pitch, allowing for maintenance vehicles. An additional single gate is proposed within the northern fence line. A level access ramp is proposed to access the entrance gate from the school playground, the ramp is DDA compliant and would therefore be considered acceptable.
12. The size, scale and appearance of the sports pitch, as most prominently defined by the 5m high perimeter fencing is considered to be acceptable in terms of its general siting and appearance. The pitch, fencing and floodlights would appear as a typical feature of many school sites and the use of a see-through weld mesh fence would preserve visibility in and around the pitch. The siting and

appearance of the pitch is therefore supported in planning terms, and comply with DMP1.

Floodlights

Sports Pitch

13. For the artificial grass pitch, the proposal seeks 6 No. Floodlight masts with a maximum height of 12m are proposed. These would be in addition to the already existing 6 floodlights which have a maximum height of 12m as approved as part of the existing artificial grass pitch. The proposed floodlights have been located around the sports pitch to minimize the potential for overspill and are mounted in concrete foundations and would be painted green to reflect the surrounding area and blend in with the existing and proposed perimeter fencing.
14. The illuminance levels of the HiLux Ace LED floodlights are proposed to maintain a minimum average illuminance level of 200 lux over the playing surface. The Design and Access Statement confirms that should both sides of the sports pitch not be in use, then the level of lighting in use can be reduced.

Cricket Nets

15. For the cricket nets, the proposal seeks 6 additional floodlit masts, each with a height of 6.7m. As above, the arrangement is proposed to minimize the potential for overspill directly around the facility. The masts will be powdercoated green to match the 12m floodlights and perimeter fencing established as existing and proposed subject of this application.
16. The illuminance levels of the HiLux Ace LED floodlights serving the cricket facility are 750 lux, which is higher than the sports pitches. The Design and Access Statement confirms that the luminance level is required by the ECB for practice facilities in order to see the cricket ball in travel.

Existing Artificial Grass Pitch (AGP)

17. The existing grass pitch included 6 No. 12m high floodlights. The existing metal halide fittings are proposed to be replaced with HiLux Ace LED fittings which would match the LED floodlights proposed subject of this application, however, the new installation would not require planning permission. The new LED lights would have a maximum luminance level of 200 lux over the playing surface, which is confirmed on the Design and Access Statement to be the same as the existing situation). The replacement light fittings for the existing floodlights is considered to be acceptable and would be suitable for reduction if one side of the pitch was not in use. Moreover, the LED lights ensure a reduction of intrusive light both around the facility and the sky glow and the replacement LED floodlights would therefore be considered to be an improvement on the existing managed lighting scheme.
18. Brent's Environmental Health Team have reviewed the outdoor LED Design Report submitted as part of the application and confirmed that the luminosity levels recorded from the assessment are within the industry standards and there would be no objection in principle to the use of the floodlights and planning permission would not be required.

Impact upon Residential Amenity

19. The nearest residential properties are located to the east on Chapman Crescent. Nos. 92 and 94 Chapman Crescent are located closest to the new pitch, with a separation distance at its closest point of 2m from the south east corner of the fencing to the rear garden of No 94 Chapman Crescent.
20. Brent's Supplementary Planning Document 1 guidance sets out the parameters for acceptable amenity impact in respect to the height of the development and ensuring that the proposal does not appear overbearing. As a guide, the fencing should sit within a line drawn at 45 degrees from the edge of the rear garden measured at 2m high above garden level. The fencing closest to Chapman Crescent is 5m high. Therefore, at its closest position with No. 94 Chapman Crescent, it would breach 45 degree line for a height of 1m. However, the fencing splays away along the northern section of this rear garden and does not extend further southwards. The fencing will be largely transparent in nature to ensure that an open appearance is maintained, and that it does not appear overly bearing. It should also be noted that there is existing screening with 3m high hedgerow along the boundary and trees within neighbouring gardens (Nos. 92, 96 and 98 Chapman Crescent) that are 10 to 14m high to assist in screening the fencing associated the new pitch facility.

21. The fencing would sit below 45 degree line from other properties on Chapman Crescent. Properties located to the south on Vine Close and Falcon Way are separated from the proposal by the Wealdstone brook that is heavily vegetated on its northern boundary to screen the proposal from these houses and gardens. All of these properties comply with 45 degree line as set out in SPD1.
22. The mesh fencing would sit below 30 degree line from all rear habitable rooms of the properties on Chapman Crescent, Falcon Way and Vine Court.
23. Overall, it is considered that there would not be a significant harm to neighbouring amenity as a result of the structure.

Flood lighting

24. The height of the columns for the artificial sport pitch are 12m high (to match the height of the existing flood lit pitch) and the floodlights proposed to the batting practice area have a reduced height of 6.7m. The majority of the sports pitch will have a minimum average maintained illuminance of 200 lux. Whilst the lux levels are proposed over the playing surface with the cricket practice facility are proposed to have a 750 lux.
25. The submission includes an Outdoor LED Lighting Design and 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011', which identifies acceptable positioning of lighting vertical structures in order to minimise visual intrusion and to control the lighting output within the open landscape. The lighting has been indicated on the plans and confirmed by the applicant to be downward pointing. The lux level plan indicates that the end of the rear gardens of residential properties to Chapman Crescent will experience a lux level of 25 which is very low. This is between twilight and deep twilight.
26. It should be noted that the lighting contours do not take account of the screening effects of existing trees of boundary fences. There is dense tree growth along the eastern and southern boundaries of the site which further assist in acting as a light screen for these properties and reduce any overspill, further additional planting is also proposed and will be secured through a condition. A condition will also be recommended to control the hours of use that the floodlighting can be operational for.
27. Your officers consider that the floodlighting columns will not have an unduly adverse impact upon the amenities of the properties in Chapman Crescent or Vine Court.

Noise Impact

28. There is the potential for noise associated with play to disturb residents; however this land has functioned as a playing field previously so it is unlikely that noise would be greater than when the pitch was used for play purposes during the school day. It is acknowledged that there would be some additional noise impact during out-of-school hours for some of the properties along Chapman Crescent and Vine Court, however this would not be to an extent that would warrant resistance to the proposal and would be balanced with a limitation of community use up until 9pm in the evening.

Impact on Trees

29. There will be no trees lost as a result of the sports pitch construction, however, a shelter belt is proposed along the boundary to the rear gardens of Chapman Crescent. Brent's Tree Officer has advised on species of planting that would be appropriate in this area and the School has confirmed that the species suggested will be used within the additional planting on site. The proposed planting will be conditioned to ensure that it is considered acceptable and will remain for a period following construction. Brent's Tree Officer has requested that a Tree Protection Plan and Arboricultural Method Statement are secured through condition for this application to ensure that the proposal would not present any damage to local trees during construction.

Impact on Ecology

30. A professional ecology and bat report was undertaken to consider the impact of the sports pitch and ancillary fencing on local ecology.
31. The ecology study identified the importance of the Wealdstone Brook as an important corridor for wildlife and ecology to navigate through the district. The report identified that whilst there are bats present on site, they do not roost within the trees on site or within areas surrounding the site. It is noted, that the

vegetation along the brook is considered to be useful for foraging purposes, however, the existing grass playing field is not considered to be an area of high ecological value and as such, its replacement is likely to represent a minor negative impact. The scale and likely significance of this impact is likely to be negligible.

32. Whilst impacts on ecology are likely to be negligible, opportunities exist for the further reduction of these minor impacts and even to deliver overall biodiversity enhancements through the proposals.
33. The report set out a number of recommendations, which will be secured by condition to enhance the habitat, including provision of a landscaping plan with details of new planting/buffering and details of the frequency of maintenance. The scheme will also secure a restriction on the hours of operation of the floodlighting to reflect the recommendations set out in the ecology report.

Highway Considerations

34. The sports pitch would likely to increase the number of after school events which may lead to an increase in trips to the site, however, the school has a car park with a 60 space capacity and it is considered that any demand for parking during out of school hours would be no greater than this and so could be accommodated on site. The Council's school travel team has been in contact with the school and the current travel plan in use confirms that the latest surveys indicate that 15% of students travel to the site by car and therefore no travel plan condition would be required for this application.

Community Access Considerations

35. The existing community access arrangements are that the existing pitch is used by the school until 6pm on weekdays, and then offered to the local community for rent until 9pm on weekdays. On weekends, the facilities are offered to the local community for rent from 9am to 9pm. It has been confirmed that this arrangement will continue for the new proposed sports pitch and cricket facility.

Flooding and Drainage Considerations

36. The proposed artificial sports pitch is bordered to the south by the Wealdstone Brook and it is affected by high probability flood risk (Flood Zone 3a).
37. The area of land to be developed consists of a natural grass area, primarily used for track and field sports. With the site currently comprising a naturally draining grass sports field. Therefore, the site is assumed to drain primarily through infiltration, with any excess runoff flowing south overland into Wealdstone Brook.
38. The National Planning Policy Framework (NPPF) Planning Practice Guidance (PPG) Tables 2 and 3 confirm that the 'Water Compatible' development is appropriate within Flood Zone 3a, subject to passing the Sequential Test. The proposed development does not change the existing land use and forms a part of the wider sporting facilities within the site, and so it should not be located elsewhere and the Sequential Test is considered passed.
39. A Flood Risk Assessment was prepared and submitted to the Council for the proposal and the conclusions of the report conclude that the sequential test is met and the proposed development would be safe from flooding and there would be no detrimental impact to the school or the surrounding properties. Moreover, following the relocation of a 6.7m high floodlight, 3.8m from the culvert the Environment Agency confirmed that there would be no adverse impact on the culvert and surrounding drainage.

Equalities

40. 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

41. The proposed sports pitch, ancillary fencing and floodlights along with the replacement of the existing

floodlights to the existing artificial pitch are considered to materially accord with planning policies. The proposal would enable the school to support outdoor sporting activities through the year. The use of a community access agreement would also enable the facilities to be used by the local community. Approval is accordingly recommended.



Application No: 19/1388

To: Mr Benn
Eddisons
150
150 High Street
Huntingdon
PE29 3HY

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

Construction of an additional floodlit artificial grass sports pitch and cricket practice facility with incorporated batting cages, installation of 12 floodlights, erection of high boundary fences with associated gates, formation of pedestrian access stairs and ramp.

and accompanied by plans or documents listed here:
See condition No. 2

at **Claremont High School, Claremont Avenue, Harrow, HA3 0UH**

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: 13/07/2020

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

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

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

The London Plan 2016

The National Planning Framework Policy 2019

Brent's Core Strategy 2010

Brent's Development Management Policies 2016

- 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):

116792-4200 Rev B, 116792-4001 Rev A, 'Supplementary Information and Design and Access Statement to accompany Planning Application', Reference C-119-0101/D&A (Dated: 12 April 2019), Sections A-A & B-B Dwg: 009, Section C-C Dwg: 008, South and East Elevations Dwg: 007, Difference between existing and proposed levels Dwg:006, Proposed levels Dwg:005, OS Red/Blue Line Drawing Dwg: 001, Section at Boundary Dwg: 116792-4003 Rev A, Existing Levels Dwg 004. .

Supporting Information

'Note for Environment Agency', Reference NE/2019/130445/01-L01 (date March 2020), 'Claremont High School Outdoor LED Lighting Design', Reference 5340 (date 22/03/2019), 'Arboricultural Impact Assessment', Reference WAS 148 /2020 - AIA (28th March 2020), Letter received from Claremont High School (Dated 19th May 2020), Clear View CCTV Drainage Survey, Clearview Surveys Claremont High School (09/10/2019), Flood Risk Assessment, Reference 46190/4001 (Dated June 2019), Ecology and Bat Survey Report (Dated June 2019).

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

- 3 The maximum level of illumination for the floodlights shall be carried out in accordance with approved 'Claremont High School Outdoor LED Lighting Design', (date 22/03/2019), unless it is first agreed in writing by the Local Planning Authority.

Reason: To ensure that the floodlights are not detrimental to the local ecology or surrounding residents.

- 4 The Artificial Grass Pitch and Cricket Facility hereby approved shall only be permitted to be used between 08.00-21.00 Mondays to Fridays, 09.00-21.00 Saturdays and 09.00-17.00 Sundays and Bank Holidays any floodlights associated with the sport pitches shall be switched off within 15 minutes of these times and the pitch vacated. Within these time parameters, the floodlights shall only be switched on when the court is in active use. The development shall operate within these parameters unless otherwise agreed in writing with the local planning authority beforehand.

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring

occupiers of their properties in respect of noise and light disturbance.

- 5 The development permitted by this planning permission shall be carried out in accordance with the approved 'Note for Environment Agency', Reference NE/2019/130445/01-L01 (date March 2020) and approved '116792-4200B' (date 25/03/2020). The mitigation measures shall be fully implemented prior to occupation and any changes proposed should be first agreed in writing, by the local planning authority.

Reason: To ensure the development does not adversely affect the stability and function of a culverted watercourse designated as a main river.

- 6 No music, public address system or any other amplified sound system shall be installed or used externally on the site without the prior written approval of the Local Planning Authority. Any proposed system(s) shall be submitted to and approved in writing by the Local Planning Authority prior to installation and thereafter only installed and operated in accordance with the details so approved.

Reason: To safeguard the amenities of the adjoining occupiers.

- 7 Prior to commencement of development, an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The details of site supervision specifically regarding the correct siting and securing of tree protective fencing should be clearly shown within a tree protection plan to ensure the health and longevity of the trees proposed.

Reason: To ensure the safe and healthy retention of all off-site and boundary trees within the vicinity of the approved application.

Reason for pre-commencement condition: Construction impacts on trees can arise at any time from the commencement of works, and adequate controls need to be in place from this time

- 8 Within six months of commencement of development, 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 use of the development hereby or other timescales as agreed in writing by the Local Planning Authority.

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, details of the extent and type of native planting, any new habitats created on site and the treatment of site boundaries;
- b) bat roosting environments and their locations
- c) a landscaping maintenance strategy, including details of management responsibilities and the frequency of maintenance.

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

Reason: To ensure a satisfactory appearance and in the interests of the amenities of the locality.

- 9 Prior to first use of the sports pitch hereby approved, a Community Access Plan detailing community access arrangements across the school as a whole, prepared in consultation with Sport England, shall be submitted to and approved in writing by the Local Planning Authority.

The Community Access Plan shall allow for a minimum of 15 hours of community use at the school each week and shall include details of rates of hire (based upon those charged at other public facilities), terms of access, hours of use, access by non-school users/non-members and management responsibilities.

The approved Community Access Plan shall be brought into operation within 3 months of first use of the sports pitch and it shall remain in operation for the duration of the use of the development.

Reason: To secure well-managed, safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Local Plan.

INFORMATIVES

- 1 The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - On or within 8 metres of a main river (16 metres if tidal)
 - On or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
 - On or within 16 metres of a sea defence
 - Involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - In a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the Environment Agency National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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